

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

Floor Debate
April 15, 2015

[LB56 LB67 LB72 LB72A LB80 LB81 LB81A LB106A LB106 LB137 LB152 LB172 LB173
LB176 LB183 LB199A LB199 LB264 LB265A LB268 LB329 LB415 LB483 LB500A LB591
LB598 LB599 LB605 LB610 LB610A LB623 LR7CA LR185 LR186 LR187 LR188 LR189
LR190]

SPEAKER HADLEY PRESIDING

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

SENATOR JOHNSON: (PRAYER OFFERED.)

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

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

SPEAKER HADLEY: CORRECTIONS FOR THE JOURNAL?

ASSISTANT CLERK: NO CORRECTIONS THIS MORNING.

SPEAKER HADLEY: MESSAGES, REPORTS, ANNOUNCEMENTS?

ASSISTANT CLERK: I HAVE NO MESSAGES, REPORTS, NOR ANNOUNCEMENTS.

SPEAKER HADLEY: MR. CLERK, WE'LL GO TO THE FIRST ITEM ON THE AGENDA.

ASSISTANT CLERK: MR. PRESIDENT, LB173, INTRODUCED BY SENATOR CHAMBERS AND OTHERS. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 12 OF THIS YEAR, REFERRED TO THE JUDICIARY COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM472, LEGISLATIVE JOURNAL PAGE 571.) [LB173]

Floor Debate
April 15, 2015

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB173]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THERE'S SOMETHING I WANT TO CALL TO YOUR ATTENTION AT THE BEGINNING. MY NAME IS ON THIS BILL AND WAS ALSO ON LB172 WHICH WAS INCORPORATED INTO THIS BILL. THEY ARE NOT MY BILLS IN THE SENSE OF THERE BEING A PROPRIETORSHIP RELATIONSHIP. THESE BILLS RESULTED FROM MUCH STUDY, NOT JUST BY THE COUNCIL OF STATE GOVERNMENTS, BUT WHEN THE LR424 COMMITTEE WAS TAKING TESTIMONY FROM VARIOUS CORRECTIONS OFFICIALS, IT BECAME READILY APPARENT THAT PART OF THE DIFFICULTY IS THE LEGISLATION THAT THE LEGISLATURE FROM TIME TO TIME DOWN THROUGH THE YEARS HAS ENACTED. MOST OF THE LEGISLATION HAS EXACERBATED PROBLEMS IN THE CORRECTIONAL SYSTEM: THE OVERCROWDING, LACK OF MONEY FOR PROGRAMMING, INADEQUATE STAFFING, INADEQUATE PAY FOR THE STAFF THAT THEY HAVE. AND THESE THINGS WERE NOT JUST THE LEGISLATURE'S FAULT, PART OF IT FROM VARIOUS GOVERNOR'S ADMINISTRATIONS BECAUSE CORRECTIONS IS THE EASIEST TARGET. IT'S OUT OF SIGHT OF THE PUBLIC AND MANY PEOPLE WHO BECOME AWARE OF IT WILL SAY THOSE IN PRISON HAVE NO RIGHTS THAT ANYBODY SHOULD BE CONCERNED ABOUT BECAUSE THEY VIOLATED THE LAW, THEY'RE WHERE THEY BELONG AND WHATEVER HAPPENS IS ALL RIGHT. BUT FOR THOSE OF US WHO ARE THE POLICYMAKERS AND PEOPLE WHO HAVE A SENSE OF THE HUMANITY AND DIGNITY OF EVERY INDIVIDUAL REALIZES THAT THE STATE DOES NOT HAVE THE RIGHT TO DISREGARD THOSE FACTORS AND CREATE INHUMANE, ALMOST BARBARIC IN SOME SITUATIONS, CIRCUMSTANCES FOR PEOPLE WHOM SOCIETY HAS DECIDED TO DEPRIVE OF THEIR LIBERTY. WHEN YOU COMMIT A CRIME, IF I COMMIT A CRIME, IF WHEN ANYBODY COMMITS A CRIME, THE PUNISHMENT IS THE DEPRAVATION OF OUR LIBERTY. THAT IS THE PUNISHMENT. THAT'S WHY THEY SPEAK IN TERMS OF YEARS. WHEN THERE ARE OTHER THINGS HEAPED ON SUCH AS MISTREATMENT, THAT IS GOING BEYOND WHAT THE PURPOSE OF THE PENAL SYSTEM REALLY IS. THESE INSTITUTIONS HAD ALWAYS BEEN CALLED PENITENTIARIES. THEN A DEGREE OF ENLIGHTENMENT BEGAN TO SEEP INTO PEOPLE'S THINKING, MAINLY BECAUSE THERE WAS SO MUCH CRITICISM BECAUSE THE WAY AMERICA RAN THEIR PRISON SYSTEM BY THOSE IN EUROPEAN COUNTRIES. AND IT WAS A SITUATION WHERE THEY DECIDED THAT TO SHOW THE ASPIRATIONAL NATURE OF WHAT WOULD BE DONE THEY WOULD CHANGE THE TERM PENITENTIARY, WHICH IT STILL MAY BE REFERRED TO, BUT THE FORMAL DESIGNATION IS DEPARTMENT OF CORRECTIONS. PEOPLE'S CONDUCT, THEIR ATTITUDES ARE TO BE CORRECTED. NOT THROUGH CRUELTY,

Floor Debate
April 15, 2015

NOT THROUGH TORTURE, NOT THROUGH MISTREATMENT, NOT THROUGH COERCION, BUT BY USING THAT TIME THAT THEY'RE GOING TO HAVE TO SERVE ANYWAY TO TRY TO SHOW THEM A BETTER WAY. AND THE ONLY ONES WHO CAN SHOW SOMEBODY WHO HAS FALLEN A BETTER WAY IS TO BELIEVE IN THAT BETTER WAY, TO UNDERSTAND IT, HAVE THE PATIENCE, THE HUMANITY, AND THE RESPECT FOR HUMAN DIGNITY THAT IT TAKES TO NOT BE JUDGMENTAL IN THOSE CIRCUMSTANCES. THE JUDGMENT HAD ALREADY BEEN MADE BY THE JURY AND THE JUDGE, AND IF THE PERSON TOOK A BENCH TRIAL, BY THE JUDGE ALONE. THE QUESTION OF INNOCENCE AND/OR GUILT ARE NOT TO BE DEALT WITH BY THOSE WHO OPERATE THE CORRECTIONAL SERVICES DEPARTMENT. THEY ARE MERELY THE CUSTODIANS OR THOSE WHO ARE IN CHARGE OF THE ONES THAT SOCIETY HAS DECIDED SHOULD BE DEPRIVED OF THEIR LIBERTY. SO IF YOU HAVE PEOPLE WORKING THERE WHO ARE VERY JUDGMENTAL AND FEEL THAT THEIR JOB IS TO INFLICT PAIN, SUFFERING, AND PUNISHMENT, THEN YOU AGGRAVATE A SITUATION AND ONE THAT IS VOLATILE IN THE FIRST PLACE BECOMES ALMOST INCENDIARY. I'M SAYING ALL THAT TO GET TO A POINT. WE, AS POLICYMAKERS, HAVE NOT DISCHARGED OUR DUTIES IN THE WAY WE SHOULD. INSTEAD OF TAKING THE LONG VIEW, INSTEAD OF BEING MINDFUL OF WHAT OUR RESPONSIBILITIES ARE, WE WILL BE SWAYED BY THE FAD OF THE MOMENT. IF A SLOGAN SUCH AS, "TOUGH ON CRIME" COMES OUT, THEN SENATORS, REPRESENTATIVES WHERE THEY HAVE TWO HOUSES, AND IN CONGRESS WILL SAY, I DON'T WANT TO BE SEEN TO BE SOFT ON CRIME SO LOCK THEM UP, THROW AWAY THE KEY. AND YOU KNOW WHO SHUTTERED THE MOST WHEN THOSE ATTITUDES WERE TAKEN? THE PEOPLE WHO WORK IN THESE INSTITUTIONS. THEY ARE IMPRISONED ALSO. YOU TAKE AWAY FROM THEM WHAT LITTLE LEVERAGE THEY MAY HAVE HAD WHEN YOU SAY WE'RE NOT GOING TO LET THE INMATES HAVE GOOD TIME. WELL, GOOD TIME IS A MANAGEMENT TOOL. THAT'S WHAT IT IS. IT IS NOT BEING SOFT ON CRIME. IT IS NOT IMPACTING PUBLIC SAFETY. THESE PEOPLE ARE LOCKED AWAY. BUT THERE'S NO CONCERN GIVEN TO THE SAFETY OF THOSE WHO RUN THESE INSTITUTIONS. SO WHEN YOU TAKE AWAY THE INCENTIVE OF ANYBODY TO STRIVE, EVEN IN SCHOOL, LITTLE KIDS WILL TRY TO GET A GOOD GRADE. THEY WANT TO HAVE A BLUE PENCIL INSTEAD OF A RED PENCIL MARK. THEY WANT A LITTLE GOLD STAR. INCENTIVES ARE WHAT LEAD PEOPLE TO DO WHAT THEY OUGHT TO DO. GROWN PEOPLE HAVE HEAVEN AS AN INCENTIVE. SO THAT ATTITUDE, THAT CONCEPT IS EVERYWHERE. SO AS WE WERE TAKING TESTIMONY, EVEN WHILE OUR QUESTIONING AND OUR ACCUSATIONS AGAINST THOSE WHO ARE BEHAVING INCOMPETENTLY IN THE DEPARTMENT OF CORRECTIONS, ESPECIALLY AT THE UPPER LEVELS, DESPITE ALL OF THAT ASPECT OF IT WE WERE NOT UNMINDFUL OF THE PROBLEMS CREATED BY THE

Floor Debate
April 15, 2015

LEGISLATION THAT HAS COME OUT OF THIS BODY. ONE OF THE WORST THINGS THAT WAS DONE WAS TO JUMP ON THE BANDWAGON AND JOIN THAT FAD OF SO-CALLED MANDATORY MINIMUM SENTENCES. A POINT WAS REACHED WHERE NEW CRIMES COULD NOT BE CREATED. EVEN LEGISLATURES DID NOT WANT TO CREATE NEW CRIMES. SO THEY SAID, HOW CAN WE TAKE WHAT WE'VE ALREADY GOT AND MAKE THE PUBLIC THINK WE'RE TOUGH ON CRIME? THEY SAY, WELL, IF THIS SENTENCE RIGHT NOW UNDER THE LAW IS FROM 5 YEARS TO 20 YEARS, WE'LL SAY THAT THAT FIRST 5 YEARS HAS TO BE SERVED DAY-FOR-DAY AND NO GOOD TIME. AND THAT'S HOW IT STARTED. THEN THE NOTION OF THESE SO-CALLED HABITUAL CRIMINAL ENHANCEMENTS REALLY FLEW AGAINST THE BASIC CONCEPT OF, WHAT DO THEY CALL IT, ANGLO-SAXON JUSTICE. YOU ARE TO BE PUNISHED ONCE FOR A CRIME. SO IF YOU'VE COMMITTED TWO FELONIES-- IN SOME PLACES THEY DON'T HAVE TO BE FELONIES--EACH ONE THAT YOU COMMITTED YOU WERE PUNISHED FOR. THEN WHEN YOU COMMIT THAT THIRD ONE, THOSE PRIOR TWO BECOME THE FOUNDATION FOR THIS HEAVY, HUMONGOUS SENTENCE. YOU HAVE ALREADY BEEN PUNISHED FOR THE OTHER TWO. THIS PARTICULAR THIRD ONE MAY NOT CARRY ON ITS OWN A PUNISHMENT AS SEVERE AS EITHER ONE OF THE PREVIOUS TWO, BUT CERTAINLY IT WOULD NOT CARRY A SENTENCE OF 10 TO 25 MANDATORY MINIMUM TO 60 YEARS. AND SOME JUDGES, EVEN THOUGH THIS CONCEPT OF THE HABITUAL CRIMINAL ROUTINE HAS NOT BEEN STRUCK DOWN AS UNCONSTITUTIONAL... [LB173 LB172]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: ...THERE HAVE ALWAYS BEEN DISSENTING JUDGES WHO SAID, THIS CONSTITUTES MULTIPLE PUNISHMENT. IT HAS NOT BEEN SHOWN TO DETER CRIME. IT HAS LED TO OVERCROWDING. DURING THAT PERIOD WHEN NO GOOD TIME CAN BE GIVEN, IT AGGRAVATES THE PROBLEM THAT THOSE WHO WORK IN THESE PRISON SYSTEMS HAVE. I SAY THOSE GENERAL THINGS, AND AS THE DEBATE PROCEEDS, I WILL SPEAK, AND IF I RUN OUT OF TIME BUT I NEED IT, I HOPE OTHERS WILL GIVE IT, BUT IF YOU DON'T THAT'S PART OF THE GAME. I AM PREPARED, THOUGH, TO ANSWER ANY AND ALL QUESTIONS THAT ANYBODY MAY HAVE. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: 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 AMENDMENTS. [LB173]

Floor Debate
April 15, 2015

SENATOR SEILER: THANK YOU, MR. SPEAKER. MEMBERS, THE AMENDMENT, AM472, IS REALLY SIMPLE. IT STRIKES...IT WAS FIRST UNANIMOUSLY VOTED WITH ALL EIGHT SENATORS PRESENT AND VOTING OUT OF OUR JUDICIARY COMMITTEE, AND IT BASICALLY ELIMINATES THE MANDATORY MINIMUMS FOR C1 AND 1D FELONIES. WHAT IT BASICALLY STILL LEFT, THOUGH, WAS A BEGINNING SENTENCE OF FIVE YEARS FOR A 1C CLASS AND THREE YEARS FOR A 1D CLASS. I WOULD LIKE TO JUST TAKE A SECOND HERE TO SAY WHY I MADE THIS MY PRIORITY BILL, WAS AS CHAIRMAN I LOOKED AROUND AT OUR BILLS THAT WERE COMING OUT TO THE FLOOR, AND I WANTED ALL OF THE CRIMINAL BILLS TO BE BUNCHED IN A PACKAGE. AND BEING THIS LATE IN THE SESSION I REALIZED THAT THIS BILL WOULD BE LEFT OUT OF THE CONVERSATION, SO I PERSONALLY MADE THIS MY PRIORITY BILL SO WE COULD HAVE THIS CONVERSATION THE SAME WAY WE HAD YESTERDAY WITH THE OTHER BILL THAT WAS PRIORITY AND THEN THE DEATH PENALTY, I BELIEVE IS SENATOR CHAMBERS'S PRIORITY SO THAT WE HAVE ALL OF THE CRIMINAL BILLS HERE ON THE FLOOR AT THE SAME TIME, OR BASICALLY THE SAME TIME, SO THAT WE CAN SET THE PUBLIC POLICY. AND I THOUGHT I'D BETTER EXPLAIN THAT. THANK YOU VERY MUCH, MR. SPEAKER. [LB173]

SPEAKER HADLEY: (DOCTOR OF THE DAY INTRODUCED.) MR. CLERK. [LB173]

ASSISTANT CLERK: MR. PRESIDENT, AN ANNOUNCEMENT THAT THE APPROPRIATIONS COMMITTEE WILL MEET IN EXECUTIVE SESSION AT 9:30 IN ROOM 2022.

SPEAKER HADLEY: SENATOR McCOY, YOU ARE RECOGNIZED. [LB173]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, MEMBERS. IN CASE YOU HAVEN'T SEEN IT, I THINK IT'S PARTICULARLY TIMELY I WANT TO READ TO YOU WORLD-HERALD EDITORIAL THIS MORNING ON THIS VERY BILL TITLED, "TREAD LIGHTLY WITH CHANGES TO MANDATORY MINIMUMS." AND I'LL READ THIS FOR MY FIRST TIME ON THE MICROPHONE THIS MORNING: GUN CRIMINALS, SEX CRIMINALS, DRUG DEALERS, AND UNREPENTANT LESSER CROOKS WHO WON'T STOP BREAKING THE LAW, THESE ARE THE KIND OF CRIMINALS NEBRASKA TAXPAYERS BUILD PRISONS TO HOLD, TO KEEP LOVED ONES SAFE, TO PROTECT HOMES AND BUSINESSES. SO WHY ARE NEBRASKA LAWMAKERS TINKERING WITH MANDATORY MINIMUM SENTENCES FOR THOSE CRIMINALS BEFORE FINISHING WORK ON OTHER SENSIBLE PRISON REFORMS FOR NONVIOLENT INMATES? THAT'S A QUESTION POLICE AND PROSECUTORS AROUND THE STATE

Floor Debate
April 15, 2015

ARE ASKING, A QUESTION SHARED BY THE AUTHOR OF MANY OF THE STATE'S EARLIER PRISON REFORMS, STATE SENATOR-TURNED-CONGRESSMAN BRAD ASHFORD. THE WHOLE PRISON REFORM MOVEMENT IS NOT ABOUT BEING EASY ON THE PEOPLE WHO COMMIT BAD CRIMES, ASHFORD TOLD THE WORLD-HERALD. IF YOU'RE GOING TO HAVE A SYSTEM OF PULLING PEOPLE OUT OF THE POPULATION, THOSE PRISON CELLS SHOULD BE RESERVED FOR THE PEOPLE YOU'RE SCARED OF AND THESE ARE THOSE PEOPLE. ASHFORD SAYS NEBRASKA'S MANDATORY MINIMUM SENTENCES DO WHAT THEY'RE SUPPOSED TO--GET REALLY BAD GUYS OFF THE STREET. THAT'S WHY AS A STATE LEGISLATOR HE ADDED GUN CRIMES TO THE LIST OF ELIGIBLE OFFENSES. UNDER CURRENT LAW, CERTAIN SERIOUS CRIMES--ROBBERY, USING A WEAPON TO COMMIT A FELONY, DRUG DEALING, ASSAULTING A POLICE OFFICER, AND MANUFACTURING OR DISTRIBUTING CHILD PORN--CALL FOR MANDATORY MINIMUM SENTENCES THAT CANNOT BE SHORTENED BY GOOD TIME. BUT STATE LAWMAKERS ARE CONSIDERING LB173 WHICH WOULD ELIMINATE SOME OF NEBRASKA'S MANDATORY MINIMUMS FOR GUN CRIMINALS AND DRUG DEALERS, AS WELL AS SOME FOR REPEAT OFFENDERS. MANDATORY MINIMUMS WOULD BE REMOVED FROM CRIMES THAT INCLUDE USE OF A FIREARM TO COMMIT A FELONY IN DEALING HARD DRUGS. UNDER THE BILL, FIRING A GUN INTENTIONALLY IN THE DIRECTION OF AN OCCUPIED HOME, BUILDING, OR VEHICLE, NO LONGER WOULD QUALIFY FOR A MANDATORY MINIMUM. LAWMAKERS NEED TO TREAD CAREFULLY AS THEY DEBATE THIS BILL. IT IS TRUE THAT EXPERT RESEARCHERS FOUND MANDATORY MINIMUM SENTENCES CONTRIBUTING TO NEBRASKA'S PRISON POPULATION BOOM, AND THE CURRENT DEFINITION OF HABITUAL CRIMINALS MAY INCLUDE SOME NONVIOLENT OFFENDERS FOR WHOM THERE COULD BE BETTER OPTIONS. THAT'S A CHANGE WORTH EXAMINING. HOWEVER, OMAHA POLICE, LAST YEAR, ARRESTED 349 PEOPLE FOR FELONIES THAT QUALIFIED FOR MANDATORY MINIMUM SENTENCES, MOST WERE GUN AND DRUG OFFENSES. AND POLICE AND PROSECUTORS SAY GETTING SUCH CRIMINALS OFF THE STREETS HELPS KEEP NEBRASKA CITIES SAFER. DOUGLAS COUNTY ATTORNEY DON KLEINE CALLS THAT A SOUND RETURN ON THE TAXPAYER'S INVESTMENT. IF SOMEBODY'S USING A GUN IN A CRIME, THESE ARE THE TYPES OF PEOPLE WE NEED TO PROTECT PEOPLE FROM, KLEINE SAID. IN LOOKING TO EASE PRISON CROWDING, HE ADDED, THIS ISN'T THE AREA YOU NEED TO CHANGE. NEBRASKA'S PRISONS DO NEED TO MAKE CHANGES, ENABLING A BETTER FOCUS ON REHABILITATION FOR THE MAJORITY OF CRIMINALS WHO WILL ONE DAY GO FREE. THAT INCLUDES MORE AND BETTER DRUG, ALCOHOL, AND MENTAL HEALTH COUNSELING, AS WELL AS JOB TRAINING. SOLITARY CONFINEMENT COULD BE USED LESS ON INMATES. PROBATION COULD BE USE MORE AFTER NONVIOLENT

Floor Debate
April 15, 2015

CRIMES. LAWMAKERS SMARTLY ARE CONSIDERING OTHER BILLS THIS SESSION ON THOSE ADJUSTMENTS. BUT A KEY REASON FOR PRISON REFORM IS TO MAKE CERTAIN THERE'S ROOM TO HOLD THE TRULY DANGEROUS. ON THIS TEST, LB173 FALLS SHORT. POLICE AND PROSECUTORS SAY MANDATORY MINIMUM SENTENCES DETER WOULD-BE GANG GUNMAN. IN JOINT EFFORTS WITH FEDERAL PROSECUTORS, METRO AREA AUTHORITIES HAVE MADE IT PLAIN THAT CRIMINALS WHO USE A GUN WILL DO TIME. IT IS IMPORTANT TO NOTE THAT NEBRASKA HAS BEEN MORE DISCIPLINED THAN MANY OTHER STATES AND THE FEDERAL GOVERNMENT SETTING ITS MANDATORY MINIMUM SENTENCES. RESTRICTED TO VERY SERIOUS OFFENSES, THE MINIMUMS AREN'T EXCESSIVELY LONG AND LEAVE JUDGES THE FLEXIBILITY TO SEND HARDENED CRIMINALS AWAY FOR MORE TIME WHEN DESERVED. [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR McCOY: LAST YEAR, THE STATE PRISON SYSTEM WAS CORRECTLY CRITICIZED FOR EARLY RELEASE BY NEGLECT, NEBRASKA ATTORNEY GENERAL DOUG PETERSON SAID. BUT CHANGES TO MANDATORY MINIMUMS, HE SAYS, WOULD BE EARLY RELEASE BY DESIGN. NEBRASKANS BUILD PRISONS TO KEEP THE BAD GUYS BEHIND BARS. MOST OF THE PEOPLE SERVING MANDATORY MINIMUM SENTENCES ARE THE BAD GUYS. THAT'S THE EDITORIAL FROM THIS MORNING, MEMBERS. AND I'LL USE OTHER TIMES ON THE MICROPHONE TO DETAIL THE HISTORY OF THIS ISSUE THAT I'VE PARTICIPATED IN SINCE I FIRST CAME TO THE LEGISLATURE IN 2009. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB173]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THE WORLD-HERALD EDITOR, ONE PERSON'S OPINION, DOES NOT WRITE THE LEGISLATION. NOW, SENATOR McCOY SAID HE STARTED ON THIS IN 2009. I'VE BEEN GRAPPLING WITH THESE THINGS FOR MANY MORE YEARS, SO WE WILL NOT LET LONGEVITY, IN AND OF ITSELF, LEAD US TO THE CONCLUSION WE SHOULD REACH. I'M TELLING YOU AND REMINDING YOU THAT I AND OTHERS STILL IN THIS BODY SERVED ON THE LR424 COMMITTEE. WE HEARD MUCH TESTIMONY. THE CONFERENCE OF STATE GOVERNMENTS, OR WHATEVER THEY'RE CALLED, HAD SEEN THAT THIS IDEA OF STACKING PUNISHMENT ON TOP OF PUNISHMENT IS NOT VALUABLE; IT'S COUNTER PRODUCTIVE. IT DOESN'T WORK. IT DOESN'T WORK IN NEBRASKA. I'M NOT DEALING ANECDOTALLY AS OTHERS ON THIS FLOOR MIGHT DO. I'M NOT USING THE OPINIONS OF ONE

Floor Debate
April 15, 2015

PERSON IN THE WORLD-HERALD. BUT I'LL TELL YOU ONE THING SENATOR ASHFORD DID THAT WAS INAPPROPRIATE AND FOOLISH, NOT INAPPROPRIATE BECAUSE IT WAS WRONG, BUT IT WAS NOT GEARED TO SOLVING THE PROBLEM. THERE WERE NUMEROUS SHOOTINGS IN MY COMMUNITY. SENATOR ASHFORD NEVER JOINED ME IN CONTACTING LOCAL, STATE, FEDERAL OFFICIALS TO DO SOMETHING ABOUT STAUNCHING THE FLOW OF GUNS INTO MY COMMUNITY. HE NEVER TOOK A POSITION ON THAT. I EMPHASIZE THAT UNTIL SOMETHING IS DONE ABOUT THE GUNS, YOU'RE NOT GOING TO DO ANYTHING ABOUT THE VIOLENCE. SO WHAT HE DID WAS CAME DOWN HERE AND PERSUADED SENATORS, WHO KNEW NO MORE THAN HE KNEW, TO JUMP ON THE BANDWAGON AND SAY, WELL, IF WE PUT MANDATORY MINIMUMS, THAT'S GOING TO MAKE A DIFFERENCE. IT HAS MADE NO DIFFERENCE WHATSOEVER. AND THOSE WHO STUDY THESE THINGS AND ARE EXPERTS AND THEY USE SOURCES OTHER THAN ONE EDITORIAL OPINION HAVE ESTABLISHED THAT PEOPLE WHO COMMIT CRIMES DON'T KNOW THE INTRICACIES OF THE LAW. I COULD ASK SENATOR McCOY, WHO'S AGAINST THIS BILL, WHAT THE PENALTY IS FOR ANY ONE OF A NUMBER OF FELONIES AND HE WOULDN'T KNOW. I KNOW HE WOULDN'T KNOW. I DON'T KNOW. THERE ARE TOO MANY OF THEM. SO WHAT THEY'RE ASKING YOU TO BELIEVE IS THAT THESE PEOPLE SIT DOWN AND THEY SAY, WELL, IF I DO THIS OR THAT THE PENALTY IS A MANDATORY MINIMUM. IF THAT WERE A DETERRENT, THEN WHY DO YOU HAVE STILL SHOOTINGS UNABATED? IF YOU LOOK AT THE FACTS, YOU WILL SEE THAT THESE THINGS THAT EDITORS WRITE DO NOT ACCORD WITH THE REALITY. I LIVE IN THE COMMUNITY, AND I KNOW THAT THESE MANDATORY MINIMUMS DON'T HELP. FIRST OF ALL, IF YOU DON'T CATCH THE ONE WHO IS DOING IT, YOU CAN HAVE THE MOST STRINGENT PENALTY AND IT MEANS NOTHING. AND THIS WILL SHOCK YOU ALL, THERE ARE POLICE OFFICERS WHO ARE COMPLICIT WITH SOME OF THESE DIFFERENT CATEGORIES OF CRIMINALS. IF A GUY IS CAUGHT USING GUNS AND HOMICIDE IS INVESTIGATING, THEN YOU HAVE A COP WHO'S ON THE NARCOTICS BUREAU. ONE GUY WILL CATCH ONE KIND OF CRIMINAL AND SAY, LOOK, IF YOU GIVE ME...NOW HE'S NOT...I'M ON NARCOTICS, IF YOU GIVE ME SOME GOOD BUSTS ON NARCOTICS, I'LL LET YOU GO ON THIS GUN THING. THAT'S NOT WHAT I DEAL WITH. SO THE GUNSEL BECOMES A SNITCH ON NARCOTICS AND HE'S LET GO. AND IF YOU FIND COPS WHO WILL TELL YOU THE TRUTH, MAYBE NOT IN OMAHA, YOU WILL FIND...OR READ THE LITERATURE, YOU WILL FIND OUT WHAT I'M SAYING IS TRUE. AND IT WORKS THE OTHER WAY TOO. IF I'M DEALING IN HOMICIDE AND I CATCH SOMEBODY WITH DRUGS...
[LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

Floor Debate
April 15, 2015

SENATOR CHAMBERS: ...I TELL THEM, YOU GIVE ME SOME INFORMATION OVER HERE WHERE I'M DEALING WITH WHAT I'M DEALING WITH AND I'LL LET YOU GO ON THE DRUGS. THEY GOT TO CATCH YOU; I WON'T. AND OUR COMMUNITY SUFFERS. THAT'S WHY A LOT OF PEOPLE IN OUR COMMUNITY WON'T CALL THE POLICE. THEY HAVE CALLED THE POLICE AND POINTED TO HOUSES WHERE DRUGS ARE BEING SOLD. THE CARS LINE UP, AND NOTHING IS EVER DONE. THIS HAPPENS IN THE COMMUNITY WHERE I LIVE. I DON'T LIVE WAY OUT IN WEST OMAHA SOMEWHERE AND PICK UP A WORLD-HERALD EDITOR WHO HAS NOT SEEN ANYTHING, WHO DOESN'T KNOW ANYTHING. MY OPINIONS ARE BASED ON FACTS AND EXPERIENCE. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR SEILER, YOU ARE RECOGNIZED. [LB173]

SENATOR SEILER: I CHOOSE THIS TIME TO ADDRESS, MR. SPEAKER AND MEMBERS OF THE UNICAMERAL, ADDRESS THE ISSUE OF DOES THIS...WAS THIS PART OF THE COUNCIL OF STATE GOVERNMENTS RECOMMENDATION. THE ANSWER IS NO. THIS IS JUST PART OF THE OVERALL CRIMINAL PACKAGE THAT'S BEING BROUGHT TO YOU, BUT IT IS CONSISTENT WITH THOSE RECOMMENDATIONS. AND I WANTED TO MAKE SURE THAT EVERYBODY ON THE FLOOR WAS AWARE OF THAT. BECAUSE MUCH OF WHAT WE'VE BROUGHT TO YOU HAS BEEN TIED TO LR424 COMMITTEE HEARING AND THE COUNCIL OF STATE GOVERNMENT'S RECOMMENDATIONS. THIS WAS NOT, BUT IT IS CLEARLY, ALONG WITH THE DEATH PENALTY, PART OF THE CONVERSATION WE NEED TO HAVE CONCERNING THE OVERALL POLICY WE'RE GOING TO ADOPT FOR OUR CRIMINAL SYSTEM. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR McCOY, YOU ARE RECOGNIZED. [LB173]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WOULD SENATOR SEILER YIELD, PLEASE? [LB173]

SPEAKER HADLEY: WOULD SENATOR SEILER YIELD? [LB173]

SENATOR SEILER: I WILL. [LB173]

SENATOR McCOY: THANK YOU, SENATOR. CAN YOU TELL ME, PLEASE, WITH LB173 AND LB172 WHAT RECOMMENDATION FROM THE CSG JUSTICE CENTER THAT THEY ARE CONSISTENT WITH? [LB173 LB172]

Floor Debate
April 15, 2015

SENATOR SEILER: I JUST ANSWERED THAT. THEY DID NOT MAKE A RECOMMENDATION ON THIS, BUT IT'S CONSISTENT... [LB173]

SENATOR McCOY: WELL, I UNDERSTAND WHAT YOU SAID IT WAS CONSISTENT WITH. [LB173]

SENATOR SEILER: ...IT'S CONSISTENT WITH THE OVERALL PROGRAM OF LOOKING AT THE WHOLE CRIMINAL PACKAGE OF WHAT WE'RE DOING HERE TODAY. [LB173]

SENATOR McCOY: WELL, I UNDERSTAND, BUT REDUCING THE PRISON POPULATION DOWN TO BELOW 140 PERCENT AND SPENDING SOMEWHERE BETWEEN \$35 AND \$42 MILLION, WHATEVER IT MAY BE, IN ORDER TO GET THAT DONE OVER THE NEXT FIVE YEARS, THOSE RECOMMENDATIONS DID NOT INCLUDE LB172 OR LB173 IN ANY SHAPE, WAY, OR FORM, CORRECT? [LB173 LB172]

SENATOR SEILER: THAT IS CORRECT. THAT'S WHAT I JUST SAID. [LB173]

SENATOR McCOY: OKAY. SO WHY THEN ARE WE TALKING ABOUT LB172 AND LB173 IN THE GUISE OF THESE ARE RECOMMENDATIONS FROM... [LB173 LB172]

SENATOR SEILER: NOW WAIT A MINUTE. [LB173]

SENATOR McCOY: I'M NOT GETTING AHEAD. I DON'T WANT TO PUT WORDS IN YOUR MOUTH. I'M NOT SAYING YOU'RE SAYING THIS IS PART OF CSG, BUT THIS HAS ALL BEEN COUCHED AS A PACKAGE OF CORRECTIONS BILLS AND RECOMMENDATIONS FROM CSG. THAT...THIS...THE RECOMMENDATIONS IN LB172 AND LB173, I CAN'T FIND ANYWHERE IN THE VOLUMINOUS REPORT FROM CSG OR ANYTHING OF THE KIND. CORRECT? [LB173 LB172]

SENATOR SEILER: ABSOLUTELY. THAT'S WHAT I JUST SAID. BUT I COUCHED IT IN THE POSITION THAT THIS BODY CAN LOOK AT THE WHOLE PACKAGE OF CRIMINAL LAW AND MAKE A POLICY DECISION ON WHERE IT'S GOING WITH REGARDING LB605, ITS AMENDMENTS, THIS LB172 AND LB173, LB483, AND UP TO INCLUDING THE DEATH PENALTY. [LB605 LB172 LB173 LB483]

SENATOR McCOY: THANK YOU, THANK YOU, SENATOR. WELL, MEMBERS I REMAIN, NUMBER ONE, IN OPPOSITION TO LB173. I DIDN'T SAY THAT AT THE

Floor Debate
April 15, 2015

OUTSET, SENATOR CHAMBERS SAID IT FOR ME, BUT IT IS TRUE. THE REASON I'M ASKING SENATOR SEILER IS BECAUSE FRANKLY I'M NOT SURE WHY WE'RE HAVING THIS DISCUSSION THIS MORNING ON THIS LEGISLATION BECAUSE WE CAN GET TO REDUCTION IN PRISON POPULATION AND CORRECTIONS REFORMS WITHOUT GOING SOFT ON CRIME. THAT'S NOT A CLICHE, THAT'S NOT A SLOGAN, THOSE ARE MY WORDS WITH THIS LEGISLATION. I WANT TO OUTLINE FOR YOU, AND I MAY NEED MORE TIME TO DO IT, JUST HOW WE GOT TO THIS POINT GOING ALL THE WAY BACK TO 2009. AND I'LL SAY IN OPPOSITION TO WHAT SENATOR CHAMBERS SAID A MINUTE AGO, IF YOU LOOK AT DATA FROM OUR VERY OWN CRIME COMMISSION YOU'LL FIND THAT NEBRASKA'S OVERALL CRIME RATE HAS BEEN DECLINING EVERY YEAR, EVERY YEAR FOR THE PAST TEN YEARS. I THINK SOME OF THAT DECLINE STEMS FROM THE GOOD, COMMONSENSE DECISIONS THAT THIS LEGISLATURE MADE IN PAST YEARS. ONE OF THEM IS GOING BACK TO 2009 WHEN WE MADE A CONSCIOUS DECISION WITH TWO BILLS THAT I'M GOING TO TALK ABOUT, LB63 AND LB97 IN 2009. LB63 WAS A BILL BY SENATOR MIKE FRIEND THAT SENATOR BRAD ASHFORD, AS CHAIRMAN OF THE JUDICIARY COMMITTEE, PRIORITIZED. LB97 WAS A BILL BY SENATOR SCOTT LAUTENBAUGH THAT WAS DEEMED A SPEAKER PRIORITY BILL BY THEN-SPEAKER MIKE FLOOD. LB97 CREATED MANDATORY MINIMUMS FOR SEX OFFENDER CRIMES; LB63 CREATED MANDATORY MINIMUMS FOR GUN CRIMES. OUR VERY OWN SENATORS MELLO AND NORDQUIST, WHICH I DON'T THINK EITHER ONE OF THEM ARE ON THE FLOOR AT THE MOMENT, ACTUALLY TESTIFIED IN COMMITTEE IN SUPPORT OF LB63. I BELIEVE THAT THERE ARE AT LEAST 11 OF US AS I COUNT... [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR McCOY: ...IN THE LEGISLATURE...WAS THAT ONE MINUTE, MR. PRESIDENT? [LB173]

SPEAKER HADLEY: ONE MINUTE, YES. [LB173]

SENATOR McCOY: THANK YOU. THERE ARE AT LEAST 11 OF US IN THIS BODY WHO VOTED FOR THOSE PIECES OF LEGISLATION THAT CROSSED THE BAR 48 TO 0, AND I THINK THE OTHER ONE 47 TO 1, THAT WERE SIGNED INTO LAW. THIS LEGISLATURE MADE A CONSCIOUS DECISION TO TRY TO DO OUR VERY BEST TO REDUCE THE CRIME RATE IN NEBRASKA. THAT'S WHY YOU HEAR A SCORCHING EDITORIAL THIS MORNING BY THE WORLD-HERALD ON THIS ISSUE. THAT'S WHY YOU HAVE A LETTER, WHICH I HAVE ON MY DESK, WHICH I THINK ALL OF YOU HAVE SEEN, FROM OMAHA MAYOR JEAN STOTHERT IN OPPOSITION TO THIS

Floor Debate
April 15, 2015

LEGISLATION. EVERY LAW ENFORCEMENT GROUP IN THE STATE, PRETTY MUCH, TESTIFIED IN SUPPORT OF THESE TWO PIECES OF LEGISLATION IN 2009. WE MADE A CONSCIOUS DECISION WE WERE GOING TO GET TOUGH ON CRIME. WE'RE ADDRESSING THE PRISON OVERCROWDING SITUATION THROUGH OTHER PIECES OF LEGISLATION. WE CAN BE SMART AND TOUGH ON CRIME. [LB173]

SPEAKER HADLEY: TIME, SENATOR. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB173]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THEY WAITED UNTIL I WAS OUT OF THE LEGISLATURE TO COME UP WITH THIS COCKAMAMIE STUFF ABOUT MANDATORY MINIMUMS. THEY HAD TRIED SOME OF IT WHILE I WAS HERE, AND THEY COULDN'T GET IT. A LOT OF THINGS WERE DONE AFTER I WAS GONE. SENATOR McCOY WAS ONE OF THOSE WHO VOTED FOR A BILL, AND THE LEGISLATURE VOTED UNANIMOUSLY FOR THAT BILL, WHICH WOULD ALLOW JAILERS TO CREATE NEW CRIMES. THAT SHOWS HOW LITTLE THEY KNOW ABOUT THE LAW OR DON'T CARE, AND IT HAD BEEN SENT TO THE GOVERNOR'S DESK. AND I WROTE A LETTER TO THE GOVERNOR AND POINTED OUT THAT THIS WAS AN UNCONSTITUTIONAL DELEGATION OF LEGISLATIVE AUTHORITY. THAT ONLY THE LEGISLATURE COULD COMMIT (SIC) CRIMES AND THIS ALLOWED A JAILER TO CREATE A CRIME BY PUTTING ON A SIGN THAT IF YOU BROUGHT A CERTAIN OBJECT IN THAT IS CONTRABAND AND YOU COULD BE GUILTY OF A MISDEMEANOR AND GET A YEAR IN JAIL. THE GOVERNOR KNEW THAT I WAS RIGHT, SO HE SAID THAT HE WOULD CONTACT THE SPEAKER, OR SOMEBODY DID. SO SENATOR FLOOD TALKED TO ME, AND HE SAID, ERNIE, I'M SO GLAD I'M NOT GOING TO BE HERE WHEN YOU COME BACK. I SAID, WELL, I HAD TALKED TO THE GOVERNOR AND POINTED OUT THAT HE OUGHT TO VETO THE BILL, AND THE GOVERNOR APPARENTLY FELT THERE WAS A DIFFERENT WAY. SO SENATOR FLOOD, WHO WAS THE SPEAKER AND ALSO VOTED FOR THAT BAD BILL BECAUSE THERE WAS NOBODY HERE WHO UNDERSTOOD THE LAW AND THEY ALL VOTED FOR IT. SENATOR WALLMAN, WHOSE BILL IT WAS, WAS CONTACTED. THE LETTER THAT I HAD WRITTEN WAS SHOWN TO THE APPROPRIATE PEOPLE AND SENATOR WALLMAN, TO RESCUE EVERYBODY, REQUESTED THAT THE GOVERNOR VETO THE BILL. SO WHEN HE SAYS THAT ALL THESE SENATORS VOTED FOR IT, THAT ONLY SHOWS HOW IGNORANT OF THE LAW THEY WERE, HOW UNWATCHFUL AND UNMINDFUL THEY WERE. AND AS FOR CRIME DIMINISHING IN NEBRASKA, THAT IS THE CASE ALL OVER THE COUNTRY, AND THAT'S WHY SOME PEOPLE ARE SAYING WITH THE REDUCTION IN CRIME WHY ARE THERE MORE PEOPLE BEING LOCKED UP WITH THESE HUMONGOUS SENTENCES? WHY IS THE FEDERAL

Floor Debate
April 15, 2015

GOVERNMENT DOING AWAY WITH PAROLE AND THESE OTHER ACTIONS THAT DO NOT ACCORD WITH WHAT THE ACTUAL SITUATION IS IN THIS COUNTRY? SO WHEN SENATOR McCOY CAN ONLY READ WHAT ONE PERSON SAID OR ONE ENTITY SAID, BUT HE DOESN'T KNOW THE CONTEXT OF THE WHOLE COUNTRY TRENDS, THEN IT DOESN'T HAVE MUCH CONSEQUENCE. AND THE LETTER HE MENTIONED THAT GOVERNOR...I MEANT THAT MAYOR STOTHERT WROTE SHOWS WHAT A SILLY WOMAN SHE IS. I LIVE IN THE COMMUNITY WHERE A LOT OF THE GANG ACTIVITY GOES ON. I HAVE SENT INFORMATION TO HER, TO HER CHIEF OF POLICE ABOUT THE PROBLEM WITH THE GUNS AND DIDN'T GET THE COURTESY OF A RESPONSE IN MOST INSTANCES. THEN SHE PUT IN HER LETTER THAT I DON'T TAKE THE GANG PROBLEM SERIOUSLY. THAT IS SHEER STUPIDITY AND IT IS AN OUTRIGHT FABRICATION, AND THAT SHOULD BE ENOUGH TO SHOW YOU THE LACK OF CREDIBILITY IN HER LETTER. I WORK HARD TO ADDRESS THE PROBLEMS IN MY COMMUNITY. I WORK HARD TO ADDRESS THE PROBLEMS IN COMMUNITIES ALL OVER THE STATE. AS I DID WITH THAT LB106 WHEN I FOR GOT A LOT OF CALLS FROM RURAL PEOPLE WITH THE HANDLING OF THAT FRACKING WATER FROM OTHER STATES. I DON'T JUST FOCUS ON WHAT HAPPENS IN MY COMMUNITY, AND I'D VENTURE TO SAY THAT I DO MORE THINGS IN MY COMMUNITY IN REACHING OUT TO THOSE... [LB173 LB106]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: ...LAW ENFORCEMENT OFFICIALS AND AUTHORITIES WHO HAVE THE POWER TO DO SOMETHING THAN ANYBODY ON THIS FLOOR DOES IN THEIR OWN COMMUNITY. AND EVEN THOUGH I DON'T EVEN GET THE COURTESY, THE PROFESSIONAL COURTESY OF A REPLY, I CONTINUE TO CONTINUE. THEN TO COME ON THIS FLOOR AND HAVE SOMEBODY SAY, WELL, ALL THESE SENATORS VOTED A CERTAIN WAY IS NOT PERSUASIVE TO ME. I HOPE IT ISN'T TO YOU ALL. SENATOR McCOY WAS NOT ON THE LR424 COMMITTEE. HE DID NOT HEAR THE TESTIMONY. HE DID NOT SAY THAT HE READ ALL OF THE TRANSCRIPTS, WHICH ARE QUITE VOLUMINOUS. BUT MANY OF THE PROBLEMS THAT LED TO THE SCANDAL GREW OUT OF THE TYPE OF GOOD TIME LAWS THAT WERE PASSED FROM TIME TO TIME BY THE LEGISLATURE, AND WE ARE TRYING TO REMEDY SOME OF THOSE BACK END PROBLEMS THAT STILL EXIST BY DOING SOMETHING INTELLIGENT FOR A CHANGE ON THE FRONT END. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD TIME ON THE AMENDMENT. [LB173]

Floor Debate
April 15, 2015

SENATOR McCOY: THANK YOU, MR. PRESIDENT. I WANT TO REPEAT SOMETHING I SAID EARLIER, WHICH SENATOR CHAMBERS HAS NOT REFUTED. IF YOU GO TO OUR CRIME COMMISSION, YOU WILL FIND THE DATA HAS SHOWN THAT CRIMES HAVE DROPPED, OUR OVERALL CRIME RATE EVERY YEAR FOR THE LAST TEN YEARS. I BELIEVE MANDATORY MINIMUMS AND THE HABITUAL CRIMINAL COMPONENT OF WHAT WE'RE DOING HAS CONTRIBUTED TO THAT DROP IN CRIME. I SAID, AS MY TIME RAN OUT ON MY LAST TIME ON THE MICROPHONE, I THINK WE CAN BE TOUGH ON CRIME AND ALSO SMART ON CRIME. I DON'T THINK THOSE ARE POLAR OPPOSITES THAT CANNOT COEXIST. TECHNOLOGY HAS IMPROVED, THE METRICS HAVE IMPROVED, WE HAVE THE ADVANTAGE OF A WORLD-CLASS JUSTICE CENTER BY THE COUNCIL OF STATE GOVERNMENTS WHO HAS GIVEN US SOME FANTASTIC RECOMMENDATIONS. WHICH IF LB605, IN MY OPINION, IS AMENDED TO REMOVE SOME OF THE SOFT-ON-CRIME COMPONENTS THAT WE TALKED ABOUT YESTERDAY IS A COMMONSENSE PIECE OF LEGISLATION. BUT I HAVE NO PROBLEM SUPPORTING ENTHUSIASTICALLY GOING FORWARD WHEN THOSE COMPONENTS ARE REMOVED. COLLEAGUES, LET'S NOT HAVE A SITUATION THAT WE'RE IN WHERE WE HAVE AN OVERCROWDING PRISON POPULATION, AND WE TAKE THE PENDULUM SWING BACK TO BE SOFT ON CRIME. I THINK HISTORY WILL JUDGE US HARSHLY IF THAT'S WHAT WE DO. I DON'T THINK WE NEED TO DO IT. I THINK WHEN WE INCARCERATE THE MOST DANGEROUS AND VIOLENT FOLKS LONGER, AND WE INCARCERATE REPEAT OFFENDERS EVEN LONGER THAN THAT, WE'RE DOING WHAT THE PEOPLE OF NEBRASKA WANT US TO DO. AND THAT IS, WE AREN'T COMPROMISING PUBLIC SAFETY JUST TO REDUCE THE PRISON POPULATION. BECAUSE I THINK THAT'S WHAT WE'RE DOING UNDER LB173 WITH LB172 AMENDED IN. IT'S NOT NECESSARY. THIS LEGISLATION, AS SENATOR SEILER SAID JUST A FEW MOMENTS AGO, DOES NOT HAVE TO ADVANCE IN ORDER TO ACHIEVE WHAT THE COUNCIL OF STATE GOVERNMENTS HAS SAID WE NEED TO DO TO REDUCE OUR PRISON POPULATION AT A LOWER COST THAN BUILDING AN APPROXIMATELY \$300 MILLION NEW PRISON. WE DON'T NEED IT. THIS JUST HAPPENS TO BE AN AREA OF THE LAW, AS YOU HEARD SENATOR CHAMBERS SAY, THAT HE'S PARTICULARLY OFFENDED BY BECAUSE IT WAS PASSED WHILE HE WASN'T HERE FOR FOUR YEARS. BUT IT WORKS, COLLEAGUES, IT WORKS. AND NO ONE HERE, SENATOR SEILER OR SENATOR CHAMBERS OR ANYBODY ELSE YOU'RE GOING TO TALK TO, IS GOING TO SAY OTHERWISE. IT WORKS. MAY MEAN WE HAVE A GREATER POPULATION PRISON NUMBERS. I DON'T DISPUTE THAT AT ALL, BUT THAT'S WHY WE'RE ENACTING OTHER PIECES OF LEGISLATION TO ADDRESS THAT. YOU HAVE A HANDOUT ON YOUR DESK OF SOME HABITUAL CRIMINALS THAT'S A BIG PIECE OF THIS LEGISLATION. DO YOU WANT THESE KIND OF INDIVIDUALS RUNNING AROUND? THIS IS NOT, AS SENATOR CHAMBERS

Floor Debate
April 15, 2015

ALLUDED TO, A CASE OF DOUBLE JEOPARDY IN MY MIND, ALTHOUGH HE DIDN'T USE THOSE WORDS. HABITUAL CRIMINALS ARE JUST THAT. WE HAVE 184 OF THEM IN PRISON TODAY AS WE DETERMINE HABITUAL CRIMINALS. UNDER THIS LEGISLATION, SEVEN WOULD STILL BE IN PRISON, SEVEN, MEMBERS. YOU LOOK AT THIS HANDOUT AND TELL ME IF YOU THINK THESE ARE THE PEOPLE THAT OUGHT TO BE RUNNING FREE. [LB172 LB173 LB605]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR McCOY: NEBRASKANS EXPECT BETTER FROM US. THEY EXPECT A LEGISLATURE TO BE SMART ON CRIME AND TOUGH ON CRIME, IN MY VIEW. THERE MAY BE THOSE WHO DISAGREE WITH ME. THAT'S NOT THIS LEGISLATION. IT'S AN IDEA, IT'S A CONCEPT, IT'S ONE THE DEFENSE ATTORNEYS LOVE. IT'S NOT ONE THAT OUR PROSECUTORS, OUR COUNTY ATTORNEYS, OUR LAW ENFORCEMENT OFFICIALS LIKE AT ALL. WE MADE A CONSCIOUS DECISION IN THIS LEGISLATURE TO GET TOUGH ON CRIME, AND I THINK WE'RE GOING BACK THE OTHER WAY COMPLETELY WITH THIS LEGISLATION. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB173]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. THESE ARE TWO AREAS, THE HABITUAL CRIMINAL AND THE MINIMUM SENTENCING, THAT WE SHOULD KIND OF TRY TO UNDERSTAND HOW THE SYSTEM WORKS. WHEN SOMEONE IS ARRESTED, THE POLICE WILL BRING A REPORT IN TO THE COUNTY ATTORNEY INDICATING WHAT THEY'VE DONE, AND THE COUNTY ATTORNEY HAS GOT TO DECIDE WHAT LAWS THAT ARE ON THE BOOKS FIT. AND THEN THE COUNTY ATTORNEY FILES CHARGES. SOMETIMES TO GET ADDITIONAL LEVERAGE AND A GUILTY PLEA, THE COUNTY ATTORNEY, IF THE FACTS ARE THERE, WILL FILE A CHARGE WHICH CONTAINS A MINIMUM/MAXIMUM FOR A MANDATORY MINIMUM OR THE HABITUAL CRIMINAL CHARGE. AND THE PLEA NEGOTIATIONS MOVE ALONG, THAT CHARGE WILL GO AWAY OR BE REDUCED IN THE EVENT YOU PLEAD GUILTY. SO IT IS HIGHLY EFFECTIVE LEVERAGE, NOT NECESSARILY IN ALL CASES JUST LEVERAGE, BUT HIGHLY EFFECTIVE LEVERAGE AND YOU GET GUILTY PLEAS AND THOSE DO SAVE THE TAXPAYERS SOME PROSECUTORIAL MONEY. NOW, WHETHER THAT'S CRIMINAL JUSTICE IS A SUBJECT OF CONVERSATION FOR THIS BODY. THE CRIMES THAT ARE MADE ELIGIBLE FOR THE VIOLENT SECTION OF THE HABITUAL CRIMINAL CHANGES HERE ARE HEAVY-DUTY CRIMES, AND THEY CONTAIN BIG, BIG

Floor Debate
April 15, 2015

PENALTIES. PENALTIES THAT A JUDGE AND A PROSECUTOR CAN USE TO PUT YOU AWAY FOR A REALLY LONG TIME WITHOUT THE HABITUAL CRIMINAL SECTION. IF YOU'RE NOT DETERRED BY THOSE PENALTIES, THE IDEA OF AN ADDITIONAL PENALTY UPON THAT PROBABLY IS NOT GOING TO MAKE ANY DIFFERENCE. AND TO ATTRIBUTE ANY CHANGE IN CRIME STATISTICS TO THE HABITUAL CRIMINAL LAW IS PROBABLY NOT FAIR AT ALL. WHEN I WAS PROSECUTING 30 YEARS AGO, WE HAD THE HABITUAL CRIMINAL LAW, AND IT WAS USED JUST AS I DESCRIBED. IT IS AN EFFECTIVE TOOL FOR GETTING RID OF THE JURY PROCESS AND A CRIMINAL PROSECUTION. I DON'T THINK IT HAS MUCH DETERRENT VALUE, NOR DOES IT CONTRIBUTE TO JUSTICE BECAUSE THERE'S PLENTY OF SENTENCING ROOM ON THE PART OF THE JUDGES WHEN YOU'RE DEALING WITH THESE HEAVYWEIGHT CRIMES. THOSE PEOPLE ARE GOING TO BE IN THERE A LONG, LONG TIME REGARDLESS. AS FAR AS THE USE OF A FIREARM IS CONCERNED, WE ALREADY HAVE A STATUTE THAT IF YOU USE A FIREARM IN THE COMMISSION OF A FELONY, I THINK YOU GET AN EXTRA, IT'S UP TO 20 YEARS, AND THAT CAN BE CONSECUTIVE SENTENCING. AND THAT IS NOT ADDRESSED BY THESE PARTICULAR PIECES OF LEGISLATION AND IT ADDRESSES THE ISSUE OF USING A FIREARM IN THE COMMISSION OF A FELONY. AS FAR AS THE MANDATORY MINIMUMS ARE CONCERNED, YOU HAVE TO...THE JUDGE REGARDLESS OF HOW HE FEELS, AND WE PAY THESE PEOPLE GOOD MONEY TO UNDERSTAND WHAT THEY'RE DOING AND TO DO JUSTICE, HE'S GOT TO IMPOSE A MANDATORY MINIMUM. WE HAVE GOOD PEOPLE AS DISTRICT JUDGES. MOST OF THEM HAVE BEEN APPOINTED BY VERY CONSERVATIVE GOVERNORS. MOST OF THEM ARE HIGHLY CONSCIOUS... [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR SCHUMACHER: ...OF WHAT GOES ON IN THEIR COMMUNITIES. AND I HAVE HAD THEM COME TO ME AND SAY, LOOK IT, THERE ARE TIMES WHEN WE WANT TO SEND SOMEBODY TO THE PENITENTIARY, WE THINK IT'S FAIR, BUT WE DO NOT THINK THE MANDATORY MINIMUM IS FAIR, BUT WE HAVE NO CHOICE IN THE MATTER. IN FACT, THE ONLY OTHER CHOICE WE HAVE IS TO BACK OFF FROM A SENTENCE TO THE PENITENTIARY AND PUT THEM ON PROBATION IN ORDER TO AVOID SOME OF THAT SITUATION. THESE ARE NOT DAY AND NIGHT KIND OF THINGS THAT MAKE A BIG DIFFERENCE IN CRIME CONTROL. WE HAVE REALLY TOUGH LAWS. WE HAVE REALLY GOOD JUDGES. WE HAVE REALLY LONG SENTENCES IN THE SYSTEM ALREADY. THESE ARE LEVERAGE TOOLS AND PROBABLY THAT NEEDS TO BE PART OF OUR DEBATE... [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

Floor Debate
April 15, 2015

SENATOR SCHUMACHER: ...TODAY WHETHER OR NOT WE WANT TO REMOVE THIS... [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR SCHUMACHER: TIME. THANK YOU. [LB173]

SPEAKER HADLEY: SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB173]

SENATOR SCHNOOR: THANK YOU, SIR. AS I HAD SAID YESTERDAY AFTERNOON KIND OF AT THE END OF THE DAY, THERE'S A LOT OF THIS STUFF THAT I JUST FLAT OUT DON'T UNDERSTAND. BUT THIS ISN'T ONE OF THEM. YOU KNOW, THIS IS NOTHING MORE THAN A TOOL TO REDUCE PRISON POPULATION. THAT'S ALL IT IS. AND WE'RE TARGETING THE SMALLEST YET SOME OF THE MOST VIOLENT PRISONERS TO REDUCE OUR POPULATION, OR I SHOULDN'T SAY OUR POPULATION, THEIR POPULATION IN PRISON. AND I THINK THAT IS A VERY, VERY BAD IDEA. SENATOR CHAMBERS MENTIONED YESTERDAY I THINK THERE'S...I THINK HE SAID, AND I MIGHT HAVE THE NUMBER WRONG BUT IT'S PRETTY CLOSE, 284 FELONY CRIMES, I THINK THAT WERE LISTED. SOMETHING LIKE THAT, CLOSE ENOUGH. AND WE'RE NARROWING THAT DOWN TO NINE, NINE VIOLENT CRIMES. WE'VE TAKEN AWAY THE LEVERAGE AND THE TOOLS THAT OUR PROSECUTORS NEED TO USE AGAINST THESE CRIMINALS TO HOLD THEM ACCOUNTABLE FOR THEIR ACTION. AND SO I'M OPPOSED TO THIS. AND I'D LIKE TO PUT A LITTLE BIT DIFFERENT SPIN ON THIS. YOU KNOW, WHEN I WAS IN THE MILITARY, WE WERE HAVING A PROBLEM ON THE OPPOSITE SPECTRUM OF MANNING IN OUR UNIT, SO EVERYBODY WANTED TO CHANGE THE STANDARDS SO WE COULD GET MORE PEOPLE IN. WELL, IN THE OPPOSITE SPECTRUM WE'RE DOING THE SAME THING. WE'RE CHANGING THE STANDARDS SO WE KEEP PEOPLE OUT OF JAIL, AND THAT IS THE WRONG WAY TO DO BUSINESS. AND YOU GOT TO REMEMBER, THESE PEOPLE ARE CRIMINALS. YOU KNOW, I WENT ON THAT PRISON TOUR AND I LOOKED AROUND AND, YEAH, IS PRISON BAD? THERE'S NO DOUBT ABOUT IT. IT SHOULD BE. IT IS PRISON. BUT I LOOKED IN SOME OF THEM PLACES WHERE THEY'RE TALKING ABOUT OVERCROWDING AND I WAS, LIKE, YOU KNOW, THIS ISN'T THAT BAD. THEY GOT A COT, THEY GOT A CONTROLLED ENVIRONMENT THEY'RE SLEEPING IN, THEY GOT THREE HOT MEALS A DAY, THEY GET EXERCISE EVERY DAY. I'VE SLEPT IN A LOT WORSE PLACES AND ATE A LOT WORSE IN MY LIFETIME, SO I ACTUALLY HAVE VERY LITTLE OR NO SYMPATHY FOR THEM. ARE THERE PEOPLE IN THERE THAT SHOULDN'T BE? I'M SURE THERE IS, BUT THAT'S A WHOLE DIFFERENT ISSUE. BUT

Floor Debate
April 15, 2015

WE'RE TALKING ABOUT HABITUAL CRIMINALS, AND I AM DEAD SET AGAINST THIS LEGISLATION AND WE'LL SEE HOW IT GOES, BUT THAT'S HOW I LOOK AT IT. WE'RE CHANGING THE STANDARDS JUST TO REDUCE POPULATION, AND THAT'S A BAD THING TO DO. THANK YOU. [LB173]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD TIME. [LB173]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, I'D LIKE TO ASK SENATOR McCOY A QUESTION IF HE WILL YIELD. [LB173]

SPEAKER HADLEY: SENATOR McCOY, WILL YOU YIELD? [LB173]

SENATOR McCOY: CERTAINLY. [LB173]

SENATOR CHAMBERS: SENATOR McCOY, YOU MENTIONED SOME STATISTICS FROM THE CRIME COMMISSION. WHAT DOES IT SAY ABOUT GUN CRIMES? [LB173]

SENATOR McCOY: I DON'T KNOW SPECIFICALLY, SENATOR CHAMBERS. I DON'T HAVE THAT STATISTIC IN FRONT OF ME AT THE MOMENT. [LB173]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, I DON'T PLAY THAT GAME. I DON'T MENTION A BILL AND SAY IT HAS SOMETHING TO DO WITH THE KIND OF CRIMES WE'RE TALKING ABOUT AND I DON'T HAVE STATISTICS. THE OVERALL CRIME RATE IS DROPPING ALL OVER THE COUNTRY. CONTRARY TO WHAT SENATOR McCOY SAID, I DID ADDRESS WHAT HE SAID. IT'S NOT JUST IN NEBRASKA, BUT WE'RE TALKING ABOUT GUN CRIMES. THAT'S WHAT HE BROUGHT UP, BUT HE HAS NO STATISTICS FROM THE CRIME COMMISSION ON THE VERY TYPE OF CRIME THAT HE SAYS WAS EFFECTIVE WHEN THEY PUT A MANDATORY MINIMUM ON GUN CRIMES. YOU KNOW WHY NO MANDATORY MINIMUM IS NEEDED? FIRST OF ALL, AS SENATOR SCHUMACHER POINTED OUT, A GUN CONVICTION IS CONSECUTIVE. AFTER YOU SERVE TIME FOR THE ORIGINAL UNDERLYING CRIME THEN THE GUN CRIME IS ADDED AFTER THAT, NOT AS A MANDATORY MINIMUM. AND IF A JUDGE WANTS TO KEEP SOMEBODY IN PRISON, THE MAXIMUM IS 50 YEARS. IF THE JUDGE WANTS TO GIVE THAT PERSON ENOUGH TIME SO THAT HE OR SHE CANNOT BE CONSIDERED FOR PAROLE UNTIL AT LEAST FIVE YEARS HAS BEEN SERVED, THEN THE SENTENCE IS 10 TO 50. AND YOU CUT THAT 10 IN HALF AND THE PERSON IS NOT ELIGIBLE FOR PAROLE UNTIL

Floor Debate
April 15, 2015

5 YEARS HAVE ELAPSED. SO WHEN THEY BRING YOU ALL THESE THINGS THEY'RE SAYING, THEY DON'T EVEN UNDERSTAND THE SYSTEM. LOOK AT THE PEOPLE WHO SIGNED ONTO THESE BILLS AND TELL ME ANY ONE OF THEM WHOM YOU THINK IS SOFT ON CRIME AS SENATOR McCOY IS TRYING TO INTRODUCE THE RED HERRING THIS MORNING. THESE BILLS ARE NOT SOFT ON CRIME. CONTRARY TO WHAT SENATOR SCHNOOR SAID, HE KNOWS NOTHING ABOUT IT AS A MANAGEMENT TOOL AND WHAT'S HAPPENING IN THE DEPARTMENT OF CORRECTIONS. SOME OF US SPENT AN ENTIRE SUMMER AND INTO THE FALL ON THAT LR424 COMMITTEE GETTING THIS VERY INFORMATION. THEY'RE TALKING ABOUT STUFF THEY DON'T KNOW, DON'T UNDERSTAND, AND WON'T READ THE MATERIAL AVAILABLE THAT WOULD INFORM THEM. THEY SAY, BUT I'M JUST AGAINST THIS. WELL, THERE ARE JUDGES, AND THAT'S WHY SOME PEOPLE SIGNED ONTO THESE BILLS, THERE ARE JUDGES WHO TALKED TO SOME OF THE SENATORS AND THEY SAID BECAUSE THERE ARE MANDATORY MINIMUMS ON SOME OF THESE OFFENSES I CANNOT GIVE PROBATION WHERE I THINK PROBATION SHOULD EXIST. I DON'T THINK THE PERSON SHOULD DO ANY TIME. SO THEN A DIFFERENT OFFENSE MAY BE INJECTED. AND AS FOR THE PRESSURE, WHAT SENATOR SCHNOOR DOESN'T KNOW IS THAT SIX PEOPLE WERE PRESSURED INTO PLEADING GUILTY TO CRIMES THEY DIDN'T COMMIT--THEY'RE CALLED THE BEATRICE SIX--BECAUSE OF THE THREAT OF THE DEATH PENALTY. PROSECUTORS MISUSE THIS LEVERAGE. AND WHEN WE'RE NOT TALKING ABOUT DEATH PENALTY CASES, THERE ARE DEFENSE ATTORNEYS WHO ACKNOWLEDGE VERY FRANKLY THAT THEY KNEW THEIR CLIENT DID NOT COMMIT A CRIME, BUT BECAUSE THE THREAT OF HABITUAL SENTENCE CRIMINAL WAS OVER THAT CLIENT'S HEAD THE LAWYER WOULD SAY, THEY'RE LIKELY TO CONVICT YOU AND YOU WILL FACE THAT MANDATORY MINIMUM AND THE MAXIMUM IS 60 YEARS. I DON'T BELIEVE YOU DID THE CRIME, BUT WITH THE WAY THINGS ARE DONE HERE AND ESPECIALLY IN DOUGLAS COUNTY... [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: ...PLEAD AND DON'T PLEAD GUILTY, PLEAD NO CONTEST, AND YOU'RE NOT SAYING YOU'RE GUILTY BUT THEY HAVE ENOUGH EVIDENCE PROBABLY TO CONVICT YOU AND THERE ARE PEOPLE WHOM DEFENSE ATTORNEYS, THE PROSECUTOR, AND JUDGES KNOW HAVE PLED TO CRIMES THAT THEY DIDN'T COMMIT, AND IT'S BECAUSE OF THESE POSSIBLE, HARSH PUNISHMENTS. NOW IF YOU FEEL THAT THE DEBATE HAS GONE ON LONG ENOUGH, THEN YOU WILL NOT OFFER ME ANY TIME, BUT IF ANYBODY IS WILLING TO DO IT THERE ARE ADDITIONAL THINGS THAT NEED TO BE SAID, BUT PERHAPS WE CAN GET A VOTE ON THE COMMITTEE AMENDMENT WHICH IS

Floor Debate
April 15, 2015

BEFORE US AT THIS POINT. THE COMMITTEE AMENDMENT SHOULD BE ADOPTED, AND ONE OF THE PEOPLE WHO TESTIFIED FOR THIS BILL WAS DICK CLARK FROM THE PLATTE INSTITUTE. HE'S THEIR DIRECTOR OF RESEARCH, AND HE EMPHASIZED WE ARE NOT SOFT ON CRIME. BUT YOU NOTICE SENATOR McCOY DIDN'T GET THAT TRANSCRIPT AND READ IT TO YOU, DID HE? THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR KRIST, YOU ARE RECOGNIZED. [LB173]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. I HAVE NOT TALKED ABOUT THIS ISSUE YET THIS MORNING, BUT I INTEND TO USE ALL THREE OF MY TIMES OR TO GIVE THE TIME TO SENATOR CHAMBERS TO GIVE THE REST OF YOU AN OPPORTUNITY, WHETHER YOU'RE A DEMOCRAT, REPUBLICAN, YOU THINK YOU'RE SOFT ON CRIME, YOU THINK YOU'RE THE CRIME FIGHTER OF THE METROPOLIS. GO OUT AND TALK TO OUR REPRESENTATIVES FROM THE ACLU, FORMER-SENATOR DANIELLE CONRAD AND MR. ALAN PETERSON. ASK THEM, AS YOU COULD ASK ANY OF US THAT WERE ON LR424, OR ANY OF US THAT SAT WITH CSG AND INVESTED A YEAR AND A HALF OF OUR LIFE LOOKING AT THIS ISSUE IF THIS IS AN IMPORTANT ISSUE TO AVOID THE STATE OF NEBRASKA GETTING INTERFERED WITH IN MAKING DECISIONS BY DOJ AND THE ACLU LAWSUIT. I'M GOING TO TELL YOU THAT IT IS THAT IMPORTANT. THIS MORNING ON ONE OF THE LOCAL RADIO STATIONS, THEY TALKED ABOUT A PRESS CONFERENCE WE HELD IN THE ROTUNDA EARLIER, AND THEY SAID ON THIS PARTICULAR ISSUE, AND I WON'T DILUTE THIS ISSUE WITH THAT, BUT THEY SAID ON THAT ISSUE THE PEOPLE WHO WERE INVOLVED WERE NOT REPUBLICAN ENOUGH, THEY WEREN'T CONSERVATIVE ENOUGH TO FOLLOW THROUGH WITH THE IDEALS. IT MAY BE TRUE, THAT CONFERENCE WAS ON THE DEATH PENALTY. IT MAY BE TRUE, BUT I'M MAKING MY DECISION ON THE DEATH PENALTY BASED UPON MY TRUE CONVICTION OF PRO-LIFE FROM CONCEPTION TO NATURAL DEATH. AND YOU CAN'T CHANGE THAT BECAUSE THAT'S WHAT I BELIEVE IN. I DON'T THINK I'M GOING TO CHANGE SENATOR SCHNOOR'S MIND UNLESS HE GOES OUT AND TALKS TO THE OTHER SIDE OF THE LOBBY AND TALKS TO THE ACLU. LB605 WILL BE IN NEGOTIATION, THE BILL WE PASSED YESTERDAY WITH THE AMENDMENTS. WE'RE GOING TO SIT DOWN AROUND A TABLE, WHATEVER SHAPE A TABLE THAT IS, SENATOR CHAMBERS, AND WE'RE GOING TO HAVE A CONVERSATION ABOUT LB605. AND THIS ISSUE IS GOING TO COME UP AS WELL, BECAUSE THEY HATE THIS JUST ABOUT AS MUCH AS THEY HATE LB605. WE'RE OPENING UP THAT CONVERSATION WITH ALL THOSE FOLKS OUT THERE THAT ARE GOING TO TELL YOU THAT YOU'RE SOFT ON CRIME UNLESS YOU VOTE DOWN LB173. THAT IS NOT

Floor Debate
April 15, 2015

THE CASE. WHAT SENATOR McCOY GAVE YOU, AND IN THE LIST OF VIOLENT CRIMINALS THAT YOU'D NEVER WANT TO SEE ON THE STREET, WHAT WE LEFT OUT OF THIS EQUATION, IT'S A THING CALLED THE PAROLE BOARD. HOW MANY TIMES, GOOGLE IT, HOW MANY TIMES HAS CHARLES MANSON COME UP FOR A PAROLE BOARD AND HOW MANY TIMES HAS HE BEEN DENIED? THE PROBLEM WITH THE COUNTY ATTORNEYS AND THE PROSECUTORS IS THEY HAVE NO FAITH IN THE JUDGES, THEY HAVE NO FAITH IN THE SYSTEM, THEY HAVE NO FAITH IN THE PAROLE BOARD. THIS IS NOT THEM AGAINST THE WORLD. I UNDERSTAND IT'S A TOOL IN THEIR TOOLBOX. FIND ANOTHER TOOL. TAKE THE TIME AND GO OUT AND TALK TO THE OTHER SIDE OF DISNEY WORLD BECAUSE YOU'RE GOING TO HEAR ANOTHER STORY, THE STORY THAT I HEARD OVER AND OVER AGAIN IN THE LAST YEAR AND A HALF. I YIELD THE REST OF MY TIME TO SENATOR CHAMBERS. [LB173 LB605]

SPEAKER HADLEY: SENATOR CHAMBERS, 1 MINUTE AND 20 SECONDS. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KRIST. MEMBERS OF THE LEGISLATURE, I'M TRYING TO SPEAK IN MEASURED TONES AND MEASURED TERMS TODAY BECAUSE THE BILL IS SO VERY IMPORTANT AND WHAT IS BEING DEALT WITH IS CRITICAL. SENATOR McCOY KEEPS... [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: ...TALKING AS THOUGH HE THINKS WE SHOULD LET THAT CSG GROUP WRITE OUR LEGISLATION. I HAVE TO KEEP REPEATING, SEVERAL OF US WERE ON THIS LR424 COMMITTEE AND WE TOOK TESTIMONY. OUR HEARINGS LASTED LONGER THAN THOSE IN THE JUDICIARY COMMITTEE. WE HAD THE OFFICIALS, WE SUBPOENAED THE GOVERNOR. WE HAD EVERYBODY SPEAKING ON THESE ISSUES. ONE REASON THE SCANDAL THAT SENATOR McCOY KNOWS NOTHING ABOUT TOOK PLACE WAS BECAUSE OF, PARTLY, AND TO A GREAT EXTENT THESE MANDATORY MINIMUMS. THEY SKEWED THE METHOD OF CALCULATION TO SUCH AN EXTENT THAT EVEN THOUGH THE NEBRASKA SUPREME COURT POINTED OUT SPECIFICALLY THAT WHEN A MANDATORY MINIMUM SENTENCE... [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB173]

Floor Debate
April 15, 2015

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR EBKE, YOU'RE RECOGNIZED. [LB173]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. AS A NEW MEMBER OF THE JUDICIARY COMMITTEE, I WANT TO THANK SENATORS KRIST, COASH, SEILER, AND CHAMBERS, AND I THINK THAT'S ALL OF THEM, WHO ARE SENIOR MEMBERS ON THE COMMITTEE FOR THEIR SERVICE ON THE LR424 COMMITTEE. I KNOW THERE WERE A NUMBER OF OTHERS THAT WERE THERE AS WELL. BUT THOSE FOUR HAVE DONE A TREMENDOUS AMOUNT IN TERMS OF HELPING THE NEW MEMBERS OF THE COMMITTEE UNDERSTAND THE SCOPE OF THE CORRECTIONS ISSUES THAT WE'RE LOOKING AT. AFTER READING THE LR424 REPORT AND TRYING TO DIGEST ALL OF THE TESTIMONY THAT WE'VE HEARD THIS YEAR ON A NUMBER OF ISSUES, I CAME TO THE CONCLUSION THAT IT REALLY IS NECESSARY FOR US TO TRY THIS NEW PATH, IF YOU WILL. AFTER VISITS TO A COUPLE OF OUR CORRECTIONAL FACILITIES, IT'S CLEAR THAT WE HAVE TO TAKE ACTION. I DON'T KNOW WHETHER THIS IS GOING TO FIX ALL OF THE PROBLEMS, BUT STAYING ON THE PATH THAT WE'RE ON CERTAINLY WON'T. SO WITH THAT IN MIND, I DO RISE IN SUPPORT OF AM472 AND LB173. AND I WOULD YIELD THE REST OF MY TIME TO SENATOR CHAMBERS IF HE WOULD LIKE IT. [LB173]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 3 MINUTES AND 50 SECONDS. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR EBKE. SOME PEOPLE HAD WONDERED YESTERDAY IF I WAS GOING TRY TO EMBARRASS SENATOR McCOY. HE WAS MENTIONED BY NAME BY INTERROGATING HIM ON THESE BILLS. AND YOU KNOW WHAT I TOLD THEM? I'M NOT INTERESTED IN EMBARRASSING HIM. WHY SHOULD I ASK HIM QUESTION ABOUT AN AREA THAT I KNOW HE HASN'T SPENT TIME IN? I COULD DO THAT TO ANYBODY ON THIS FLOOR. SO THAT IS NOT MY INTENT AND IT'S NOT WHAT I WILL DO. THE ONLY QUESTION I ASKED HIM WAS ON INFORMATION THAT HE BROUGHT HIMSELF. AND IT SHOWED FROM MY QUESTION OR TWO THAT HIS INFORMATION HAD NO RELEVANCE WHATSOEVER TO WHAT THESE BILLS DEAL WITH. THEY WERE TALKING ABOUT GUN CRIMES. AND I WASN'T OFFENDED BECAUSE THEY PASSED THEM WHEN I WASN'T HERE. I WAS OFFENDED THAT THEY WAITED UNTIL I WAS GONE TO BRING THIS NONSENSICAL KIND OF LEGISLATION AND WERE ABLE TO GET IT BECAUSE NOBODY ON THE FLOOR WOULD STAND AGAINST IT IN THE WAY THAT I DO. EVEN NOW I'M THE ONE WHOSE NAME IS ON THESE BILLS BECAUSE WE KIND OF PARCELLED OUT THE

Floor Debate
April 15, 2015

MATERIAL AND THE TASKS. SENATOR SEILER INDICATED THAT I WOULD BE THE ONE ON THE COMMITTEE WHO WOULD ADDRESS THE ISSUE OF SENTENCING. AND I AGREED. ONE PERSON WOULD HAVE A VERY DIFFICULT TIME ADDRESSING ALL OF THE CORRECTIONS-RELATED ISSUES, THE SENTENCING-RELATED ISSUES. SO MAYBE UNLIKE THE WAY OTHER COMMITTEES WORK, WE KIND OF SHARE THE BURDEN AND THOSE WHO ARE ABLE TO CARRY IT WILL DO SO. MY NAME IS ON THESE BILLS. LOOK IN YOUR BILL BOOK AT THE GREEN COPY OF LB172 AND LB173 AND SEE WHO ON THERE WHO YOU WOULD GO TO AND SAY YOU'RE SOFT ON CRIME. WE HAVE TO ADDRESS AN ISSUE. NO SINGLE THING WE CAN DO IS GOING TO SOLVE THE ENTIRE PROBLEM. WHEN YOU HAVE AN ENGINE AND THERE ARE NUMEROUS MOVING PARTS, MAYBE SOME OF THE PROBLEM INVOLVES BALL BEARINGS. VERY SMALL ITEMS, RELATIVELY SMALL IMPACT IN TERMS OF THEIR QUANTITY ON THAT ENGINE. BUT IF THEY ARE NOT WORKING, IF THEY'RE LOPSIDED... [LB173 LB172]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: ...IF THEY'RE WORN... YOU SAID TIME? [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: OH, THANK YOU... YOU DEAL WITH THAT PART OF THE PROBLEM. FIXING THE BALL BEARINGS IS NOT GOING TO DEAL WITH EVERY PROBLEM. MAYBE THERE'S A BALL JOINT THAT IS OUT OF JOINT. AND YOU FIX THAT. THEN YOU FIND THAT THE CLUTCH IS WORN OUT. YOU FIX THAT. NO ONE OF THESE THINGS IS RESPONSIBLE FOR ALL OF THE PROBLEMS. BUT WHEN YOU PUT THEM TOGETHER, YOU HAVE AN ENGINE THAT IS NOT FUNCTIONING AS THE UNIT IT IS DESIGNED TO BE BY PUTTING ALL OF THESE PARTS TOGETHER AND HAVE THEM WORK IN SYNC. THE DEPARTMENT OF CORRECTIONAL SERVICES IS A COMPLEX AGENCY. MANY PROBLEMS HAVE BEEN ALLOWED TO FESTER AND THEN EXPLODE, THANKS TO THE WORLD-HERALD'S EXPOSE AND WE ARE PIECEMEALING IT, UNDOUBTEDLY. WE'RE TAKING IT PIECE-BY-PIECE... [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR CHAMBERS: ...AND THIS IS ONE OF THOSE. THANK YOU, MR. PRESIDENT. [LB173]

Floor Debate
April 15, 2015

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB173]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. IN THE INTEREST OF KEEPING THIS DEBATE ALIVE, I TURNED ON MY LIGHT. I WILL TURN IT ON AGAIN AND YIELD THAT TIME TO SENATOR CHAMBERS. I WOULD LIKE TO YIELD THIS TIME TO SENATOR McCOY. [LB173]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 4 MINUTES AND 45 SECONDS. SENATOR McCOY WAIVES. SENATOR KRIST, YOU'RE RECOGNIZED. [LB173]

SENATOR KRIST: THANK YOU, MR. PRESIDENT, AND AGAIN GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. IF YOU LOOK AT YESTERDAY'S AGENDA, THERE IS...AT 1:30 TIME FRAME, THERE'S LB605, LB598, AND LB173. SENATOR CHAMBERS ACCURATELY DESCRIBED THE DIVISION OF RESPONSIBILITY THAT CAME FROM A CULMINATION OF ABOUT A YEAR AND A HALF WORTH OF WORK BY CSG, BY THE JUSTICE REINVESTMENT GROUP OF NEBRASKA, WHICH IS COMPRISED OF EVERY PERSON WHO IS A STAKEHOLDER-- SENATORS, JUDGES, CORRECTIONS OFFICIALS, THE JUDICIARY, CHAIRED BY THE SPEAKER; THEN SENATOR ADAMS, SENATOR ADAMS AS THE SPEAKER; THE CHIEF JUSTICE, MIKE HEAVICAN; AND THEN THE GOVERNOR. I WOULD BRING TO YOUR ATTENTION THAT THE ATTORNEY GENERAL'S OFFICE AT THAT TIME WAS INVOLVED IN THE JUSTICE REINVESTMENT. AND THAT THE GOVERNOR AT THAT TIME WAS INVOLVED IN JUSTICE REINVESTMENT. AND TOWARDS THE END OF THE CSG PROCESS, WE, THE SENATORS, ASKED FOR THE NEW AG, AFTER THE ELECTION RESULTS WERE COMPLETE AND CERTIFIED IN NOVEMBER, WE ASKED FOR THE NEW AG AND THE NEW GOVERNOR TO BECOME INVOLVED. THAT DID NOT HAPPEN. IT DID NOT HAPPEN BECAUSE I'M PRETTY SURE THAT JON BRUNING BEING AS INVOLVED AS HE WAS AND CULPABLE AS HE WAS IN TERMS OF HIS OFFICE AND THE GOVERNOR DID NOT WANT TO BRING THE NEW FOLKS IN TO THE MELEE. AND I'LL DESCRIBE IT NO OTHER WAY. SO WHAT WE'RE FACED WITH RIGHT NOW BACK IN DISNEY WORLD BACK HERE ARE PEOPLE THAT...WHEN YOU GO OUT TO TALK TO THEM, ASK THEM IF THEY'VE READ THE JUSTICE REINVESTMENT REPORT OR LR424 REPORT. I VENTURE TO GUESS THAT YOU MAY HAVE 10, 15, 20 PERCENT OF THEM. I KNOW FROM MY CONVERSATIONS WITH THE AG'S OFFICE, NOT THE AG, BUT THE AG'S OFFICE, THAT THEY HAVE NOT DIGESTED THE MATERIAL THAT'S IN BOTH OF THOSE REPORTS. YET THEY WANT TO TRY TO TELL YOU--YOU, THE PEOPLE IN THIS CHAMBER WHO ARE THE POLICYMAKERS FOR THIS STATE--HOW YOU SHOULD VOTE. IF YOU HAVEN'T READ LR424 OR THE JUSTICE REINVESTMENT IN NEBRASKA REPORT, I WOULD

Floor Debate
April 15, 2015

INVITE YOU TO DO THAT AS WELL. I WOULD ALSO INVITE YOU TO TRUST THAT THAT GROUPING WAS NOT BY ACCIDENT. IT WAS PUT ON THIS AGENDA BECAUSE IT ADDRESSES ALL OF THE CONCERNS OVER THE PAST YEAR AND A HALF OF LR424 AND THE CSG STUDY, WHICH IS ALSO REFERRED TO AS THE JUSTICE REINVESTMENT IN NEBRASKA. THE GROUP THAT WILL SIT DOWN AND TRY TO NEGOTIATE FURTHER ON WHAT THOSE POLICIES WILL LOOK LIKE WILL INCLUDE THE SPEAKER, IT'LL INCLUDE THE CHAIR OF THE JUDICIARY COMMITTEE, IT'LL INCLUDE MANY MEMBERS THAT WERE ON BOTH OF THOSE COMMITTEES. I AM ASKING YOU, PERSONALLY, TO TRUST A YEAR AND A HALF'S WORTH OF WORK, TO MOVE AM472, TO MOVE LB173 FROM GENERAL TO SELECT, AND ALLOW US TO TALK ABOUT THE ENTIRE PACKAGE AS WE MOVE FORWARD. THERE ARE DIRE CONSEQUENCES IF WE DO NOT DO THAT. [LB173 LB605 LB598]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR KRIST: I WOULD YIELD THE BALANCE OF MY TIME, I KNOW IT'S ONLY ONE MINUTE, TO SENATOR CHAMBERS IF HE WISHES, AND I'LL GIVE HIM THE NEXT TIME AS WELL. [LB173]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED, ONE MINUTE. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KRIST. I HAVE TO BE OBSERVANT, BROTHERS AND SISTERS, OF THE ENVIRONMENT I'M IN. YESTERDAY, WE HAD A LONG DISCUSSION ALL AFTERNOON AND ALMOST EVERYBODY WAS HERE. DO YOU SEE HOW MANY ARE MISSING TODAY? IT'S BECAUSE MY NAME IS ON THESE BILLS. THAT ACCOUNTS FOR IT. THIS IS A VERY IMPORTANT ISSUE. THAT'S WHY I TELL YOU I KNOW THE LOW REGARD THAT I'M HELD IN HERE, I KNOW THE LACK OF ESTEEM. BUT I AGREED TO HANDLE THESE BILLS IN A SEMIREPRESENTATIVE CAPACITY. AND THAT'S WHY I'M BEING CAREFUL WHAT I SAY. THIS IS NOT A DISPUTE BETWEEN ME AND SENATOR McCOY. WE CAN DO THAT ON OTHER THINGS. BUT EVEN THOUGH MY NAME IS ON THESE BILLS, THEY ARE NOT MY BILLS. I'M DOING THIS AS A PART OF AN OVERALL PLAN. [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB173]

Floor Debate
April 15, 2015

SPEAKER HADLEY: SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB173]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, SENATORS. I'M LOOKING FORWARD TO LEARNING MORE THIS MORNING WITH THIS DISCUSSION. AND FROM THAT VIEWPOINT, I YIELD THE REST OF MY TIME TO SENATOR CHAMBERS. THANK YOU. [LB173]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 4 MINUTES AND 45 SECONDS. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KOLOWSKI. AS QUIET AS IT'S KEPT, AS THEY SAY ON THE STREET, SENATOR KOLOWSKI AND I HAD A CHANCE TO WORK WITH EACH OTHER ON THE LEARNING COMMUNITY AND GOT TO KNOW QUITE A BIT ABOUT EACH OTHER. AND HE IS A WELL-READ, HIGHLY EXPERIENCED, VERY THOROUGH INDIVIDUAL AND DOES WELL WHATEVER HE SETS HIS HAND TO, AND THAT WAS DEMONSTRATED BY HIM DECIDING TO GIVE TIME TO ME. (LAUGHTER) BUT AS I WAS EXPLAINING WHAT I'M DOING HERE, IF YOU KILL THESE BILLS, YOU DON'T HURT ME AT ALL. I DID NOT EVEN COME UP WITH THE IDEA OF BRINGING THE BILLS. I WAS REQUESTED TO DO SO. I DO HAVE A LOT OF THINGS TO SAY ON VARIOUS ISSUES ON MY OWN. AND AT THAT TIME I DON'T MIND RIPPING, SLASHING, TEARING, GIVING NO QUARTER AND ASKING NO QUARTER. BUT WHEN I AGREE TO SPEAK ON BEHALF OF A CAUSE, IF YOU WILL, OR IN PLACE OF OTHERS WHO ARE HANDLING OTHER DIFFICULT, COMPLICATED ASPECTS OF AN ISSUE, THEN I OWE IT TO THEM TO GIVE THE BEST THAT I CAN SO AT LEAST I DON'T HURT THE CAUSE EVEN THOUGH I MAY NOT BE ABLE TO HELP IT. THIS MORNING, WE WHO HAVE STUDIED THESE ISSUES, HAVE INVITED PEOPLE TO READ THE REPORTS THAT WERE GENERATED. WHY SHOULD ALL THAT TIME BE GIVEN TO COLLECT THE INFORMATION, THE LR424 COMMITTEE SUBPOENAED LITERALLY, IN THE LITERAL SENSE OF THAT WORD WHICH IS MISUSED, THOUSANDS OF DOCUMENTS. SOME OF THE AGENCIES WERE NOT OF A MIND TO BE COOPERATIVE. SO IT'S LIKE SOMEBODY TAKING A LOT OF PAPER AND PUTTING IT IN A BUSHEL BASKET AND SHAKING IT UP, AND THEN GIVING IT TO YOU AND SAY, HERE IT ALL IS. THERE WERE OTHER COMMITTEES OF THIS LEGISLATURE, THE CHAIRPERSONS OF WHICH ALLOWED SOME OF THEIR STAFF MEMBERS TO COOPERATE IN CULLING THAT INFORMATION. EVEN THOUGH THEY ATTEMPTED TO CONCEAL SOME OF IT THROUGH THE SHEER VOLUME OF WHAT THEY JUST GAVE, SO MUCH THAT IT WAS INCRIMINATING WAS UNCOVERED AND WAS GOING TO BE UNCOVERED THAT THE TWO LEAD STAFF ATTORNEYS FOR THE CORRECTIONS DEPARTMENT QUIT. THEY QUIT. THE

Floor Debate
April 15, 2015

DIRECTOR IS NO LONGER THERE, THE DEPUTY DIRECTOR. ANOTHER DEPUTY DIRECTOR NAMED HOPKINS QUIT. WEILAGE, THAT PSYCHOLOGIST WHO WITHHELD THAT INFORMATION WHICH COMPRISED THE REPORT OF THE PSYCHIATRIST. WEILAGE WAS A PSYCHOLOGIST. A PSYCHIATRIST HAS A MEDICAL DEGREE FIRST. MADE A PSYCHIATRIC CONCLUSION AND DIAGNOSIS ABOUT NIKKO JENKINS, AND WEILAGE CONCEALED IT. HE CONCEALED IT AND HE ADMITTED IT UNDER MY QUESTIONING. HE ALSO ADMITTED, AND IF SENATOR McCOY WANTS TO READ THOSE... [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: ...TRANSCRIPTS, HE'LL SEE WHERE WEILAGE ACKNOWLEDGED THAT HAD THAT INFORMATION BEEN PLACED IN THE RIGHT HANDS, IT IS LIKELY THAT THERE WOULD HAVE BEEN CONVENED A MENTAL HEALTH COMMITTEE, NIKKO JENKINS WOULD HAVE BEEN CONFINED, AND THOSE FOUR PEOPLE WOULD NOT HAVE DIED. HE HAD TO ACKNOWLEDGE THAT; OTHERS DID TOO. SO WE WORKED VERY HARD. WE WORKED IN A METICULOUS FASHION. AND THIS LEGISLATION IS THE OUTGROWTH OF THAT WORK. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB173]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF AM472 AND THE UNDERLYING BILL, LB173. I AM RISING TO JUST POINT OUT THAT IN THIS BODY, DUE TO THE TERM LIMITS, WE CAN EITHER DISREGARD ALL THE WORK DONE BY PREVIOUS LEGISLATIVE BODIES AND ALL OF THE STUDIES THAT WERE DONE, OR WE CAN GO FORWARD AND REALIZE THAT MANY PEOPLE WERE INVOLVED IN IT. THE PEOPLE THAT WERE INVOLVED IN IT SUPPORT THE STUDY, AND THE PEOPLE THAT WERE INVOLVED THE WHOLE TIME HAVE VERY GOOD REASONS WHY THE PARTS OF THE STUDY THAT SOME PEOPLE ARE QUESTIONING ARE VALUABLE. THEN WE HAVE PEOPLE IN HERE THAT SAY, OH, NO, I DON'T LIKE THAT, SOME PEOPLE OUTSIDE ARE TELLING ME THAT'S NOT RIGHT. WELL, AS A LEGISLATURE, THE LEGISLATURE DETERMINED THAT THEY WOULD PAY FOR THE CSG STUDY AND THE LR424 STUDY AND THAT WE WOULD GO FORWARD. WHAT'S THE POINT OF THOSE STUDIES IF WE'RE GOING TO DISREGARD EVERY SINGLE THING THAT COMES OUT OF THERE? IT JUST DOESN'T EVEN MAKE ANY SENSE. AGAIN, SENATOR SEILER, CHAIRMAN SEILER, PASSED OUT A REPORT FROM CSG, PAGES 34 AND 33, AND I WOULD JUST DIRECT YOU TO THAT PIECE OF PAPER, AND IT TALKS ABOUT THE FACT THAT ADMISSIONS VOLUMES AMONG ALL OFFENSE

Floor Debate
April 15, 2015

LEVELS HAVE INCREASED, ESPECIALLY AMONG LEVELS WITH LONGER OFFENSES...OR SENTENCES, EXCUSE ME. AND, AGAIN, WE CAN DETERMINE THAT WE'RE JUST GOING TO BE TOUGH ON CRIME, THROW AWAY THE KEY. OR WE CAN DETERMINE THAT WE'RE GOING TO BE SMART ON CRIME. AND THAT'S WHAT THE BILLS ARE TRYING TO DO. THEY'RE TRYING TO SAY ON SOME OF THE NONVIOLENT OFFENSES, WE DON'T NEED TO PUT SOMEBODY IN FOR 30 YEARS AND KEEP THEM OUT OF THE PUBLIC. THAT IS NOT BEING SMART ON CRIME. I HAVE A CASE THAT WAS SENT TO ME THAT WAS ON A FORGERY MATTER. AND A WOMAN WAS GIVEN TEN TO TEN YEARS. NOW THIS DEALS WITH THE ONE-THIRD RULE THAT WE DISCUSSED YESTERDAY AS WELL. AGAIN, A WOMAN IS BEING PUT AWAY FOR A MINIMUM OF TEN YEARS BECAUSE OF FORGERY. I THINK THAT THAT MEANS WE'RE USING A BED. IT DOESN'T MEAN SHE'S JUST HANGING OUT IN THE PRISON. THAT MEANS WE'RE PROVIDING SERVICES TO THAT PERSON IN JAIL BECAUSE SHE'S SUCH A THREAT AND DANGER TO OUR SOCIETY. SHE'S A DANGER TO MY POCKETBOOK AND YOUR POCKETBOOK AND WE NEED TO SET SOME SORTS OF STANDARDS TO BE ABLE TO DEAL WITH THAT. BUT DO WE REALLY WANT TO BE FILLING OUR PRISONS WITH PEOPLE THAT ARE DOING THINGS THAT ARE NOT VIOLENT? I DON'T THINK THAT'S PROTECTING THE PUBLIC SAFETY. IT'S PROTECTING THE ALMIGHTY DOLLAR AND THERE'S SOME VALUE TO THAT. BUT THERE ARE OTHER WAYS TO DEAL WITH IT RATHER THAN PAYING FOR HER TO SPEND TEN YEARS IN PRISON BECAUSE OF A FORGERY MATTER. AGAIN, I THINK THAT WE NEED TO BE SMART ON CRIME. WE NEED TO LOOK AT WAYS TO DO THINGS. THERE HAS TO BE SOME TRUST IN THIS BODY OR THERE'S NO REASON TO EVER DO A STUDY AGAIN. THERE'S NO REASON TO EVER HAVE ANOTHER LR PROPOSING A STUDY BECAUSE YOU DON'T...EVEN THOUGH IT WAS VOTED ON BY THE BODY, THE DETERMINATION IS, OH, WELL, ACTUALLY IT'S NOT VALID. AND THEN AFTER THE STUDY, OUR COMMITTEE WITH FIVE NEW MEMBERS WAS ALSO CONVINCED THAT THIS WAS A VALUE. BUT, AGAIN, THE PEOPLE SITTING HERE SAY, OH, WELL REALLY, IT'S NOT ANY GOOD, YOU DON'T UNDERSTAND WHAT IT WAS ABOUT. WELL, I GUESS MAYBE WE DIDN'T UNDERSTAND WHAT IT WAS ABOUT. MAYBE IF YOU'RE RIGHT, THEN WE SHOULD JUST FORGET HAVING STUDIES AT ALL. WE SHOULD FORGET HAVING ANYBODY IN REVENUE TELL US WHAT THEY THINK ABOUT A CERTAIN THING. WE SHOULD FORGET WHAT REVENUE OR WHAT THE NATURAL RESOURCES COMMITTEE DOES. [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR PANSING BROOKS: NONE OF THIS IS OF ANY VALUE BECAUSE WE ALL KNOW NOTHING. THAT JUST DOESN'T EVEN MAKE ANY SENSE. PLEASE BELIEVE

Floor Debate
April 15, 2015

SOME OF THE PEOPLE THAT HAVE BEEN STUDYING THIS. WE'RE STUDYING IT SERIOUSLY. WE BELIEVE IN THE IMPORTANCE OF BEING SMART ON CRIME, OF NOT BUILDING PRISON AFTER PRISON AFTER PRISON. WE HAVE TO DO SOMETHING TO MAKE SURE THAT OUR COMMUNITIES ARE SAFE, AND THAT WE'RE NOT JUST THROWING DOLLARS AWAY TO THAT PRISON SYSTEM. AND THAT'S WHAT'S HAPPENING RIGHT NOW. I GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. THANK YOU. [LB173]

SPEAKER HADLEY: YOU'RE YIELDED 25 SECONDS, SENATOR CHAMBERS. SENATOR CHAMBERS WAIVES. THOSE IN THE QUEUE ARE SENATORS BLOOMFIELD, BRASCH, KRIST, JOHNSON, AND OTHERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB173]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. AS I SAID I WOULD, I YIELD MY TIME TO SENATOR CHAMBERS. [LB173]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED FIVE MINUTES. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. MEMBERS OF THE LEGISLATURE, I HAVE SAID REPEATEDLY--AND IN THE SAME WAY THAT OTHER THINGS ARE DISREGARDED THAT I SAY, PERHAPS THIS WAS, TOO--I POINTED OUT THAT PEOPLE COME HERE WITH DIFFERENT EXPERIENCES, WITH KNOWLEDGE IN FIELDS THAT ARE NOT OURS, AND THEY SHOULD FEEL AN OBLIGATION TO SHARE THAT INFORMATION WITH US SO AS WE DEAL WITH ISSUES ABOUT WHICH THEY HAVE INFORMATION, WITH WHICH THEY HAVE EXPERIENCE, CAN BE MORE COMPETENTLY AND CAPABLY HANDLED. NOW THAT SENATOR McCOLLISTER IS BACK, I'D LIKE TO ASK HIM A QUESTION OR TWO. [LB173]

SPEAKER HADLEY: SENATOR McCOLLISTER, WILL YOU YIELD? [LB173]

SENATOR McCOLLISTER: YES, INDEED. [LB173]

SENATOR CHAMBERS: SENATOR McCOLLISTER, NONE OF THESE ARE WHAT THEY CALL "GOTCHA" QUESTIONS. ARE YOU FAMILIAR WITH THE PLATTE INSTITUTE? [LB173]

Floor Debate
April 15, 2015

SENATOR McCOLLISTER: I AM, INDEED, YES, I AM. [LB173]

SENATOR CHAMBERS: HOW ARE YOU FAMILIAR WITH IT? [LB173]

SENATOR McCOLLISTER: I WAS THE EXECUTIVE DIRECTOR FOR FOUR YEARS. AND I'D EXPAND THE ANSWER BY SAYING THAT WE STUDIED THIS VERY ISSUE AND USED A GROUP OUT OF TEXAS CALLED RIGHT ON CRIME, R-I-G-H-T. AND WE TOOK THE POSITION THAT, WITH CRIME STATISTICS ACTUALLY GOING DOWN AND OUR PRISON POPULATION GOING UP, IT'S TIME THAT WE DID SOMETHING ABOUT IT. AND WE'RE...WE ADVOCATED DOING EXACTLY WHAT THIS BILL INDICATES WE SHOULD DO. [LB173]

SENATOR CHAMBERS: SENATOR McCOLLISTER, YOU ANTICIPATED ME, BUT I'M GOING TO ASK MY QUESTIONS FOR THE SAKE OF THE RECORD. ARE YOU FAMILIAR WITH A YOUNG MAN, AND HE IS YOUNG, NAMED DICK CLARK? [LB173]

SENATOR McCOLLISTER: OH, YES, I AM. [LB173]

SENATOR CHAMBERS: HOW ARE YOU FAMILIAR WITH HIM? [LB173]

SENATOR McCOLLISTER: HE WAS EMPLOYED BY THE PLATTE INSTITUTE, BUT NOT DURING THE TIME THAT I WAS THE EXECUTIVE DIRECTOR. [LB173]

SENATOR CHAMBERS: AND HE CURRENTLY IS THE DIRECTOR OF RESEARCH, ARE YOU AWARE OF THAT? [LB173]

SENATOR McCOLLISTER: ACTUALLY, HE'S TAKEN ANOTHER JOB, SO HE ISN'T AT THAT POSITION ANY LONGER. [LB173]

SENATOR CHAMBERS: BUT HE WAS AT THAT POSITION AND HE REPRESENTED THE POSITION OF THE PLATTE INSTITUTE ON THIS BILL THAT YOU JUST ARTICULATED. SO, WOULD THAT SURPRISE YOU THAT HE SPOKE FOR THE BILL? [LB173]

SENATOR McCOLLISTER: NO, NOT AT ALL. AND I'M GLAD THEY DID SUPPORT THE BILL AND THE GENERAL THRUST OF WHAT YOU'RE DOING WITH THE BILL THAT

Floor Debate
April 15, 2015

WE DISCUSSED YESTERDAY AND THE BILL THAT WE'RE ENGAGED WITH THIS MORNING. [LB173]

SENATOR CHAMBERS: WOULD YOU SAY...THIS PAPER INDICATES MAIN POINTS THAT INDIVIDUALS WHO TESTIFIED MADE. ONE POINT HE EMPHASIZED IS, QUOTE, WE ARE NOT SOFT ON CRIME, MEANING THE PLATTE INSTITUTE. IS THAT AN OPINION YOU SHARE? [LB173]

SENATOR McCOLLISTER: IT CERTAINLY IS AND I THINK VIOLENT CRIMINALS NEED TO BE IN PRISON, THOSE PEOPLE THAT THREATEN PUBLIC SAFETY. BUT THOSE WHITE-COLLAR CRIMINALS THAT DON'T POSE A THREAT TO SOCIETY SHOULD BE ANYPLACE BUT PRISON. [LB173]

SENATOR CHAMBERS: THANK YOU. THAT'S ALL I WILL ASK. AND FOR THOSE WHO ARE GIVING ME TIME, IN ORDER THAT WE CAN SEE WHAT WILL BE DONE WITH THE COMMITTEE AMENDMENT, BECAUSE THAT'S WHAT WE'RE DISCUSSING, I DON'T NEED ANY MORE TIME, ALTHOUGH I'D HAVE MORE TO SAY ON THE BILL. BUT WE ARE ON THE COMMITTEE AMENDMENT. I APPRECIATE THE TIME THAT WAS GIVEN TO ME. I HOPE THAT ENOUGH HAS BEEN SAID, NOT JUST BY ME, BUT TO SHOW THAT THE COMMITTEE AMENDMENT OUGHT TO BE ADOPTED. THAT COMMITTEE AMENDMENT COMPRISES THE CONTENTS OF LB172. AND THE GREEN COPY IS IN YOUR BOOK BUT THERE WILL BE NO COMMITTEE STATEMENT BECAUSE THAT BILL WAS NOT ADVANCED. IT WAS CONVERTED INTO THE AMENDMENT WHICH IS BEFORE YOU NOW AS THE COMMITTEE AMENDMENT TO LB173. [LB173 LB172]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: AND I HOPE WE WILL ADOPT THIS COMMITTEE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR BRASCH, YOU ARE RECOGNIZED. [LB173]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND GOOD MORNING, COLLEAGUES. I RISE WITH SOME CONCERNS ON LB173 AND I WILL ASK SENATOR CHAMBERS TO YIELD TO A QUESTION HERE, PLEASE. [LB173]

Floor Debate
April 15, 2015

SPEAKER HADLEY: SENATOR CHAMBERS, WILL YOU YIELD TO A QUESTION?
[LB173]

SENATOR CHAMBERS: YES, I WILL. [LB173]

SENATOR BRASCH: THANK YOU, SENATOR CHAMBERS. I HAVE QUESTIONS ON SOME OF THE SECTIONS THAT YOU DID STRIKE OUT. AND IT SAYS--FIRST OF ALL, IT'S SECTION 1, ITEM B--YOU'RE SAYING THAT, FOR THE PURPOSES OF THIS SECTION, YOU DEFINE WHAT VIOLENT CRIME MEANS. YOU'RE DEFINING THAT AND THEN YOU'RE ALSO STRIKING OUT THAT, WHEN YOU GO TO LINE 21, IF THE FELONY COMMITTED IS IN VIOLATION OF SECTION 28-303, BASICALLY, JUST FOR EVERYONE LISTENING, YOU'RE STRIKING OUT ASSAULT IN THE SECOND DEGREE; YOU'RE ALSO STRIKING OUT ARSON; YOU'RE ALSO STRIKING OUT THE ASSAULT OF AN OFFICER AND EMERGENCY RESPONDER; EMPLOYEES OF HEALTHCARE PROFESSIONS; AND USING EXPLOSIVES TO COMMIT A FELONY. CAN YOU EXPLAIN WHY YOU'RE NOT CONSIDERING THAT AS VIOLENT CRIMES? [LB173]

SENATOR CHAMBERS: THEY ARE VIOLENT CRIMES, BUT THIS SITUATION THAT WE'RE TALKING ABOUT ON THE MANDATORY MINIMUMS LEAVES IT UP TO THE JUDGE'S DISCRETION. SOME OF THOSE OFFENSES HAVE A MAXIMUM AS HIGH AS 50 YEARS. WITHOUT THE ONE-THIRD RULE, A JUDGE CONCEIVABLY COULD GIVE A FLAT 50-YEAR SENTENCE AND THE PERSON WOULD HAVE TO SERVE 25 YEARS. THE BOTTOM...THERE IS NO MINIMUM. BUT YOU CUT THAT IN HALF AND IT'S 25, YOU LOWER THE TOP IN HALF AND THAT'S 25, SO THE ELIGIBILITY DATE FOR CONSIDERATION FOR PAROLE AND THE MANDATORY RELEASE DATE ARE EXACTLY THE SAME. SO UNDER THE LAW WITHOUT THESE MANDATORY MINIMUMS, A JUDGE CAN KEEP A PERSON IN PRISON FOR A LONG TIME. AND SOME OF THE PEOPLE SENDING THESE THINGS IN TO YOU ALL ARE TRYING TO MISLEAD YOU BECAUSE THEY KNOW HOW HARSH A PUNISHMENT A JUDGE CAN SENTENCE WITHOUT THESE MANDATORY MINIMUMS, AND THAT'S WHAT WAS HAPPENING BEFORE THEY STARTED PUTTING THEM IN AFTER I GOT OUT OF THE LEGISLATURE. [LB173]

SENATOR BRASCH: THANK YOU, SENATOR CHAMBERS. I APPRECIATE YOUR EXPLANATION OF THAT. AND NEXT I WANTED TO ADDRESS SENATOR PANSING BROOKS'S CONCERN ABOUT THE LEGISLATURE ENGAGING IN STUDIES. YES, YOU'RE CORRECT, WE DO ENGAGE IN STUDIES, PRIVATELY CONTRACTED STUDIES, BUT IT IS UP TO THE BODY MOVING FORWARD, AND IT WON'T BE THE FIRST TIME THAT A STUDY IS NOT FOLLOWED. WELCOME TO THE LEGISLATURE.

Floor Debate
April 15, 2015

YOU KNOW, THERE IS A CONCERN WITH THAT BECAUSE THIS IS...YOU KNOW, WE HAD THE WATER STUDIES, THE TAX MODERNIZATION STUDY, AND THERE WILL BE OTHERS MOVING FORWARD, BUT THEY ARE RECOMMENDATIONS. AND YESTERDAY I JUST LISTENED TO ALL OF THE DIALOGUE. YOU KNOW, I DO HAVE CONCERNS THAT CRIME IS RISING, NOT JUST IN NEBRASKA BUT ACROSS THE NATION. I'VE BEEN PULLING UP INFORMATION ON THE INTERNET FOR THE LAST HOUR OR MORE ON THE GROWTH, THE STATES WHERE WE'VE SEEN CRIME GROWING, PRISON OVERCROWDING. YOU KNOW, WE DO HAVE ISSUES THERE. MY FOCUS HAS BEEN ON JUVENILES. [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR BRASCH: HOW CAN WE PREVENT THIS FROM MOVING FORWARD? THIS IS WHERE I'VE TRIED TO WORK ON LEGISLATION WITH THE JUVENILE PROBATION OFFICE, THE MEDIATION LAWS THERE. HOW DO WE STOP FROM GETTING TO THIS POINT? I THINK THAT'S WHERE WE NEED MUCH MORE FOCUS, MUCH MORE ENERGY AND ASSISTANCE, SO WE ARE NOT DEBATING RECIDIVISM AND THOSE WHO ARE HABITUAL CRIMINALS, THE NEED TO KEEP THEM FROM REPEATING, WHETHER IT'S THROUGH EMPLOYMENT, THROUGH COUNSELING, MEDICAL... [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: SENATOR KRIST, YOU ARE RECOGNIZED. IT IS YOUR THIRD TIME, SENATOR KRIST. [LB173]

SENATOR KRIST: THANK YOU, MR. PRESIDENT, AND GOOD MORNING AGAIN, COLLEAGUES AND NEBRASKA. I HAD INITIALLY PUNCHED MY BUTTON BECAUSE I WANTED TO YIELD TIME TO SENATOR CHAMBERS. I DON'T THINK I'LL TAKE MY WHOLE FIVE MINUTES. I'LL OFFER IT TO...SOME TO HIM AT THE END IF HE WISHES. I'M ASKING AGAIN, IN RESPONSE TO SENATOR BRASCH'S TIME ON THE MIKE...THE GRAVITY OF FOLLOWING THROUGH WITH THE RECOMMENDATIONS OF THE JUDICIARY COMMITTEE OF THE LR424 REPORT AND THE RECOMMENDATIONS IN THE JUSTICE REINVESTMENT IN NEBRASKA IS EXTREMELY HEAVY. IT...I DON'T KNOW THAT IT CAN BE COMPARED...I DON'T KNOW THAT THIS SITUATION IN TOTAL COULD BE COMPARED TO ANY OTHER STUDY THAT I'VE SEEN DONE IN THIS LEGISLATURE, WITH THE POSSIBLE

Floor Debate
April 15, 2015

EXCEPTION OF LR37 WHICH WAS MORE INVESTIGATORY AND THEN A PRESCRIPTION FOR HOW TO FIX THINGS, WHICH MAY RELATE. BUT AT SOME POINT, AS I JUST TOLD A SENATOR OFF OF THE MIKE, I KNOW NOTHING ABOUT CENTER PIVOTS, I KNOW NOTHING ABOUT DRY BEANS, I KNOW VERY LITTLE ABOUT AGRICULTURE OTHER THAN I LOVE WHAT YOU PRODUCE. I TRUST YOU WHEN YOU COME TO THIS FLOOR AND TELL ME THAT YOU HAVE DONE EVERYTHING THAT YOU CAN DO AND THIS IS A SOLUTION AND I TRUST IN THE DEBATE THAT I'LL MAKE MY MIND UP AND I ASK YOU TO DO THE SAME THING. BUT IN THIS PARTICULAR CASE, I AM ASKING YOU, I AM BEGGING YOU, I AM PLEADING WITH YOU, LEAVE THIS PART OF THE PACKAGE SO THAT WHEN WE START NEGOTIATING WITH THE MEMBERS OF DISNEY WORLD BEHIND THE GLASS, THAT WE SIT DOWN WITH A TOTAL PACKAGE THAT WE CAN LOOK AT. THERE ARE SOME THINGS THAT CAN CHANGE IN LB173, EVEN AS IT'S AMENDED BY AM472, THE HABITUAL CRIMINAL PART OF IT, THE PORTIONS OF LB173. BUT LET'S HAVE THAT CONVERSATION BETWEEN GENERAL AND SELECT AND THEN MAKE YOUR DECISION ON SELECT AFTER YOU'VE BEEN ABLE TO READ LR424, READ THE JUSTICE REINVESTMENT IN NEBRASKA IF YOU HAVEN'T DONE THAT, AND TALK TO SOME MORE PEOPLE JUST BESIDES THE FOLKS WHO ARE BACK HERE. AGAIN, IF YOU HAVEN'T TALKED TO THE MEMBERS OF THE ACLU THAT ARE OUT THERE AND REALIZED HOW THIS WILL AFFECT POTENTIAL LAWSUITS OR DOJ AND KEEP THIS CONVERSATION OPEN, I INVITE YOU TO DO THAT. I'M WHOLEHEARTEDLY IN SUPPORT OF AM472, AS YOU CAN TELL, AND THE UNDERLYING LB173, AND I THINK WE NEED TO MOVE THIS THING FORWARD. THANK YOU. [LB173]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB173]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. SENATOR KRIST, I WAS THE ONE THAT HE CAME TO TALKED TO. YOU PROBABLY FIGURED THAT OUT BY SOME OF THE COMMENTS ABOUT PIVOTS AND DRY BEANS AND OTHER PRODUCTS. I WANT TO GO BACK TO MY COMMENT YESTERDAY DEALING WITH LB137. IF YOU WERE HERE, I'M NOT GOING TO READ IT AGAIN, BUT I WANT TO START OFF WITH WHEN I...AS SOON AS I FINISHED MY OPENING, SENATOR CHAMBERS LOOKED AT ME IN SOMEWHAT OF A "SCOWLFUL" LOOK AND HE SAID, SENATOR JOHNSON, HOW CAN YOU EVER THINK OF BRINGING A BILL TO THIS COMMITTEE THAT MAKES SO MUCH SENSE? I WAS RELIEVED. WHAT I WAS TRYING TO DO WAS TO HAVE THE SAME TREATMENT IN RURAL COMMUNITIES THAT IS OFFERED TO THE METROPOLITAN AREAS IN GUN CONTROL, DRIVE-BY SHOOTINGS. THE BILL WAS STUCK IN THE COMMITTEE. I HAD DIALOGUE WITH THE STAFF, THE JUDICIARY

Floor Debate
April 15, 2015

COMMITTEE, AND COME UP WITH SOME THINGS. ONE OF THEM, THEY FLIPPED A WORD WRONG AND THEY SAID, OH, WE MESSED UP ON THAT ONE, SO THEY DIDN'T COME BACK WITH THAT AMENDMENT, AND I KNOW THERE'S SOME ISSUES WITHIN THAT. BUT IT FINALLY CAME OUT OF COMMITTEE AND I LOOKED AT IT AND I SAID, I'M NOT GOING TO BE RESPONSIBLE FOR MAKING CRIME SOFTER IN LINCOLN AND OMAHA. I'M NOT SURE WHERE I'M AT YET WHEN WE GET TO THE FINAL END ZONE ON THIS THING. THIS BILL WAS BROUGHT TO ME BY COUNTY ATTORNEYS. THAT'S THE PEOPLE THAT WE WORK WITH PRIMARILY IN THE COUNTIES. I TRUST THE COUNTY ATTORNEYS. I ALSO TOTALLY BELIEVE IN THE COMMITTEE PROCESS, COMMITTEE HEARINGS, INTERIM STUDIES. THAT'S WHERE YOU GO INTO DEPTH OF THESE DIFFERENT ISSUES. SO I DO TRUST THE COMMITTEE PROCESS. I HAVE CONFIDENCE IN THE PEOPLE THAT ARE ON THOSE COMMITTEES BECAUSE THEY'RE ON THAT COMMITTEE AND THEY'RE INVOLVED IN THAT STUDY BECAUSE OF THEIR EXPERTISE, THEIR BACKGROUND. I ALSO HAVE A CONCERN NOW BECAUSE, BETWEEN NOW AND SELECT FILE, WE'RE GOING TO BE LOOKING AT LB605 AND TRYING TO RESOLVE THE DIFFERENCES BETWEEN THE ATTORNEY GENERAL'S OFFICE/COUNTY ATTORNEYS AND LB605, THE REST OF THE STUDY. AT THIS POINT, I WILL SUPPORT THE AMENDMENT AND SUPPORT LB173. BUT I'M GOING TO STILL CONTINUE TO LOOK AT IT AS IT PERTAINS TO LB137. BUT I DO WANT TO GO ON RECORD AGAIN AS SAYING MY INTENT OF LB137, IF IT DOES MOVE FORWARD, IT WON'T BE HEARD THIS YEAR, WAS NOT TO CHANGE AND SOFTEN ANY LAWS IN THE METROPOLITAN AREA. I JUST WANTED EQUAL TREATMENT FOR RURAL COMMUNITIES THAT HAD THE SAME ENFORCEMENT ON SOMEBODY THAT WAS DRIVING THROUGH TOWN THAT MIGHT HAVE A DRIVE-BY SHOOTING. THANK YOU, MR. SPEAKER. [LB173 LB137 LB605]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB173]

SENATOR PANSING BROOKS: THANK YOU MR. PRESIDENT. I JUST HAD ONE MORE QUICK THING. THERE WAS AN ARTICLE ABOUT A JUDGE IN IOWA. HIS NAME IS JUDGE MARK BENNETT AND HE HAS SENTENCED OVER MORE THAN 3,000 DEFENDANTS IN THE FEDERAL DISTRICT COURTS AND ALSO REVIEWED...AND REVIEWED SENTENCES. HE TALKED ABOUT THAT HE HAS SENTENCED...THAT HE HAS SENT 1,092 OF HIS FELLOW CITIZENS TO--THIS IS A QUOTE FROM THE ARTICLE--1,092 OF HIS FELLOW CITIZENS TO FEDERAL PRISON FOR MANDATORY MINIMUM SENTENCES RANGING FROM 60 MONTHS TO LIFE WITHOUT THE POSSIBILITY OF RELEASE. THE MAJORITY OF THESE MEN, WOMEN, AND YOUNG ADULTS ARE NONVIOLENT DRUG ADDICTS. METHAMPHETAMINE IS THEIR DRUG

Floor Debate
April 15, 2015

OF CHOICE. CRACK COCAINE IS A DISTANT SECOND. DRUG KINGPINS? OH, YES, I'VE SENTENCED THEM, TOO, BUT I CAN COUNT THEM ON ONE HAND. WHILE I'M EXTREMELY PROUD OF MY FATHER'S SERVICE IN WORLD WAR II, I'M GREATLY CONFLICTED ABOUT MY ROLE IN THE WAR ON DRUGS. YOU MIGHT THINK THAT THE NORTHERN DISTRICT OF IOWA, A BUCOLIC AREA, HOME TO JUST ONE CITY WITH A POPULATION ABOVE 100,000, IS A SLEEPY PLACE. YOU WOULD BE WRONG. OF THE 94 DISTRICT COURTS ACROSS THE UNITED STATES, WE HAVE THE SIXTH-HEAVIEST CRIMINAL CASELOAD PER JUDGE HERE IN THE HEARTLAND. I SENTENCE MORE DRUG OFFENDERS IN A SINGLE YEAR THAN THE AVERAGE FEDERAL DISTRICT COURT IN NEW YORK CITY, WASHINGTON, CHICAGO, MINNEAPOLIS, AND SAN FRANCISCO COMBINED. HE GOES ON TO SAY THAT SEVERAL YEARS AGO, HE STARTED...QUOTE, I STARTED VISITING INMATES I HAD SENTENCED IN PRISON. IT'S A DEEPLY INSPIRING...IT IS DEEPLY INSPIRING TO SEE THE POSITIVE CHANGES THAT MOST HAVE MADE. SOME DEFINITELY NEED THE WAKE-UP CALL OF A PRISON CELL, BUT VERY FEW NEED MORE THAN TWO OR THREE YEARS BEHIND BARS. THESE MEN AND WOMEN NEED INTENSIVE DRUG TREATMENT AND MOST OF THE INMATES I VISIT ARE WORKING HARD TO TURN THEIR LIVES AROUND. THEY'RE SHOCKED AND GLAD TO SEE ME AND IT'S IMPORTANT TO THEM THAT PEOPLE OUTSIDE OF PRISON CARE ABOUT THEIR PROGRESS. FOR FAR TOO MANY, I'M THEIR ONLY VISITOR. IF LENGTHY MANDATORY-MINIMUM SENTENCES FOR VIOLENT DRUG ADDICTS ACTUALLY WORKED, ONE MIGHT BE ABLE TO RATIONALIZE THEM, BUT THERE IS NO EVIDENCE THAT THEY DO. I HAVE SEEN HOW THEY LEAVE HUNDREDS OF THOUSANDS OF YOUNG CHILDREN PARENTLESS AND THOUSANDS OF AGING, INFIRM, AND DYING CHILDREN'S PARENTS CHILDLESS. THEY DESTROY FAMILIES AND MIGHTILY FUEL THE CELL (SIC--CYCLE) OF POVERTY AND ADDICTION. IN FACT, I HAVE BEEN AT THIS FAR TOO LONG. I AM NOW SENTENCING THE GROWN CHILDREN OF PEOPLE I LONG AGO SENT TO CHILDREN (SIC--PRISON). FOR YEARS, I HAVE DEBRIEFED JURORS ABOUT (SIC--AFTER) THEIR VERDICTS. NORTHWEST IOWA IS ONE OF THE MOST CONSERVATIVE REGIONS IN THE COUNTRY AND THESE ARE PEOPLE WHO, FOR THE MOST PART, THINK JUDGES ARE SOFT ON CRIME. YET, FOR ALL THE TIMES I'VE ASK JURORS AFTER A DRUG CONVICTION WHAT THEY THINK IS...A FAIR SENTENCE WOULD BE, NEVER HAS ONE OF THEM GIVEN A FIGURE EVEN CLOSE TO THE MANDATORY MINIMUM. IT IS ALWAYS FAR LOWER. LIKE PEOPLE WHO DISLIKE CONGRESS BUT LIKE THEIR CONGRESS MEMBER, THESE JURORS THINK THE CRIMINAL JUSTICE SYSTEM CODDLES CRIMINALS IN THE ABSTRACT, BUT WHEN CONFRONTED BY A REAL, LIVE DEFENDANT, EVEN A DRUG TRAFFICKER, THEY NEVER FIND A MANDATORY MINIMUM SENTENCE TO BE A JUST SENTENCE. THAT'S...I JUST WANTED TO ADD THAT TO THE RECORD AND AGAIN ASK YOU TO LOOK AT THE COUNCIL OF STATE

Floor Debate
April 15, 2015

GOVERNMENTS' JUSTICE CENTER PAGES, THE TWO PAGES, FRONT AND BACK, THAT CHAIRMAN SEILER HAS HANDED OUT. THE DISCUSSION ABOUT GROWING ADMISSIONS, PARTICULARLY FOR SERIOUS OFFENSES, HAS EXPONENTIALLY INCREASED BED DEMAND. AGAIN, THIS BILL DOES NOTHING TO THE SERIOUS VIOLENT CRIMES. WHAT IT DOES IS MAKES SURE THAT JUDGES HAVE SOME FLEXIBILITY IN THEIR SENTENCING AND THAT WE AREN'T PUTTING AWAY PEOPLE FOREVER FOR NONVIOLENT CRIMES. THAT IS NOT A...THAT IS NOT PROTECTING THE SAFETY OF OUR CITIZENS IN NEBRASKA. THANK YOU, MR. CHAIRMAN. [LB173]

SPEAKER HADLEY: SENATOR SCHEER, YOU ARE RECOGNIZED. [LB173]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. I WANTED TO CORRECT ONE ITEM EARLIER FROM THE SPEAKER'S DESK. THOSE MAY BE RELATIVES OF SENATOR BLOOMFIELD, BUT THEY ARE MY CONSTITUENTS, SO WELCOME TO YOUR LEGISLATURE. ON TASK, I GUESS, YOU KNOW, SOMETIMES NEGOTIATIONS DON'T COME INTO PLAY UNTIL WE GET TO THE POINT WHERE WE HAVE TO NEGOTIATE. AND I'LL RISE AND I WILL SAY I'LL SUPPORT THESE TWO ITEMS AS WE MOVE FORWARD, AS I DID YESTERDAY, KNOWING THAT THERE'S GOING TO BE NEGOTIATIONS IN THE NEXT SEVERAL DAYS WHEN THEY COME BACK. HOWEVER, SAYING THAT, JUST TO BE PERFECTLY CLEAR BECAUSE I DON'T WANT THERE TO BE ACCUSATIONS AT A LATER TIME, I THINK THERE ARE SEVERAL OF US THAT FEEL THIS WAY. SO IF THE NEGOTIATIONS DON'T END UP WITH WHAT A NUMBER OF US MAY FEEL IS APPROPRIATE, BEAR IN MIND, THROUGH EXPEDIENCE OF MOVING THE BILL NOW, IT ALSO LEAVES THE BILL MORE VULNERABLE AT SELECT FILE BECAUSE IT WILL LITERALLY TAKE HALF THE TIME TO KILL. SO, YOU KNOW, I DON'T WANT ANY MISUNDERSTANDING, THIS IS NOT NECESSARILY OVERWHELMING SUPPORT OF EITHER THE AMENDMENT OR THE BILL, BUT I DO BELIEVE IT GETS IT TO THE POINT WHERE WE CAN CONTINUE TO NEGOTIATE IT AND BRING BACK PERHAPS A MORE FINISHED AND SELLABLE PRODUCT, PERHAPS NOT. IF NOT, WE STILL HAVE THE SAME OPPORTUNITY TO DO AWAY WITH THE BILL THAT WE DO TODAY. WE STILL HAVE THE SAME OPPORTUNITY TO WORK ON THE AMENDMENT THAT WOULD BE PART OF THE BILL AND THE TWO WEEKS OR TEN DAYS WHEN IT COMES BACK. BUT THE BILL STILL IS AVAILABLE FOR ANY OF US THAT WOULD CHOOSE TO TRY TO DISMANTLE IT OR KILL IT, JUST LIKE IT'S...WE'VE DONE THAT MANY TIMES IN THE TWO YEARS THAT I'VE BEEN HERE. SO I DO SUPPORT MOVING IT FORWARD SO THAT NEGOTIATIONS CAN HAPPEN, NOT NECESSARILY ASSUMING THAT THOSE NEGOTIATIONS WILL MEET EVERYONE'S NEEDS AND EVERYBODY'S WANTS, BUT AT LEAST IT WILL BE MOVEMENT AND MOVE THE TIME AT THIS

Floor Debate
April 15, 2015

PERIOD. WITH THAT, I BELIEVE SENATOR CHAMBERS WANTED TO...I DON'T KNOW IF YOU WANT TO RESPOND. BUT HE CAN CERTAINLY HAVE THE REMAINDER OF MY TIME. [LB173]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 2:10. [LB173]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SCHEER. AND WHAT THIS THAT I'M DOING DEMONSTRATES IS, EVEN THOUGH I'VE TAKEN A POSITION WHICH WAS THAT I WOULDN'T SPEAK, IF FACTS COME TO ME THAT INDICATES I SHOULD ALTER THAT POSITION, I WILL. SENATOR SCHEER, I LOOK AT ALL THIS WORK WE'RE DOING AS, PARDON THE CLICHE, A WORK IN PROGRESS. I DON'T CONSIDER ANYBODY'S VOTE TODAY NECESSARILY THE VOTE THAT WILL BE GIVEN WHEN THE WHOLE THING COMES BEFORE US FOR A FINAL VOTE. SO I'M GLAD THAT SENATOR SCHEER IS WILLING IN ASSISTING THE PROGRESS TO FUNCTION, TO LET THESE BILLS ALL CONTINUE TO MOVE. I SAID BEFORE AND I'LL SAY IT AGAIN, I AM, IN A SENSE, IN A REPRESENTATIVE CAPACITY ON THESE BILLS, SO WHAT I SAY I WOULD LIKE MAY NOT BE THE FINAL WORD OR THE FINAL FORM THAT THESE BILLS WILL TAKE. BUT I HAVE TO PRESENT THE BILLS THE WAY I HAD AGREED TO PRESENT THEM. SO THERE WILL BE, I'M SURE,... [LB173]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: ...ADDITIONAL WORK ON THESE TWO BILLS...THIS BILL. WHEN THE COMMITTEE AMENDMENT IS ADOPTED, IT WILL THEN BE LB173, AND THERE WILL BE ADDITIONAL DISCUSSIONS, I'M SURE. THANK YOU, MR. PRESIDENT. AND THANK YOU AGAIN, SENATOR SCHEER. [LB173]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. SENATOR PANSING BROOKS WAIVES. NO ONE ELSE IN THE QUEUE. SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON THE JUDICIARY COMMITTEE AMENDMENT. [LB173]

SENATOR SEILER: THANK YOU, MR. SPEAKER. MEMBERS OF THE UNICAMERAL, FIRST I'D LIKE TO THANK SENATOR PAUL SCHUMACHER FOR HIS HISTORICAL LESSON ON THE HABITUAL CRIMINAL ACT AND HOW IT WAS...HE USED IT AS COUNTY ATTORNEY, AND SENATOR PANSING BROOKS FOR HER RESEARCH AND PRESENTATION. I BELIEVE BOTH ADDED A LOT TO THE DISCUSSION. I WOULD

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

Floor Debate
April 15, 2015

ASK THAT MEMBERS GIVE US A GREEN VOTE ON AM472 AND ON LB173. AND I WOULD ASK FOR A CALL OF THE HOUSE. [LB173]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST FOR A CALL OF THE HOUSE. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB173]

ASSISTANT CLERK: 26 YEAS, 0 NAYS, TO GO UNDER CALL, MR. PRESIDENT. [LB173]

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. SENATORS WATERMEIER, HAAR/HARR, HOWARD, BOLZ, KUEHN, NORDQUIST, DAVIS, LARSON, KINTNER, STINNER, HILKEMANN, BLOOMFIELD. SENATOR SEILER, FOR WHAT PURPOSE DO YOU RISE? [LB173]

SENATOR SEILER: MR. SPEAKER, I'D LIKE A ROLL CALL VOTE IN REVERSE ORDER. [LB173]

SPEAKER HADLEY: WILL BE DONE. SENATOR NORDQUIST, WOULD YOU CHECK IN? SENATORS DAVIS, KINTNER, AND HILKEMANN, THE HOUSE IS UNDER CALL. SENATOR KINTNER, IF YOU WOULD PLEASE RETURN TO THE CHAMBER, THE HOUSE IS UNDER CALL. YES, SENATOR SEILER. [LB173]

SENATOR SEILER: WE MAY PROCEED. [LB173]

SPEAKER HADLEY: THANK YOU, SENATOR SEILER. MR. CLERK, A ROLL CALL VOTE IN REVERSE ORDER. [LB173]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1185-1186.) VOTE IS 31 AYES, 11 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE COMMITTEE AMENDMENT. [LB173]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. WE WILL RETURN TO DISCUSSION ON LB173. RAISE THE CALL. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB173]

Floor Debate
April 15, 2015

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, THERE HAS BEEN A WIDE-RANGING DISCUSSION ON BOTH BILLS, LB172 AND LB173, BECAUSE THEY'RE INTERRELATED. WHEN THIS BILL MOVES FORWARD, THE BILL DRAFTER WILL PUT TOGETHER AN AMENDMENT THAT WILL HAVE ALL THE PARTS THERE. AND IF PEOPLE ARE INTERESTED IN TRYING TO WORK ON THAT, WE HAVE SOMETHING WHERE WE DON'T HAVE TO MOVE FROM ONE DOCUMENT TO ANOTHER. SENATOR SCHEER MADE IT CLEAR, AND I WILL EMPHASIZE THIS SO HE'LL KNOW I UNDERSTOOD WHAT HE SAID, HE IS VOTING AT THIS POINT TO SEND THE BILLS...THE BILL NOW FORWARD SO IT CAN BE WITH THOSE OTHERS THAT ARE DEALING WITH RELATED SUBJECTS. AS HAD BEEN POINTED OUT BY SOMEBODY ELSE, THE THREE OF THESE BILLS, I THINK THERE WERE JUST THREE, WERE LUMPED TOGETHER ON THE AGENDA YESTERDAY BUT WE RAN OUT OF TIME. THEY COULD AND SHOULD BE LOOKED AT AS A TOTALITY, EVEN THOUGH THEY ARE IN INDIVIDUAL BILLS. THERE WOULD HAVE TO BE SOME RECONCILING WITH THIS BILL AND SOME OF THE MATERIAL IN OTHER BILLS THAT HAVE MOVED FORWARD. SO THIS IS THE MOST EFFECTIVE WAY TO LEGISLATE. I AM NOT TAKING ANYBODY'S VOTE TODAY AS A IRONCLAD COMMITMENT TO SUPPORT THE BILL. I SAY AGAIN, THIS IS THE ROLE THAT I AGREED TO FILL...FULFILL BY CARRYING THESE TWO BILLS WHICH NOW HAVE BECOME ONE. SINCE IT IS NOT MY BILL IN THE SENSE OF MY INTRODUCING IT UNDER ORDINARY CIRCUMSTANCES, THERE ARE OTHERS WHO WILL BE IN A POSITION TO HAVE SOMETHING TO SAY ABOUT THE FINAL FORM, AND I THINK HAVING THIS LEGISLATION IS BETTER THAN NOT HAVING IT. ONE OTHER COMMENT THAT I WILL MAKE, THE LEGISLATURE IS THE PARAMOUNT OF THE THREE BRANCHES, IN MY OPINION. WE FORMULATE THE POLICY THAT THE OTHER TWO BRANCHES MUST FOLLOW. WE DON'T ENCROACH ON THEIR TERRITORY, WHICH IS SET OUT IN THE CONSTITUTION. BUT WE ESTABLISH THE POLICIES THAT GOVERN THIS STATE AND, BEYOND THAT, WE CONTROL THE PURSE STRINGS ALSO. WE HAVE TO MAKE SURE THAT OUR PROCESSES, OUR EXISTENCE AS AN INSTITUTION WILL NOT BE DISRESPECTED, TRAMPLED UPON BY THE OTHER BRANCHES, BY FEELING THEY CAN IGNORE ALL OF THE PRELIMINARY INFORMATION, ALL OF THE EFFORTS THAT GO INTO LEGISLATION BEFORE WE FINALLY DISCUSS IT AND DECIDE THAT, BECAUSE THERE'S SOME KIND OF MYSTICAL AURA ABOUT THEM, THAT THEY CAN WAIT UNTIL WE'RE DISCUSSING THE BILL AND EVEN HAVE MADE AGREEMENTS WITH OTHER SENATORS THEN AT THE LAST MINUTE BACK OUT OF THOSE AGREEMENTS AND COME TO VARIOUS SENATORS AND SAY, I DON'T LIKE THIS, WITHOUT EVEN TELLING WHY. WHEN THEY GIVE INFORMATION, IT'S FRAUDULENT, IT IS FALLACIOUS, BUT THEY FEEL THAT WE DO NOT RESPECT OUR OWN INSTITUTION. YOU WILL NOT BE INVITED INTO THE INNER WORKINGS OF THE

Floor Debate
April 15, 2015

ATTORNEY GENERAL'S OFFICE, NEVER, THE SAME WITH THE GOVERNOR. BUT ON THIS THAT WE'RE DOING, I BELIEVE THE GOVERNOR IS PROBABLY MORE WITH WHAT WE'RE DOING THAN AGAINST IT. BUT WITH THE COUNTY ATTORNEYS, YOU'RE NOT INVITED IN. [LB173 LB172]

SPEAKER HADLEY: ONE MINUTE. [LB173]

SENATOR CHAMBERS: THEY BEHAVE IN A TYRANNICAL FASHION, A DISRESPECTFUL FASHION TOWARDS THIS LEGISLATURE AND AS LONG AS WE ALLOW THAT TO HAPPEN, THAT'S WHAT THEY'RE GOING TO DO. I WILL RESIST IT WHETHER I'M DEALING WITH A BILL THAT THEY'RE ATTACKING OR NOT. BUT AT THIS POINT, IN DISREGARD OF WHAT THE COUNTY ATTORNEYS AND PEOPLE IN THE ATTORNEY GENERAL'S OFFICE MAY HAVE SAID, THIS BILL OUGHT TO MOVE FORWARD. ANYBODY WHO WANTS TO DISCUSS ANY OF IT WITH ME, I AM AVAILABLE. AND WHEN I'M HAVING DISCUSSIONS, THERE ARE NO GLOVES, NO BOXING GLOVES, THERE ARE NO RAZORS, NO GUNS, FIGURATIVELY OR OTHERWISE. WE WILL DISCUSS IT IN A CONVERSATIONAL MANNER. AND EVEN IF THE ONE DISCUSSING IT WITH ME GETS EXCITED AND UPSET, I KNOW HOW TO CALM PEOPLE DOWN. YOU JUST PUT THEM IN A HEADLOCK WITH ONE ARM AND... [LB173]

SPEAKER HADLEY: TIME, SENATOR. [LB173]

SENATOR CHAMBERS: ...PUT THE OTHER HAND OVER THEIR MOUTH. THANK YOU, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: AND THERE IS NO ONE ELSE IN THE QUEUE. WOULD YOU LIKE THAT TO STAND AS YOUR CLOSING? THE QUESTION BEFORE THE BODY IS THE ADOPTION OF LB173 AS AMENDED. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE THAT VOTED WISH? RECORD, MR. CLERK. [LB173]

ASSISTANT CLERK: 28 AYES, 9 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB173]

SPEAKER HADLEY: LB173 ADVANCES TO E&R INITIAL. MR. CLERK, I HAVE ONE QUICK ANNOUNCEMENT. (VISITORS INTRODUCED.) MR. CLERK, YOU HAVE SOME ITEMS? [LB173]

Floor Debate
April 15, 2015

ASSISTANT CLERK: MR. PRESIDENT, I DO, THANK YOU. NEW RESOLUTIONS: LR185 BY SENATOR CRAWFORD, LR186 BY SENATOR MORFELD; BOTH OF THESE ARE STUDY RESOLUTIONS, THAT WILL BE REFERRED TO THE EXECUTIVE BOARD. AMENDMENTS TO BE PRINTED, LB591 BY SENATOR BOLZ. A REPORT BY THE EXECUTIVE BOARD OF REFERENCE OF VARIOUS GUBERNATORIAL APPOINTMENTS TO STANDING COMMITTEES FOR HEARING. FINALLY, A NEW A BILL: LB72A BY SENATOR SCHUMACHER. (READ LB72A BY TITLE FOR THE FIRST TIME, LEGISLATIVE JOURNAL PAGES 1186-1191.) [LR185 LR186 LB591 LB72A]

SPEAKER HADLEY: MR. CLERK, THE NEXT ITEM ON THE AGENDA.

ASSISTANT CLERK: THE NEXT BILL, MR. PRESIDENT, LB264 OFFERED BY SENATOR MORFELD. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 14 OF THIS YEAR, REFERRED TO THE HEALTH AND HUMAN SERVICES COMMITTEE, THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM798, LEGISLATIVE JOURNAL PAGE 920.) [LB264]

SPEAKER HADLEY: SENATOR MORFELD, YOU'RE RECOGNIZED TO OPEN ON LB264. [LB264]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. LB264 ENSURES THAT MILITARY VETERANS' SKILLS AND EXPERIENCE GAINED IN THE MILITARY CAN BE RECOGNIZED FOR EQUIVALENT CIVILIAN LICENSES FOR FIELDS SUCH AS NURSING, PHYSICAL THERAPY, EMTs, AND THE LIST GOES ON AND ON. NEBRASKA IS THE LAST STATE NOT TO HAVE A LAW OR OFFICIAL POLICY THAT REQUIRES SUCH ACCEPTANCE OF MILITARY CREDENTIALS FOR TRANSFER TO EQUIVALENT CIVILIAN LICENSURE. I WANT TO THANK THE DEPARTMENT OF DEFENSE AND GENERAL PAUL COHEN FOR WORKING WITH ME AND THEIR SUPPORT OF THIS LEGISLATION. IN ADDITION, I ALSO WISH TO THANK THE GOVERNOR'S OFFICE AND DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR THEIR ASSISTANCE ON THIS LEGISLATION AS WELL. SIMPLY PUT, LB264 CHANGES THE UNIFORM CREDENTIALING ACT AND REQUIRES THAT BY DECEMBER 15, 2015, THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES CREATE A STREAMLINED CREDENTIALING PROGRAM FOR MEMBERS OF THE ARMED FORCES TO RECOGNIZE THEIR MILITARY TRAINING FOR CIVILIAN FIELDS THAT REQUIRE LICENSURE. HOW IT WILL WORK IS THAT UPON THE RECOMMENDATION OF THE APPROPRIATE BOARD, THEY WILL ACCEPT THE TRAINING UPON SATISFACTORY EVIDENCE OF SUCH MILITARY TRAINING BY AN APPLICANT FOR THE CREDENTIAL. THIS WILL APPLY TO

Floor Debate
April 15, 2015

MEMBERS OF THE ARMED FORCES OF THE UNITED STATES, ACTIVE OR RESERVE; THE NATIONAL GUARD OF ANY STATE, THE MILITARY RESERVES OF ANY STATE, OR THE NAVAL MILITIA OF ANY STATE TOWARD THE MINIMUM STANDARDS FOR THE CREDENTIAL IN THAT PARTICULAR CIVILIAN FIELD. AS THE SON OF A MARINE WHO SERVED IN THE MILITARY FOR OVER 25 YEARS, THIS LEGISLATION IS IMPORTANT TO ME. AND I INTRODUCED THIS BILL BECAUSE I WANT NEBRASKA TO BE KNOWN AS A STATE THAT WELCOMES OUR SONS AND DAUGHTERS BACK HOME BY NOT ONLY RECOGNIZING THEIR SERVICE, BUT THEIR EXPERTISE GAINED WHILE SERVING. NEBRASKA IS THE ONLY STATE, INCLUDING THE DISTRICT OF COLUMBIA, WHO DOES NOT HAVE A LAW LIKE THIS ON OUR BOOKS. I WANT TO MAKE IT CLEAR THAT IT DOES NOT CHANGE THE REQUIREMENTS NEEDED FOR A CERTIFICATION OR A CIVILIAN LICENSE. IT SIMPLY ASKS THE STATE TO TAKE THOSE CREDENTIALS GAINED WHILE IN SERVICE TO OUR COUNTRY AND APPLY THEM TO THE REQUIRED CREDENTIALS FOR CERTAIN LICENSES. IT'S ALSO IMPORTANT TO NOTE THAT THE UNIFORM CREDENTIALING ACT OVERSEES 34 PRACTICE ACTS SUCH AS THE ADVANCED PRACTICE REGISTERED NURSES, ALCOHOL AND DRUG COUNSELING, ATHLETIC TRAINING, AUDIOLOGY, AND THE LIST GOES ON. AND AS A MEMBER OF A MILITARY FAMILY, I KNOW ALL TOO WELL THAT WHEN MILITARY MEMBERS TRANSITION OUT, THEY LOOK AT THE MAPS OF STATES THAT WILL ACCEPT THEIR EXPERTISE AND SKILLS. RIGHT NOW, NEBRASKA IS THE ONLY STATE ON THAT MAP THAT DOES NOT GUARANTEE ACCEPTANCE OF SKILLS. AND WHY WOULD THESE MILITARY VETERANS EVEN RISK COMING HERE IF THERE WAS ANY DOUBT THAT THEIR SERVICE AND TRAINING TO THEIR COUNTRY WOULD NOT BE RECOGNIZED. FINALLY AND PERHAPS EVEN MORE IMPORTANTLY, WE WANT TO ENSURE THAT MEDICAL AREAS OF CRITICAL NEED ARE FILLED THROUGHOUT OUR STATE, AN ISSUE THAT IS PARTICULARLY ACUTE NOT ONLY IN OUR RURAL AREAS BUT ALSO URBAN AREAS SUCH AS MY DISTRICT THAT HAS FEW MEDICAL PROFESSIONALS AND NO MAJOR MEDICAL FACILITIES. COLLEAGUES, I URGE YOUR FAVORABLE CONSIDERATION OF LB264 AND THE COMMITTEE AMENDMENTS, THANK YOU. [LB264]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB264]

SENATOR CAMPBELL: MR. PRESIDENT, I AM GOING TO HAVE TO PASS ON OPENING ON AM798. I NEED SOME ADDITIONAL INFORMATION BROUGHT UP ON

Floor Debate
April 15, 2015

THAT AMENDMENT. BUT I WILL COME BACK TO IT. THANK YOU, MR. PRESIDENT.
[LB264]

SPEAKER HADLEY: SENATOR CRAWFORD. [LB264]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I STAND IN FULL SUPPORT OF LB264 AND THE COMMITTEE AMENDMENTS. I WAS ON THE COMMITTEE. I ALSO JUST WANT TO LET COLLEAGUES KNOW AND FOR THE RECORD, LET YOU KNOW THAT THE STATE OF NEBRASKA IS PART OF A MULTISTATE COALITION THAT'S WORKING ON THE ISSUE OF MILITARY TRANSITION. AND WE'RE WORKING ON THE...OUR COALITION IS, IT'S WORKING ON ISSUES OF ACADEMIC CREDIT AND CAREER LICENSURE. SO THIS IS AN IMPORTANT STEP IN MAKING SURE THAT WE AS A STATE ARE ACKNOWLEDGING AND RECOGNIZING THAT WE WANT TO...THAT WE EXPECT OUR LICENSING BOARDS TO RECOGNIZE MILITARY EXPERIENCE. AND THIS IS A VERY IMPORTANT FIRST STEP. WE ACTUALLY HAPPEN TO BE THE LAST STATE IN THE UNION TO TAKE THIS STEP. SO IT'S VERY CRITICAL THAT WE TAKE THIS STEP. BUT THIS IS THE FIRST STEP AND THEN PART OF OUR WORK WITH OTHER STATES IN THIS MULTISTATE MILITARY CREDIT COLLABORATIVE IS ACTUALLY TO HELP US ON THE GROUND MAKE...UNDERSTAND WHAT THOSE CHANGES ARE AND WHAT DOES THAT MILITARY EXPERIENCE MEAN AND HOW DOES THAT TRANSLATE INTO ALL THESE DIFFERENT CAREER LICENSES THAT WE HAVE? AND SO WE ARE GOING TO HAVE HELP IN THOSE DISCUSSIONS AND THAT'S PART OF THE...ONE OF THE ADVANTAGES THAT WE HAVE AS A STATE BELONGING TO THE MIDWEST HIGHER EDUCATION COMPACT. THIS MULTISTATE COALITION THAT WORKS ON MILITARY CREDIT AND MILITARY CREDENTIALING IS PART OF THAT EFFORT THAT WE BELONG TO WITH OTHER STATES. AND THESE ARE MOSTLY THE SAME STATES THAT WE JOIN WITH IN TERMS OF OUR MIDWEST COUNCIL STATE GOVERNMENTS. SO WE ARE GOING TO HAVE HELP FROM OTHER STATES, AND WE ARE ONE OF MANY STATES THAT'S WORKING TO TRY TO MAKE SURE THAT OUR CREDENTIALING PROCESS WORKS WELL SO WE CAN TRANSITION VETERANS WHEN THEY COME BACK AND GET THEM IN OUR WORK FORCE AS QUICKLY AS POSSIBLE WHILE STILL RESPECTING OUR STATE RIGHT TO DETERMINE WHAT THE LICENSURES ARE. SO I STAND IN SOLID SUPPORT OF SENATOR MORFELD, AND I THANK HIM FOR HIS EFFORT ON THIS. WE HAD A GREAT...WE HAD A GOOD HEARING ON IT. AND THE COMMITTEE AMENDMENTS I THINK ARE IMPORTANT AMENDMENTS. AND I ALSO WOULD LIKE TO ACKNOWLEDGE AND THANK THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE GOVERNOR, IN PARTICULAR, THE GOVERNOR'S ADMINISTRATION FOR STEPPING UP AND RECOGNIZING THIS IS AN IMPORTANT ISSUE. SO WE HAVE BEEN WORKING ON

Floor Debate
April 15, 2015

THIS ISSUE FOR MANY YEARS, AND PREVIOUSLY IT WAS GETTING BOTTLED UP AND NOT GETTING ADMINISTRATIVE SUPPORT. AND SO I DO WANT TO ACKNOWLEDGE THE SUPPORT OF THE GOVERNOR IN TERMS OF RECOGNIZING THIS AS AN IMPORTANT PRIORITY FOR OUR WORK FORCE, AN IMPORTANT PRIORITY ALSO FOR OUR STATE BEING A STATE THAT'S WELCOMING TO MILITARY VETERANS AND A MILITARY-FRIENDLY STATE. AND SO I THANK THE GOVERNOR FOR HIS PROACTIVE PARTNERSHIP ON THIS. AND I AGAIN WANT TO THANK SENATOR MORFELD FOR HIS LEADERSHIP ON THIS BILL THIS YEAR AND THANK THE COMMITTEE FOR THEIR WORK ON MAKING SURE THAT WE GET THIS OUT OF COMMITTEE IN GOOD FORM SO YOU CAN VOTE GREEN ON IT. AND I URGE YOUR GREEN VOTE ON AM798 AND LB264. THANK YOU, MR. PRESIDENT. [LB264]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB264]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT, FOR COMING BACK TO ME. WE GOT TO THIS TOO QUICKLY, AND I APOLOGIZE. I WANT TO EXPLAIN THE AMENDMENTS. AND THEY BASICALLY WERE A REQUEST OF THE DEPARTMENT OF THE HEALTH AND HUMAN SERVICES. THE AMENDMENT SHIFTS THE BURDEN OF PROVIDING SATISFACTORY MILITARY EDUCATION, TRAINING OR SERVICE FROM EACH INDIVIDUAL APPLICANT TO THE DEPARTMENT AND APPLICABLE BOARD FOR ALL SIMILARLY SITUATED APPLICANTS TO ALLOW THE DEPARTMENT TO MAKE THE CREDENTIALING DECISION BASED ON THE STANDARD CRITERIA FOR EDUCATION, TRAINING OR SERVICE. IN OTHER WORDS, WE DO NOT FEEL THAT THE DEPARTMENT SHOULD HAVE TO LOOK AT THIS CASE BY CASE. AS MUCH AS THEY SHOULD GO TO ALL OF THE INDIVIDUAL BOARDS THAT CREDENTIAL AND THOSE BOARDS SHOULD DISCUSS THE TRAINING AND EDUCATION CRITERIA SO THAT WHEN AN APPLICANT COMES FORWARD, THAT CRITERIA HAS ALREADY BEEN DISCUSSED AND THE EDUCATION TAKEN INTO ACCOUNT THOSE REQUIREMENTS. WE FEEL, THE COMMITTEE FEELS THAT THIS IS AN EXCELLENT AMENDMENT BECAUSE IT DIRECTS THE DEPARTMENT TO GIVE A LOT OF THOUGHT FROM THE INDIVIDUAL BOARDS ON WHAT THAT EDUCATION WILL BE. AND WE ARE ONE OF THE VERY LAST STATES, IF NOT THE LAST, THAT WILL PUT INTO PLACE A SYSTEM OF LOOKING AT MILITARY FOLKS WHO COME TO THE STATE OF NEBRASKA. AND IT IS CRITICAL BECAUSE WE OBVIOUSLY NEED MANY OF THESE PROFESSIONS TO FILL IN FOR US. SO, MR. PRESIDENT, I ONCE AGAIN APOLOGIZE TO YOU FOR US BEING LATE, BUT WE WOULD ENCOURAGE A YES VOTE ON THE AMENDMENT BEFORE YOU. [LB264]

Floor Debate
April 15, 2015

SPEAKER HADLEY: SENATOR RIEPE, YOU'RE RECOGNIZED. [LB264]

SENATOR RIEPE: MR. PRESIDENT, FELLOW SENATORS, AND NEBRASKANS, I FIRST HAVE TWO BRIEF COMMENTS AND THEN I WILL HAVE A QUESTION THAT I WILL ASK SENATOR MORFELD IF HE'LL BE WILLING TO YIELD. FIRST, MY QUESTIONS...MY COMMENTS AND THAT IS I AM A MEMBER OF THE HEALTH AND HUMAN SERVICES COMMITTEE. I WANT TO STATE THAT. I DID VOTE IN FAVOR OF ADVANCING LB264 AND AGREE WITH AM798. ONE OF THE CONCERNS THAT I HAVE IS AS LEGISLATORS, WE'RE ALWAYS ACCUSED OF OVERREGULATING. AND I THINK AT TIMES, MAYBE WE'RE GUILTY OF OVERLEGISLATING. AND MY HOPE WAS THAT AT SOME POINT IN TIME, THAT ALL OF THE FILES WOULD BE FILLED HERE IN THE STATE CAPITOL AND WE WOULD HAVE TO LEGISLATING AND STOP REGULATING, AT LEAST TO SOME DEGREE. THEN, OBVIOUSLY, WE MOVE TO A PAPERLESS SOCIETY, AND SO AT LEAST THAT INITIAL HOPE IS NOW GONE. THE QUESTION THAT I WILL ASK SENATOR MORFELD TO YIELD TO... [LB264]

SPEAKER HADLEY: SENATOR MORFELD, WILL YOU YIELD TO A QUESTION?
[LB264]

SENATOR MORFELD: I WILL YIELD. [LB264]

SENATOR RIEPE: AT THE HEARING, THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FUNDAMENTALLY SAID THAT THEY FELT THAT THE PROCESS EXISTED, THAT THERE WASN'T A NEED FOR ADDITIONAL LEGISLATION TO ACCOMMODATE THE MILITARY PIECE. WOULD YOU BE KIND ENOUGH TO GIVE ME SOME CLARITY ON THAT, PLEASE. [LB264]

SENATOR MORFELD: YES, YOU'RE CORRECT. THE ISSUE THAT THEY BROUGHT UP WITH THE LEGISLATION--THEY TESTIFIED NEUTRAL--WAS THAT THEY BELIEVE THAT UNDER THE CURRENT SYSTEM, THESE CREDENTIALS COULD BE ACCEPTED. THE PROBLEM IS THAT WHEN MILITARY VETERANS RETURN, THEY LOOK AT THE STATES THAT HAVE SPECIFIC STATUTORY LANGUAGE OR POLICY LANGUAGE THAT STATES THAT THEIR CREDENTIALS WILL BE ACCEPTED. SO I THINK WHAT WE HAVE IS WE HAVE A LOT OF VETERANS WHO ARE TRANSITIONING OUT, LOOKING AT THE STATES THAT THEY WANT TO RETURN TO, AND HOPEFULLY NEBRASKA, PARTICULARLY IF IT'S THEIR HOME STATE, AND THEY'RE NOT SEEING CRYSTAL CLEAR CLARITY IN TERMS OF WHETHER OR NOT THEIR CREDENTIALS WILL ACTUALLY BE ACCEPTED. AND I'D LIKE TO NOTE THAT THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND THE

Floor Debate
April 15, 2015

GOVERNOR'S OFFICE CALLED ME AFTER THE HEARING AND ACTUALLY SAID THAT THEY WOULD, YOU KNOW, BE SUPPORTIVE OF THIS LEGISLATION IF THERE WERE SOME CHANGES, WHICH IS EMBODIED IN THE COMMITTEE AMENDMENT HERE. [LB264]

SENATOR RIEPE: OKAY. THANK YOU VERY MUCH. [LB264]

SPEAKER HADLEY: SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB264]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I RISE IN SUPPORT OF LB264 AS WELL AS THE AMENDMENT. I DO SERVE ON THE HEALTH AND HUMAN SERVICES COMMITTEE AND HEARD THE TESTIMONY AS WELL. I'D LIKE TO THANK SENATOR MORFELD FOR BRINGING THIS LEGISLATION. HAVING BEEN INVOLVED IN ECONOMIC DEVELOPMENT FOR PROBABLY THE LAST 15 TO 20 YEARS IN MY COMMUNITY, AND ON A STATE LEVEL THROUGH THE DEPARTMENT OF ECONOMIC DEVELOPMENT AND THE STATE CHAMBER OF COMMERCE, WE KNOW RIGHT NOW THAT BOTH THE DEPARTMENT OF ECONOMIC DEVELOPMENT AS WELL AS THE STATE CHAMBER ARE ACTUALLY RECRUITING PEOPLE TO MOVE TO OUR STATE AS THEY GET OUT OF THE MILITARY. THEY'RE ACTIVELY RECRUITING ON MILITARY BASES AS THEY SEPARATE FROM THE MILITARY. SO THEY'VE MADE SPECIAL TRIPS COUNTLESS TIMES TO FORT RILEY, TO OFFUTT, TO FORT CARSON. I THINK THERE'S AN AIR FORCE BASE UP IN SOUTH DAKOTA. AND THEY'RE ACTUALLY RECRUITING THESE FOLKS TO COME BACK AND FINISH OUT THEIR CAREERS AND THEIR LIVES IN THE STATE OF NEBRASKA. MANY OF THEM ARE COMING HOME, AND YET MANY OF THEM HAVE NEVER BEEN TO NEBRASKA. AND AS SENATOR MORFELD HAS INDICATED, THIS MAKES IT VERY CLEAR THAT WE ARE OPEN FOR BUSINESS. WE ARE OPEN TO EMPLOY THESE HARDWORKING PEOPLE THAT HAVE SERVED OUR NATION DILIGENTLY. AND SO I THINK IT'S IMPORTANT THAT WE SHOW THEM THAT WE'RE SERIOUS ABOUT THIS AND JUST GIVE THE DEPARTMENT OF ECONOMIC DEVELOPMENT, ALONG WITH THE STATE CHAMBER, SOME MORE CREDENTIALS TO HANG OUT THERE TO SAY THAT, HEY, IF YOU'VE WORKED HARD AND YOU'VE LEARNED A TRADE IN THE MILITARY OR YOU'VE EARNED A PROFESSION IN THE MILITARY, WE'RE OPEN TO HAVING YOU IN NEBRASKA. SO, I WOULD ENCOURAGE ALL OF YOU TO VOTE GREEN ON BOTH THE AMENDMENT AS WELL AS LB264. THANK YOU. [LB264]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB264]

Floor Debate
April 15, 2015

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, THIS SESSION OF THE LEGISLATURE SEEMS TO BE RELUCTANT TO DO THINGS FOR VETERANS, THINGS THAT WE HAVE OVER THE PAST YEARS MOVED ALONG PRETTY WELL. I STAND IN FULL SUPPORT OF THIS BILL. I THINK IT WILL NOT ONLY ENTICE VETERANS TO COME TO NEBRASKA, BUT IT WILL ALLEVIATE SOME OF THE SHORTCOMINGS WE HAVE IN NEBRASKA IN PROFESSIONS THAT REQUIRE TRAINING. SO I WOULD LIKE TO JOIN THE LIST OF THANKING SENATOR MORFELD FOR BRINGING THIS BILL AND OFFER IT MY FULL SUPPORT. THANK YOU, MR. PRESIDENT. [LB264]

SPEAKER HADLEY: SENATOR KOLOWSKI. [LB264]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. I ALSO WANT TO STAND IN FULL SUPPORT OF LB264 AND THE AMENDMENT AND THANK SENATOR MORFELD FOR WHAT HE'S BROUGHT FORWARD HERE. IT'S EXTREMELY IMPORTANT THAT WE TAP INTO THE EXCELLENT RESOURCES THAT ARE AVAILABLE WITH ALL RETIRING OR BEING RELEASED SERVICEMEN AND -WOMEN. THEY ARE HIGHLY TRAINED, WITH EXPENSIVE TRAINING IN MANY CASES, AND CAN HAVE A GREAT IMPACT UPON OUR LOCAL COMMUNITIES. HAVING GRADUATED THOUSANDS OF STUDENTS OVER A 41-YEAR CAREER IN EDUCATION, I EVEN COUNSELED STUDENTS OCCASIONALLY INTO THE OPPORTUNITIES THAT WERE AVAILABLE THROUGH THE MILITARY AS THEY LOOKED AT THEIR DIRECTIONS AND FUTURE PLANS. THEY COME BACK TO US MORE MATURE, HIGHLY TRAINED, HIGHLY SKILLED, AND WE WANT THEM TO COME BACK AND BE IN NEBRASKA TO ASSIST US WITH OUR FUTURE. THANK YOU VERY MUCH FOR YOUR ASSISTANCE. [LB264]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE. [LB264]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, I JUST WANT TO ADD THAT WHEN DR. ACIERNO TESTIFIED IN FRONT OF THE COMMITTEE, HE INDICATED THAT THERE REALLY HAVE NOT BEEN ISSUES WITH NEBRASKA ISSUING THE CREDENTIALS. USUALLY THAT'S DONE WITHIN A COUPLE OF DAYS. WHAT THIS AMENDMENT DOES--AND I WANT TO THANK SENATOR MORFELD FOR BRINGING IT FORWARD, THE BILL FORWARD--IS THAT IT ALLOWS DISCUSSION AND REALLY ASKS FOR THE DISCUSSION AMONG THE INDIVIDUAL BOARDS SO THAT WE ARE BETTER PREPARED AS THESE INDIVIDUALS COME FORWARD. AND WITH THE AMENDMENT WE CERTAINLY HAVE THE SUPPORT OF THE

Floor Debate
April 15, 2015

DEPARTMENT TO START ON THAT PROCESS. SO WITH THAT, I'D ASK FOR A GREEN LIGHT ON THE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB264]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE COMMITTEE AMENDMENT TO LB264...BE ADOPTED. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE THAT VOTED THAT WISH? RECORD, MR. CLERK. [LB264]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB264]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR MORFELD, YOU'RE RECOGNIZED TO CLOSE ON LB264. [LB264]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I WON'T SAY MUCH MORE OTHER THAN I ASK FOR YOUR SUPPORT OF LB264, AND AGAIN, WANT TO THANK THE DEPARTMENT OF DEFENSE, GENERAL COHEN, THE GOVERNOR'S OFFICE, AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES FOR WORKING WITH US AFTER THE COMMITTEE HEARING. THANK YOU. [LB264]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING. THE QUESTION BEFORE US IS THE ADOPTION OF LB264. ALL THOSE IN FAVOR SIGNIFY BY VOTING AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB264]

ASSISTANT CLERK: 33 AYES, 0 NAYS ON THE MOTION TO ADVANCE THE BILL. [LB264]

SPEAKER HADLEY: THE BILL IS ADVANCED TO E&R INITIAL. MR. CLERK, THE NEXT ITEM ON THE AGENDA. [LB264]

ASSISTANT CLERK: MR. PRESIDENT, LB599 INTRODUCED BY SENATOR EBKE. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME JANUARY 21, REFERRED TO THE BUSINESS AND LABOR COMMITTEE. THAT COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM526, LEGISLATIVE JOURNAL PAGE 677.) [LB599]

Floor Debate
April 15, 2015

SPEAKER HADLEY: SENATOR EBKE, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB599]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. LB599 WAS BROUGHT TO ME BY THE NEBRASKA GROCERS ASSOCIATION. AND I WILL GO INTO SOME DETAIL AND PROVIDE SOME EXAMPLES, BUT THE BASICS OF THE BILL ARE THIS: IT WOULD CREATE A NEW MINIMUM WAGE FOR A CLASS DEFINED AS YOUNG STUDENT WORKERS. NOW, I REALIZE THAT THIS BILL RAISES MANY QUESTIONS, INCLUDING WHERE IT SITS IN THE GRAND SCHEME OF INITIATIVE 425 PASSED LAST YEAR. I'M GOING TO TRY TO ADDRESS SOME OF THOSE QUESTIONS RIGHT HERE. LET ME MAKE IT CLEAR THAT WHILE THIS BILL DOES NOT CARVE OUT SPECIAL WAGES FOR PARTICULAR BUSINESSES OR IN SPECIFIC AREAS OF THE STATE, I DO BELIEVE THAT GIVEN NEBRASKA'S VERY LOW UNEMPLOYMENT RATES THAT IT WILL LIKELY BE USED IN A RELATIVELY DISCRETE NUMBER OF INSTANCES. PROBABLY THE BEST AND MOST LIKELY EXAMPLE OF WHEN THIS YOUNG STUDENT WORKER RATE MIGHT BE USED WOULD BE IN THE CASE OF A VERY SMALL BUSINESS, A MOM-AND-POP STORE, IF YOU WILL, IN A SMALL TOWN OR VILLAGE. A HIGH SCHOOL STUDENT VERY LIKELY WORKING THEIR FIRST JOB AS A CASHIER OR A STOCKER IN A SMALL-TOWN GROCERY STORE OR HARDWARE STORE AFTER SCHOOL WHERE ONE...WHERE THERE WOULD ONLY BE MAYBE ONE OR TWO OTHER PEOPLE WORKING AT THE TIME. AND ONE OF THOSE PEOPLE MIGHT BE THE OWNER OF THE STORE WHO ISN'T NECESSARILY TAKING A SALARY BUT IS LIVING OFF OF THE PROFITS, WHICH MAY BE SMALL. MANY OF THESE SMALL STORES STAY OPEN TO PROVIDE A SERVICE TO THEIR COMMUNITY, NOT BECAUSE THEY ARE GREAT CASH COWS FOR THE OWNERS. A NUMBER OF THESE SMALL-TOWN BUSINESSES EMPLOY THOSE WHO WOULD FALL INTO THE YOUNG STUDENT WORKER CATEGORY. LB599 DEFINES THE YOUNG STUDENT WORKER AS AN INDIVIDUAL WHO IS 18 YEARS OR YOUNGER, IS ATTENDING HIGH SCHOOL, AND THAT CAN BE EITHER PUBLIC, PRIVATE, OR HOME SCHOOL. THEY DON'T HAVE ANY DEPENDENTS, THEY ARE ABLE-BODIED, AND OFTENTIMES, THEY ARE UNSKILLED. THESE ARE WORKERS WHO ARE HIRED TO FILL AN ENTRY LEVEL POSITION AND THIS IS OFTEN THEIR FIRST JOB FOR SOMEONE OTHER THAN A FAMILY MEMBER. LB599, WITH THE COMMITTEE AMENDMENT, AM526, WOULD ALLOW EMPLOYERS TO PAY THIS EMPLOYEE A MINIMUM WAGE OF \$8 PER HOUR OR 85 PERCENT OF THE FEDERAL MINIMUM WAGE, WHICHEVER IS HIGHER. THE EMPLOYER IS NOT ALLOWED TO PAY MORE THAN 25 PERCENT OF THE TOTAL HOURS WORKED BY EMPLOYEES IN THEIR BUSINESS AT THIS RATE...AND ONCE THIS BILL BECOMES EFFECTIVE OR OPERATIVE ON JANUARY 1, 2016. ONCE A YOUNG STUDENT WORKER GRADUATES FROM OR PERMANENTLY CEASES HIS OR HER HIGH SCHOOL EDUCATION

Floor Debate
April 15, 2015

PROGRAM, THEY MUST BE PAID THE FULL STATUTORY STATE MINIMUM WAGE. STUDENT LEARNERS WHO ARE NOT... WHO ARE EMPLOYED AS PART OF A BONA FIDE VOCATIONAL TRAINING PROGRAM ARE NOT AFFECTED BY THIS DEFINITION. SO THE HIGH SCHOOL GRADUATE IN THE SUMMER BEFORE LEAVING FOR COLLEGE IS NOT ELIGIBLE FOR THIS LOWER RATE. I ALSO WANT TO NOTE THAT THE BILL, OF COURSE, LEAVES OPEN THAT EMPLOYERS CAN PAY HIGHER WAGES IF DESIRED. I THINK IT'S A REASONABLE CONCLUSION TO BELIEVE THAT IN LARGER TOWNS, TOWNS WHERE BUSINESSES LIKE WALMART OR McDONALD'S OR OTHER BUSINESSES THAT HAVE HIGHER STARTING WAGES, THAT THE MARKET FOR LABOR WILL VIRTUALLY REQUIRE THAT EMPLOYERS PAY THE HIGHER STANDARD MINIMUM WAGE OR EVEN MORE. BUT IN SOME SMALL BUSINESSES IN SOME SMALL TOWNS WHERE THE NEED FOR ADDITIONAL EMPLOYEES IS REALLY MARGINAL, HIRING A YOUNG STUDENT WORKER MIGHT NOT BE ABSOLUTELY NECESSARY TO THE OPERATIONS OF THE BUSINESS. WE WORKED WITH THE DEPARTMENT OF LABOR AND THE GROCERS ASSOCIATION TO MAKE AN AGREEABLE BILL. SOME OF THE CHANGES WE ADDRESSED WERE MAKING SURE THAT WE DIDN'T AFFECT YOUNG SINGLE PARENTS AND INCLUDED PRIVATE AND HOME SCHOOLERS IN THE DEFINITION OF A YOUNG STUDENT WORKER. BUSINESS AND LABOR HAD A COMMITTEE AMENDMENT AS WELL, AM526, WHICH I'VE MENTIONED ALREADY, WHICH CHANGED THE AMOUNT OF \$7 TO \$8 ON PAGE 2 OF THE BILL. THE OPERATIVE DATE OF THE BILL WOULD BE JANUARY 1, 2016, SO WE DIDN'T WANT THE SALARY OR THE WAGE RATE TO BE RETROACTIVE. THERE'S BEEN SOME GOOD RESEARCH DONE ON THIS GENERAL SUBJECT. THE EMPLOYMENT POLICIES INSTITUTION IN WASHINGTON, D.C., RELEASED A STUDY IN AUGUST OF LAST YEAR ENTITLED: THE LASTING EFFECTS (SIC--BENEFITS) OF EARLY WORK EXPERIENCE. IN THE 44-PAGE REPORT, THEY HAD SOME KEY FINDINGS THAT SUPPORT LB599'S INTENTIONS. FIRST OF ALL, FOR A YOUNG ADULT IN HIGH SCHOOL AT THE TURN OF THE MILLENNIUM, 20 HOURS OF PART-TIME WORK PER WEEK IN THEIR SENIOR YEAR OF HIGH SCHOOL CONTRIBUTED TO ANNUAL EARNINGS THAT WERE 20 PERCENT HIGHER SIX TO NINE YEARS AFTER GRADUATION AS COMPARED TO THEIR FELLOW STUDENTS WHO DIDN'T WORK DURING THEIR SENIOR YEAR. SECOND, THE POSITIVE IMPACT OF ENTRY-LEVEL WORK LINGERS FOR MANY, MANY YEARS, EVEN FOR WORKERS WHO WERE HIGH SCHOOL STUDENTS BACK IN THE DAYS WHEN I WOULD HAVE BEEN IN HIGH SCHOOL IN THE LATE '70s AND EARLY '80s. TWENTY HOURS PER WEEK OF SENIOR-YEAR WORK EXPERIENCE THEN IS ASSOCIATED TODAY WITH ANNUAL EARNINGS THAT ARE 7 PERCENT HIGHER AS COMPARED TO THOSE COHORTS WHO DIDN'T WORK DURING THEIR SENIOR YEAR IN HIGH SCHOOL. IN OTHER WORDS, THE RESEARCH SUGGESTS THAT THERE'S A VERY GOOD REASON OVER THE LONG TERM FOR US AS

Floor Debate
April 15, 2015

POLICYMAKERS TO BE INTERESTED IN CONNECTING YOUNG ADULTS WITH FIRST JOBS BY LOWERING THE BARRIERS TO HIRING THEM, REGARDLESS OF THE SIZE OF THE COMMUNITY THEY LIVE IN OR AROUND. THOSE WHO WORK EARLY WILL VERY LIKELY MAKE MORE MONEY LATER IN THEIR CAREERS, SOMETHING THAT WE SHOULD WANT TO SEE FOR MANY REASONS. LB599 PASSED THE BUSINESS AND LABOR COMMITTEE BY A VOTE OF 4 TO 3. ORIGINALLY, THERE WERE FIVE COSPONSORS TO THE BILL, AND SINCE, WE HAVE ADDED 11 MORE COSPONSORS FOR A TOTAL OF 16. I WANT TO THANK SENATOR KUEHN FOR GIVING THIS BILL HIS PRIORITY DESIGNATION. I ALSO WANT TO STRESS THE IMPORTANCE ONE MORE TIME OF HELPING OUR SMALL BUSINESSES AND THOSE IN RURAL AREAS WHERE THERE ARE LIMITED EMPLOYMENT OPPORTUNITIES WILL BE ESPECIALLY IMPACTED BY THIS BILL. WE KNOW HOW VITAL GROCERY STORES, FOR INSTANCE, ARE TO ANY SMALL TOWN. AND IN THE SMALLEST OF TOWNS AND VILLAGES, THAT IMPORTANCE IS EVEN MORE NOTICEABLE. AS OUR RURAL COMMUNITIES AGE, IT BECOMES EVER MORE DIFFICULT FOR THOSE WHO LIVE THERE TO MAKE A REGULAR TRIP INTO ONE OF THE BIGGER TOWNS FOR GROCERIES. A NUMBER OF THE SMALL VILLAGES IN MY DISTRICT HAVE A SMALL GROCERY STORE OFTENTIMES STAFFED BY ONE OR TWO PEOPLE AT THE MOST THROUGHOUT THE DAY. THEY USE AFTER SCHOOL STUDENT HELP TO STOCK SHELVES OR TO WATCH THE STORE WHILE THE OWNER DOES PAPERWORK OR MAKES DELIVERIES TO THOSE FOLKS WHO CAN'T GET TO THE STORE THEMSELVES. THE PROFIT MARGIN FOR MANY OF THESE STORES IS SMALL, AND THE OWNERS REMAIN IN BUSINESS TO HELP THEIR COMMUNITY STAY ALIVE. HELPING THOSE KINDS OF BUSINESSES TO KEEP THEIR LABOR COSTS LOW AND YET BE ABLE TO PROVIDE THE SERVICES NEEDED IS GOOD NOT ONLY FOR THE YOUNG STUDENT WORKERS WHO COULD USE A JOB, BUT ALSO GOOD FOR THE BUSINESS, AND MORE IMPORTANTLY, FOR THE COMMUNITY THAT DEPENDS ON THE GOODS AND SERVICES PROVIDED. I URGE YOUR GREEN VOTE ON LB599. THANK YOU, MR. PRESIDENT. [LB599]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE BUSINESS AND LABOR COMMITTEE. SENATOR BURKE HARR, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB599]

SENATOR HARR: THANK YOU, MR. SPEAKER. AM526 WOULD AMEND THE BILL'S YOUNG STUDENT WORKER WAGE RATE FROM \$7.25 AN HOUR TO A RATE OF A LEAST \$8 AN HOUR. THE OPERATIVE DATE OF THE BILL WOULD BE JANUARY 1, 2016. AMENDING THE BILL TO PROVIDE AN OPERATIVE DATE OF JANUARY 1, 2016, WOULD ALLOW INDIVIDUALS WITHIN THIS CATEGORY OF WORKERS TO CONTINUE TO RECEIVE THE MINIMUM WAGE OF \$8 AN HOUR AS PART OF THE

Floor Debate
April 15, 2015

VOTER REFERENDUM THAT PASSED OVERWHELMINGLY LAST YEAR. THANK YOU. [LB599]

SPEAKER HADLEY: SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB599]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. I RISE IN OPPOSITION TO LB599 FOR A COUPLE OF REASONS. THE BIGGEST BEING IS IT'S VERY MUCH A SLIPPERY SLOPE AS WE START TO HAVE OUR FIRST ATTEMPT TO UNWIND THE WILL OF THE VOTERS. NEBRASKANS...I KNOW I'VE HAD A FEW COLLEAGUES SAY, WELL, SENATOR NORDQUIST, YOU RAISED THE MINIMUM WAGE. WELL, I DIDN'T DO IT MYSELF; 60 PERCENT OF NEBRASKANS VOTED TO RAISE THE MINIMUM WAGE. AN OVERWHELMING MAJORITY OF NEBRASKANS SAID, YES, HARD WORK SHOULD PAY IN NEBRASKA. IT SHOULD BE UNIFORM. THEY SUPPORTED THE POLICY THAT WAS ON THE BALLOT. AND THERE WAS SUPPORT IN 73 COUNTIES ACROSS NEBRASKA. AND I JUST LOOKED AT THE INITIAL COSPONSORS ON THE BILL WHEN IT WAS INTRODUCED, EVERY COUNTY THAT THOSE PEOPLE REPRESENT VOTED IN FAVOR OF RAISING THE MINIMUM WAGE. AND NOW WE HAVE AN ATTEMPT TO COME DOWN HERE AND START PICKING IT APART. AND I JUST WANTED TO READ FOR THE RECORD ALL THE COUNTIES THAT DID VOTE TO RAISE THE MINIMUM WAGE BECAUSE IT IS BROAD, AND IT IS BORDER TO BORDER IN NEBRASKA. ADAMS COUNTY, BOONE COUNTY, BOX BUTTE COUNTY, BOYD COUNTY, BROWN COUNTY, BUFFALO COUNTY, BURT COUNTY, BUTLER COUNTY, CASS COUNTY, CEDAR COUNTY, CHEYENNE COUNTY, CLAY COUNTY, COLFAX COUNTY, CUMING COUNTY, CUSTER COUNTY, DAKOTA COUNTY, DAWES COUNTY, DAWSON COUNTY, DEUEL COUNTY, DIXON COUNTY, DODGE COUNTY, DOUGLAS COUNTY, FILLMORE COUNTY, FRANKLIN COUNTY, FRONTIER COUNTY, FURNAS COUNTY, GAGE COUNTY, GARDEN COUNTY, GOSPER COUNTY, GREELEY COUNTY, HALL COUNTY, HARLAN COUNTY, HITCHCOCK COUNTY, HOLT COUNTY, HOOKER COUNTY, HOWARD COUNTY, JEFFERSON COUNTY, JOHNSON COUNTY, KEARNEY COUNTY, KEITH COUNTY, KIMBALL COUNTY, KNOX COUNTY, CUSTER COUNTY, LINCOLN COUNTY, LOUP COUNTY, MADISON COUNTY, MERRICK COUNTY, MORRILL COUNTY, NANCE COUNTY, NEMAHA COUNTY, OTOE COUNTY, PAWNEE COUNTY, PERKINS COUNTY, PHELPS COUNTY, PLATTE COUNTY, POLK COUNTY, RED WILLOW COUNTY, RICHARDSON COUNTY, ROCK COUNTY, SALINE COUNTY, SARPY COUNTY, SAUNDERS COUNTY, SCOTTS BLUFF COUNTY, SEWARD COUNTY, SHERMAN COUNTY, STANTON COUNTY, THAYER COUNTY, THURSTON COUNTY, WASHINGTON COUNTY, WAYNE COUNTY, WEBSTER COUNTY, WHEELER COUNTY, YORK COUNTY ARE THE 73 COUNTIES THAT VOTED IN SUPPORT OF RAISING THE MINIMUM WAGE. CLEARLY, THIS WAS VERY BROAD-BASED SUPPORT IN NEBRASKA. THIS ISN'T, YOU KNOW,

Floor Debate
April 15, 2015

OMAHA PUTTING ITS WILL ON TOP OF THE REST OF NEBRASKA. I MEAN, COUNTIES... YOU KNOW, OUT... NORTH PLATTE, LINCOLN COUNTY, OVERWHELMINGLY VOTED FOR THIS. AND NOW WE'RE STARTING TO PICK IT APART. WE HAD A COLLEAGUE ON THE FLOOR--I CAN'T REMEMBER WHAT BILL IT WAS LAST WEEK, MAYBE IT WAS EARLIER THIS WEEK--STAND UP AND SAY, YOU KNOW, WE COME DOWN HERE AND WE'RE ELITISTS, AND WE START IMPOSING OUR WILL ON THE VOTERS, AND THEY TOLD US WHAT TO DO. WELL, THERE IS NO WAY...THERE IS NO OTHER ISSUE THAT THE VOTERS HAVE SPOKE MORE RECENTLY AND MORE CLEARLY THAN ON RAISING THE MINIMUM WAGE TO \$9 AN HOUR. SO THAT'S THE FIRST ISSUE. THE SECOND ISSUE IS THIS IS NOT GOOD POLICY. FOLKS, I'LL JUST TELL YOU--CERTAINLY IN MY DISTRICT BUT I KNOW THERE'S OTHER DISTRICTS THAT HAVE THIS PROBLEM--IN SOUTH OMAHA, WE HAVE AN EPIDEMIC OF KIDS WHO DROP OUT OF HIGH SCHOOL TO SUPPORT THEIR FAMILY. NOW WE ARE CREATING A POLICY THAT SAYS IF YOU DROP OUT OF HIGH SCHOOL, YOU'RE GOING TO MAKE AN EXTRA DOLLAR AN HOUR. WE ARE CREATING A PERVERSE INCENTIVE TO ENCOURAGE MORE KIDS TO DROP OUT. AND I UNDERSTAND THAT THIS BILL IS TARGETED AT SMALL RURAL MOM AND POPS. AND WE CAN...MAYBE THERE ARE POLICY ALTERNATIVES FOR US TO TIGHTEN THIS UP DIRECT IT THAT WAY. [LB599]

SPEAKER HADLEY: ONE MINUTE. [LB599]

SENATOR NORDQUIST: BUT RIGHT NOW, IT APPLIES TO EVERYBODY, AND IT'S GOING TO CREATE A BIGGER DROPOUT PROBLEM IN SOUTH OMAHA AND IN A LOT OF OTHER COMMUNITIES LIKE IT ACROSS THE STATE. IT ALSO, FOR THE BUSINESSES THAT ARE COMPETING FOR LABOR IN OMAHA, IT DOES CREATE AN INCENTIVE FOR THEM TO PRIORITIZE THE HIRING OF TEENAGE WORKERS, MAYBE OVER SINGLE MOTHERS OR OTHERS WHO ARE TRYING TO SUPPORT THEIR FAMILIES. SO I THINK IT'S, NUMBER ONE, IT'S BAD POLICY TO TURN OUR BACK ON THE WILL OF THE VOTERS AND SAY WE KNOW BETTER THAN YOU; YOU WEREN'T RIGHT IN NOVEMBER. WE'RE NOT GOING TO LISTEN TO WHAT YOU SAID WHEN YOU SAID THERE SHOULD BE A UNIFORM \$9 AN HOUR MINIMUM WAGE. WE'RE GOING TO TURN OUR BACKS ON THE VOTERS, AND WE'RE GOING TO CREATE INCENTIVES THAT POTENTIALLY COULD EXACERBATE HIGH SCHOOL DROPOUTS. THIS IS NOT THE RIGHT DIRECTION. AND FOR THE SMALL MOM AND POPS, OUR CURRENT MINIMUM WAGE DOES NOT APPLY TO VERY SMALL BUSINESSES THAT HAVE LESS THAN FOUR EMPLOYEES RIGHT NOW. SO... [LB599]

SPEAKER HADLEY: TIME, SENATOR. [LB599]

Floor Debate
April 15, 2015

SENATOR NORDQUIST: THANK YOU. [LB599]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS COOK, KUEHN, MORFELD, BLOOMFIELD, CAMPBELL, AND MANY OTHERS. SENATOR COOK, YOU ARE RECOGNIZED. [LB599]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I ALSO RISE IN OPPOSITION TO LB539...LB599. WITH MY NEW SPECTACLES, I CAN'T SEE THE BOARD. THANK YOU VERY MUCH FOR THAT. I RISE IN OPPOSITION TO THIS BILL PROPOSAL. I ALSO RECOGNIZE THAT THE WILL OF THE PEOPLE, WE HAVE TO GO AGAINST THAT WITH THIS PROPOSAL. AND I CAN CERTAINLY APPRECIATE THAT A SMALL BUSINESS, AS IT HAS BEEN TERMED A MOM-AND-POP GROCERY STORE, MIGHT REALLY ACTUALLY BE LOOKING FOR TEEN WORKERS IN GREATER NEBRASKA, AND MAYBE EVEN IN THIS END OF THE STATE. HERE'S THE REALITY AS IT EXISTS WITHIN LEGISLATIVE DISTRICT 13 AND WITHIN MANY DISTRICTS ACROSS THE STATE. THERE ARE STUDENTS THAT WOULD BE IMPACTED BY THE PASSING OF THIS LAW WHO WORK TO HELP SUPPORT THEIR FAMILIES. SOME OF THEM STAY IN SCHOOL, AND AS SENATOR NORDQUIST SAID, MANY OF THEM DROP OUT OF HIGH SCHOOL IN ORDER TO WORK IN MINIMUM WAGE--I MEAN, THEY'RE NOT REALLY QUALIFIED TO DO ANY OTHER KIND OF WORK--IN ORDER TO WORK IN GROCERY STORES AND RESTAURANTS TO HELP SUPPORT THEIR FAMILIES. I HAD THE PRIVILEGE OF SERVING AS THE CHAIR OF THE PLANNING COMMITTEE. AND OVER THE YEARS-- YOU CAN FIND THE REPORTS ON YOUR LAPTOP COMPUTERS--WE HAVE DONE RESEARCH AS IT RELATES TO CHILDREN IN POVERTY IN THE STATE OF NEBRASKA. THE NUMBER OF CHILDREN LIVING IN POVERTY IN THE STATE OF NEBRASKA INCREASED BETWEEN THE TIME THE CENSUS WAS DONE IN THE YEAR 2000 AND THE TIME THE CENSUS WAS DONE IN 2010. THESE CHILDREN WHO ARE WORKING FOR MONEY TO TAKE HOME, IT'S NOT LIKE THE VERY FORTUNATE SITUATION THAT I FACED AS A TEENAGER WHERE I WORKED. I LIVED IN MY PARENTS' HOUSE WHERE THEY PAID THE MORTGAGE. THEY PAID FOR THE CARS. THEY PAID FOR THE ELECTRIC BILL, THE GAS BILL, THE REPAIRS, THE TAXES. THE MONEY THAT I EARNED BABY-SITTING AND WORKING AT THE LIBRARY AND WORKING AT PEONY PARK WAS MY MONEY TO SAVE AND SPEND AS I CHOSE. I WAS PROVIDED FOR. THE NUMBER OF THOSE CHILDREN HAS DECREASED, CERTAINLY SINCE I WAS BABY-SITTING AND WORKING FOR MY OWN POCKET MONEY. THE NUMBER OF CHILDREN AS A PERCENTAGE OF THAT, THE NUMBERS OF TEENAGERS IN NEBRASKA HAS GONE DOWN. SO THIS BILL, LB599, EVEN AS AMENDED, WOULD HAVE A DISPROPORTIONATE IMPACT CERTAINLY ON THE NUMBER OF CHILDREN LIVING IN MY DISTRICT WHO WORK

Floor Debate
April 15, 2015

NOT ONLY TO HELP SUPPORT THEIR FAMILIES PAYING THINGS LIKE ELECTRIC BILLS AND PHONE BILLS, BUT WORK TO SUPPORT THEIR OWN NEEDS, WHETHER THAT BE THEIR ABILITY TO PARTICIPATE IN EXTRACURRICULAR ACTIVITIES AT SCHOOL, TO PAY FOR THE THINGS THAT THEY WANT TO DO FOR THEMSELVES ON THE WEEKEND. THERE'S NO SUCH THING AS ALLOWANCE IN MANY, MANY HOUSEHOLDS IN MY DISTRICT. I WOULD ALSO LIKE TO TAKE THIS OPPORTUNITY, AND I'LL GET BACK ON THE MICROPHONE ABOUT THIS, YESTERDAY WE DID NOT GET TO THIS BILL, BUT YESTERDAY WAS EQUAL PAY DAY IN THE UNITED STATES. AND GUESS WHAT, FRIENDS? NEBRASKA WOMEN ARE NOT PAID AT EQUAL RATES AS MEN. WE EARN, ACCORDING TO THE REPORT I PULLED UP YESTERDAY THROUGH THE AMERICAN ASSOCIATION OF UNIVERSITY OF WOMEN, 74 CENTS... [LB599]

SPEAKER HADLEY: ONE MINUTE. [LB599]

SENATOR COOK: ...FOR EVERY DOLLAR. THANK YOU, MR. PRESIDENT. SO WHEN YOU, AGAIN, LOOK AT THE STATISTICS, YOU CAN PULL UP THE PLANNING COMMITTEE REPORTS. MANY OF THESE CHILDREN, LET'S SAY IT'S A SINGLE MOTHER, HEAD OF HOUSEHOLD WITH TWO CHILDREN, WE'VE DONE SOME RESEARCH IN THAT AREA, MOTHER IS NOT GETTING PAID THE AMOUNT OF MONEY THAT SHE NEEDS TO SUPPORT HER FAMILY. AND I HAD AN EQUAL PAY PROPOSAL THIS YEAR. IT REMAINS RESTING COMFORTABLY WITHIN THE SAME BUSINESS AND LABOR COMMITTEE THAT ADVANCED THIS PROPOSAL. SO NOT ONLY, ONCE AGAIN, AM I OPPOSED TO THIS PROPOSAL ON MANY PHILOSOPHICAL POINTS, IT'S NOT IN LINE WITH WHAT THE STATISTICS SAY EXIST IN TERMS OF FAMILIES IN THE STATE OF NEBRASKA. WITH THAT, I WILL CLOSE AND START OVER AGAIN WITH MORE OF A CONVERSATION ABOUT EQUAL PAY, ITS NONEXISTENCE IN NEBRASKA, AND THE IMPACT ON WHY WE SHOULDN'T... [LB599]

SPEAKER HADLEY: TIME, SENATOR. [LB599]

SENATOR COOK: ...VOTE FOR THIS. THANK YOU VERY MUCH. [LB599]

SPEAKER HADLEY: SENATOR KUEHN, YOU ARE RECOGNIZED. [LB599]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. AND I APPRECIATE THE OPPORTUNITY TODAY TO ADDRESS WITH YOU THE BILL WHICH I PRIORITIZED, SENATOR EBKE'S LB599. AND I RISE IN SUPPORT OF AM526

Floor Debate
April 15, 2015

AS WELL AS THE UNDERLYING BILL. I KNOW THERE'S GOING TO BE A LOT OF RHETORIC ABOUT THE INTENTIONS AND THE GOALS OF THIS BILL AND WHAT IT MAY OR MAY NOT ATTEMPT TO DO. FIRST, I'D LIKE TO CLARIFY THAT MY INTENTION IN MAKING THIS BILL MY PRIORITY WAS NOT TO UNDO THE WILL OF THE PEOPLE. THE PEOPLE OF THE STATE OF NEBRASKA SAID WITH 60 PERCENT MAJORITY THAT THEY BELIEVE THERE NEEDED TO BE AN ADJUSTMENT TO THE MINIMUM WAGE. WHAT THEY DID NOT VOTE ON WAS SPECIFIC CATEGORIES OF WORKERS WHO ARE DISPROPORTIONATELY IMPACTED BY THE INCREASE IN THAT MINIMUM WAGE. IT IS ESTABLISHED THAT WHEN MINIMUM WAGE INCREASES TAKE EFFECT, THEY DO HAVE A DISPROPORTIONATE EFFECT ON WORKERS UNDER AGE 25 CAUSING HIGHER THAN ANTICIPATED UNEMPLOYMENT RATES AND RESTRICT THEIR ACCESS TO THE WORK FORCE. WHAT'S PARTICULARLY DEVASTATING ABOUT THIS DISPROPORTIONATE IMPACT THAT THE MINIMUM WAGE INCREASE HAS ON YOUNG WORKERS IS THAT IT COMPOUNDS THE HARM THROUGH THEIR EARLY WORKING CAREER AND POTENTIALLY THEIR ABILITY TO PROVIDE FOR THEMSELVES AND THEIR FAMILIES LATER IN LIFE TO ADDRESS THE VERY QUESTIONS OF POVERTY THAT SENATOR COOK AND SENATOR NORDQUIST HAVE ALREADY ADDRESSED. AS SENATOR EBKE HAS STATED, THE IMPACT OF THAT FIRST JOB IS CRITICAL TO THE LONG-TERM EARNING IMPACT OF A YOUTH WORKER, WORKING AS LITTLE AS 20 HOURS PER WEEK DURING THE SENIOR YEAR OF HIGH SCHOOL HAVING A 20 PERCENT INCREASE IN THE EARNING POTENTIAL OF THAT WORKER IN THE NEXT SIX TO NINE YEARS. THAT'S THE EARLY PART OF THEIR EARNINGS' PHASE. THAT'S THEIR EARLY CAREER. THAT'S THEIR EARLY TIME STARTING A FAMILY. THESE FIRST JOBS, THE EXPERIENCE THEY PROVIDE, AND THE STEP UP THEY PROVIDE OUR YOUNG WORKERS ON THEIR FUTURE CAREER LADDER IS CRITICAL. AND WE SHOULD LOOK AND IT IS GOOD POLICY TO LOOK AT A BROAD-BASED POLICY GUIDELINE AND DETERMINE WHERE THERE ARE POTENTIALLY UNINTENDED CONSEQUENCES, WHERE THERE MAY BE GROUPS WHO ARE DISPROPORTIONATELY AFFECTED, AND HOW WE MAY ADDRESS THOSE IN POLICY TO ENSURE THAT THE GOALS OF THE ORIGINAL POLICY ARE MET. WHILE SOME MAY PORTRAY THIS AS THE DIFFERENCE IN INCOME BETWEEN THE WORKERS AS \$8 AN HOUR IN THE COMMITTEE AMENDMENT VERSUS \$9 OR \$10 AN HOUR IN EARNING, I WOULD PURPORT THAT THE CHOICE THAT MANY STUDENTS ARE GOING TO BE FORCED INTO WITHOUT LB599 IS THE DIFFERENCE BETWEEN \$8 AN HOUR AND \$0 AN HOUR, THAT WE HAVE AN OPPORTUNITY TO ENSURE THESE EARLY ENTRY-LEVEL JOBS, ENSURE THAT THOSE YOUNG ADULT STUDENT WORKERS WHO ARE CONTRIBUTING TO THEIR FAMILIES HAVE A JOB AND CAN CONTRIBUTE VERSUS BEING UNEMPLOYED AND UNABLE TO ASSIST THEIR FAMILIES, UNABLE TO ASSIST THEMSELVES, AND UNABLE TO PARTICIPATE

Floor Debate
April 15, 2015

IN THE WORK FORCE IN THEIR COMMUNITIES. I RECOGNIZE THAT THERE MAY BE DISPARITIES IN HOW THIS PARTICULAR BILL IMPACTS DIFFERENT REGIONS IN NEBRASKA. THE APPROACH IN THE JOB MARKET MAY BE DIFFERENT IN METROPOLITAN OMAHA THAN IT IS IN MINDEN OR HOLDREGE OR BLUE HILL, NEBRASKA. THAT IS THE REALITY OF A STATE LIKE NEBRASKA WITH OUR DIVERSITY AND WITH OUR DIFFERENT COMMUNITIES BETWEEN RURAL AND URBAN. THE VOTERS IN MY DISTRICT, MANY OF WHOM SUPPORTED THE MINIMUM WAGE INCREASE, THE CHAMBERS OF COMMERCE, THE LOCAL OFFICIALS, THE COMMUNITY GROUPS HAVE SPOKEN CLEARLY TO ME IN SUPPORT OF LB599. THEY SEE THESE FIRST JOBS AS CRITICAL. THEY SEE THEM AS CRITICAL TO OUR COMMUNITIES, AND THEY SEE THEM CRITICAL TO THE CHILDREN AND FAMILIES WITHIN OUR COMMUNITIES. WITH THAT, I APPRECIATE YOUR GREEN LIGHT AND VOTE OF SUPPORT IN AM526 AS WELL AS YOUR SUPPORT FOR LB599. THANK YOU, MR. PRESIDENT. [LB599]

SPEAKER HADLEY: SENATOR MORFELD, YOU'RE RECOGNIZED. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I RISE IN STRONG OPPOSITION TO BOTH THE AMENDMENT AND THE BILL. I WORKED AT A GROCERY STORE FOR FIVE YEARS. WHEN I WAS 14 YEARS OLD, I STARTED THERE. AND FOR THE FIRST THREE YEARS, I WORKED AS A PART-TIME EMPLOYEE. AND THE LAST TWO YEARS UNTIL I WAS THE AGE OF 19, I WORKED AS A FULL-TIME MANAGER TRAINING STAFF MEMBERS, EMPLOYEES, MANAGING THE FLOOR AND THE BACK ROOM. AND I CAN TELL YOU RIGHT NOW THAT WHEN IT COMES TO AN EMPLOYEE THAT IS BEING HIRED BY A GROCERY STORE, WHETHER THEY'RE 14 YEARS OLD OR WHETHER THEY'RE 40 YEARS OLD, IF THEY DON'T HAVE ANY OTHER EXPERIENCE WORKING AT A GROCERY STORE, IT DOESN'T MATTER WHAT THEIR AGE IS, THEY CAN BE TRAINED. AND THEY CAN BE TRAINED THE SAME AND BE ABLE TO PERFORM THE DUTIES OF THEIR JOB JUST AS GOOD AS A 14-YEAR-OLD OR JUST AS GOOD AS A 40-YEAR-OLD. IT'S MORE ABOUT THE INDIVIDUAL EMPLOYEE. NOW THIS ISN'T ABOUT PROVIDING SKILLS OR ANYTHING TO YOUNG WORKERS. WHAT THIS IS IS ABOUT ENSURING THAT WE HAVE EQUALITY IN PAY AND THAT WE'RE TREATING PEOPLE EQUALLY. I HAD 40-YEAR-OLD EMPLOYEES THAT WERE WORTHLESS. I HAD 14-YEAR-OLD EMPLOYEES THAT WERE WORTHLESS. I HAD 15-YEAR-OLD EMPLOYEES THAT WERE AMAZING. AND I HAD 40- AND 50-YEAR-OLD EMPLOYEES THAT WERE ALSO AMAZING. THE FACT OF THE MATTER IS IS THAT WE SHOULDN'T BE CREATING DIFFERENT CLASSES OF PAY BASED ON PRODUCTIVITY OR TRAINING OR AGE. WE SHOULD BE ENCOURAGING EQUALITY IN PAY, BUT THEN ALSO LETTING THE EMPLOYER DECIDE WHO IS PRODUCTIVE AND WHO IS NOT IN

Floor Debate
April 15, 2015

TERMS OF WHETHER OR NOT THEY MAINTAIN THEIR EMPLOYMENT OR WHETHER OR NOT THEY LET THEM GO OR WHETHER OR NOT THEY GIVE THEM A RAISE. A FEW THINGS HAVE BEEN BROUGHT UP TODAY. FOR INSTANCE, THAT, YOU KNOW, ALL OF MY COMMUNITY GROUPS AND THE GROCERY STORES HAVE COME TO ME AND TOLD ME HOW IMPORTANT THIS IS, AND THEY ARE IN SUPPORT OF IT. HOW MANY PEOPLE UNDER THE AGE OF 18 HAVE COME TO YOU AND SAID THEY'RE IN SUPPORT OF THIS? I'D LIKE TO HEAR FROM THEM. AND THE FACT OF THE MATTER IS IS THAT PEOPLE UNDER THE AGE OF 18, IT'S EASY TO GO AFTER THEM AND REDUCE THEIR WAGES BECAUSE THEY DON'T VOTE FOR US BECAUSE THEY CAN'T VOTE. I SUPPOSE ONE DAY THEY MAY AND THEY MAY HAVE A LONG MEMORY, BUT FACT OF THE MATTER IS IS THAT WE'RE TARGETING A GROUP OF PEOPLE THAT, NUMBER ONE, DON'T REALLY HAVE MUCH OF A POLITICAL VOICE TO BEGIN WITH; NUMBER TWO, OFTENTIMES WORK HARDER THAN SOME OF THE PEOPLE THAT WE'RE BENEFITTING WITH THIS WAGE DISPARITY. AND THEN, NUMBER THREE, MANY OF THEM, PARTICULARLY IN MY DISTRICT ARE NOT WORKING JUST TO BE ABLE TO GO TO THE MOVIES OR GO GET A SODA OR SOMETHING LIKE THAT, MANY OF THEM ARE WORKING TO SAVE UP FOR COLLEGE WHICH THEIR FAMILIES CAN'T AFFORD, OR MAY BE ABLE TO PAY FOR SOME OF THE THINGS THAT THEIR FAMILY NEEDS BECAUSE WE DIDN'T EXPAND MEDICAID EXPANSION AND PROVIDE AFFORDABLE HEALTHCARE FOR WORKING NEBRASKANS. MANY OF THE STUDENTS AND THE KIDS IN MY DISTRICT WORK TO SUPPORT THEIR FAMILY. I SAW IT WHEN I WAS GOING DOOR TO DOOR. I SAW IT WHEN I WAS WORKING UNDER THE AGE OF 18 AT HY-VEE FOR FIVE YEARS. AND I CAN TELL YOU, IN MY FAMILY, I WAS OFTEN SUPPORTING MYSELF. MY FAMILY DIDN'T HAVE MONEY TO HELP ME PAY FOR MY CAR INSURANCE OR MY CELL PHONE BILL OR SOME OF MY NEEDS. AND PARTICULARLY NOT FOR MY COLLEGE WHICH I SAVED UP THROUGH WORKING FULL TIME AND ANOTHER PART TIME ON TOP OF IT. IF THE CONCERN IS ECONOMIC VITALITY... [LB599]

SPEAKER HADLEY: ONE MINUTE. [LB599]

SENATOR MORFELD: ...OF RURAL AREAS, OF THE ABILITY FOR GROCERY STORES TO BE ABLE TO SURVIVE, THEN I SUBMIT TO ALL OF YOU, COLLEAGUES, THAT THERE ARE OTHER SOLUTIONS IN OUR SYSTEM THAT WE CAN DEAL WITH THAT ISSUE, ADDRESS THAT ISSUE. BUT IT'S NOT PAYING SOME PEOPLE MORE AND PAYING OTHERS LESS SIMPLY BECAUSE THEY'RE UNDER A CERTAIN AGE. THANK YOU. [LB599]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU ARE RECOGNIZED. [LB599]

Floor Debate
April 15, 2015

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I STAND IN FULL SUPPORT OF LB599, AND NOT BECAUSE I CHOOSE TO BE UNFAIR BUT BECAUSE I CHOOSE TO BE VERY FAIR. THERE ARE JOBS WITHIN THESE GROCERY STORES OR OTHER BUSINESSES THAT THESE YOUNG PEOPLE CANNOT DO BECAUSE OF REGULATIONS WE HAVE PUT ON THOSE INDUSTRIES. THEY CAN'T OPERATE THE FORKLIFT OR THE SCISSOR LIFT THAT UNLOADS THE PALLETS OFF THE TRUCK WHEN IT PULLS IN. THEY MAY NOT BE ABLE TO OPERATE A BOX OPENER DEPENDING ON WHICH AGE THEY'RE AT AND WHAT REGULATION THEY FALL UNDER. THERE ARE A NUMBER OF THINGS THEY ARE NOT ALLOWED TO DO BY STATE OR FEDERAL REGULATIONS. THERE IS NO REASON THAT A STORE OR ANY OTHER BUSINESS SHOULD PAY THE SAME SALARY TO SOMEBODY THAT CAN ONLY DO HALF THE JOB. COLLEAGUES, THIS BILL NEEDS TO PASS TO HELP NOT ONLY THE STUDENTS BE ABLE TO GET A JOB BECAUSE IF YOU CAN HIRE AN ADULT AND YOU HAVE TO PAY HIM THE SAME WAGE, WHY WOULD YOU EVER HIRE THE STUDENT? BUT IT'S ALSO A FAIRNESS ISSUE TO THE PEOPLE THAT ARE DOING THE HIRING. WHY SHOULD THEY HAVE TO PAY AS MUCH FOR SOMEBODY, AS I SAID BEFORE, THAT CAN ONLY DO HALF THE JOB? MR. PRESIDENT, I'D YIELD THE REMAINDER OF MY TIME TO SENATOR EBKE IF SHE COULD USE IT. [LB599]

SPEAKER HADLEY: SENATOR EBKE, 3 MINUTES, 25 SECONDS. [LB599]

SENATOR EBKE: THANK YOU, SENATOR BLOOMFIELD. YOU SAID A LOT OF THE THINGS THAT I HAD MY LIGHT ON AND WAS GOING TO SAY, BUT I WOULD JUST MAKE A COUPLE OF POINTS. THESE SKILL SETS THAT THE 14-, 15-, 16-, 17-, AND EVEN 18-YEAR-OLD FIRST-TIME WORKERS HAVE ARE OFTENTIMES VERY DIFFERENT, HOPEFULLY, THAN WHAT A 40-YEAR-OLD HAS. AND I UNDERSTAND THAT YOU CAN HAVE POOR WORKERS WHO ARE 40 YEARS OLD AND POOR WORKERS WHO ARE 15 YEARS OLD. BUT THE POINT HERE IS THAT I'VE GOT A 16-YEAR-OLD...ALMOST 16-YEAR-OLD, SHE'LL BE 16 IN A WEEK AND A HALF. AND FRANKLY, SHE'S NOT AS VALUABLE TO MOST EMPLOYERS AS WOULD BE MY 25-YEAR-OLD JUST BECAUSE OF THE EXPERIENCE THAT'S SHE'S HAD. I HAVE TROUBLE GETTING HER OUT OF BED IN THE MORNING. AND SHE DOESN'T NECESSARILY KNOW HOW TO SWEEP THE FLOOR VERY WELL. THERE ARE ALL SORTS OF THINGS THAT NEED TO BE TRAINED. AND I THINK THAT'S FINE. I THINK THAT'S WHAT FIRST JOBS ARE ALL ABOUT. BUT WE NEED TO ACCEPT THAT THAT TRAINING COSTS THE EMPLOYER SOME MONEY AND SOME TIME AS WELL. SENATOR BLOOMFIELD MENTIONED A FEW OF THE THINGS THAT YOUNG WORKERS CANNOT DO IN GROCERY STORES WHICH DOES CHANGE THEIR VALUE FOR VERY SMALL EMPLOYERS ESPECIALLY. I THINK OF SOME OF THESE GROCERY STORES THAT I'VE GONE INTO OR SOME OF THE HARDWARE STORES

Floor Debate
April 15, 2015

THAT I'VE GONE INTO AND THERE MAY BE THE OWNER, MAYBE ONE OTHER PERSON, MAYBE ONE HIGH SCHOOL STUDENT CHECKING PEOPLE OUT. AND THAT HIGH SCHOOL STUDENT, BECAUSE OF AGE, CAN'T GRIND THE KEYS AT THE HARDWARE STORE, CAN'T RUN CERTAIN POWER TOOLS, CAN'T LIFT THINGS. THEY CAN'T...ACCORDING TO FEDERAL LAW, 16- AND 17-YEAR-OLDS CAN'T PERFORM THINGS LIKE ADJUSTING OR USING OR REPAIRING THINGS LIKE MEAT PROCESSING AND BAKERY EQUIPMENT; 14- AND 15-YEAR-OLDS CAN'T WORK BEFORE 7:00 A.M. EXCEPT DURING THE SUMMER. THEY ALSO CAN'T WORK AFTER 7:00 P.M. SO IF THEY'RE GOING TO SCHOOL AND WANT TO WORK PART TIME, REALLY THEY'RE LIMITED TO ROUGHLY 4:00 TO 7:00. THAT IS AN EMPLOYMENT PRACTICE THAT ALLOWS THE EMPLOYERS TO MAKE USE OF THEIR TIME, BUT IT ISN'T NECESSARILY ALWAYS CONSISTENT WITH WHEN THEY NEED THE EMPLOYEES THE MOST. FOURTEEN- AND FIFTEEN-YEAR-OLDS ARE LIMITED AS WELL IN TERMS OF WHAT THEY CAN DO. ANYTHING THAT INVOLVES BAKING OR COOKING, THE USE OF...THE LOADING AND UNLOADING OF MATERIALS, THEY ARE LIMITED IN AS WELL. SO LET'S NOT PRETEND THAT A SMALL BUSINESS WOULD NEVER...IS TRYING TO BE SOMEHOW UNFAIR. IF I HAVE TO PAY...IF I'M A SMALL GROCERY STORE AND THERE'S A 19-YEAR-OLD WHO CAN DO WHATEVER I NEED THEM TO DO AND IS ABLE TO WORK FROM 4:00 TO 10:00 AT NIGHT, OR THERE IS A 16-YEAR-OLD OR A 15-YEAR-OLD WHO IS ABLE TO WORK FROM 4:00 TO 8:00... [LB599]

SPEAKER HADLEY: TIME, SENATOR. [LB599]

SENATOR EBKE: THANK YOU. [LB599]

SPEAKER HADLEY: (VISITORS INTRODUCED.) MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, SOME ITEMS. NEW RESOLUTIONS: LR187, LR188, LR189, ALL INTRODUCED BY SENATOR HILKEMANN. A NAME ADD: LB623 BY SENATOR KOLTERMAN. (LEGISLATIVE JOURNAL PAGES 1191-1192.) [LR187 LR188 LR189 LB623]

FINALLY, A PRIORITY MOTION. SENATOR JOHNSON WOULD MOVE TO RECESS UNTIL 1:30 P.M.

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO RECESS UNTIL 1:30 P.M. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. THOSE OPPOSED, NAY. MOTION PASSES.

Floor Debate
April 15, 2015

RECESS

SENATOR GLOOR PRESIDING

SENATOR GLOOR: GOOD AFTERNOON, LADIES AND GENTLEMEN, AND WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER. THE AFTERNOON SESSION IS ABOUT TO RECONVENE. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

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

SENATOR GLOOR: THANK YOU, MR. CLERK. DO YOU HAVE ANY ITEMS FOR THE RECORD?

ASSISTANT CLERK: MR. PRESIDENT, I DO. YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB56, LB81, LB81A, LB106, LB106A, LB152, LB183, LB199, LB199A, LB265A, LB415, LB500A, LB610, AND LB610A ALL AS CORRECTLY ENGROSSED. IN ADDITION TO THAT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB80 TO SELECT FILE. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 1193-1194.) [LB56 LB81 LB81A LB106 LB106A LB152 LB183 LB199 LB199A LB265A LB415 LB500A LB610 LB610A LB80]

SENATOR GLOOR: THANK YOU, MR. CLERK. MR. SPEAKER, FOR AN ANNOUNCEMENT.

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, JUST A QUICK ANNOUNCEMENT. WE WILL BE GOING TODAY UNTIL 4:00. AND AT THAT POINT IN TIME, WE ARE GOING TO RECESS. AND AT THAT POINT IN TIME, WE WILL HAVE THE FORMER SENATORS, THOSE OF YOU THAT HAVEN'T BEEN THERE, WE INVITE THE FORMER SENATORS BACK AND THEY VERY MUCH APPRECIATE COMING IN. THEY WILL BE HERE AT 4:00 AND THEY WILL BE INDIVIDUALLY ANNOUNCED AND COME DOWN THE AISLE. SO I WOULD APPRECIATE IT IF YOU WOULD STICK AROUND AND GREET YOUR FORMER SENATORS. AND THEN AFTER WE'VE INTRODUCED THE LAST ONE, WE WILL ADJOURN FOR THE DAY. SO YOU CAN GET TO YOUR IMPORTANT OTHER THINGS. TOMORROW WE WILL START ON THE DEATH PENALTY. I ANTICIPATE THAT THERE COULD BE SOME EXTENDED DEBATE ON THE DEATH PENALTY. AND WE WILL FINISH THAT UP THEN ON MONDAY, AND AT THAT POINT IN TIME, WE WILL PROBABLY GO BACK TO THE ORIGINAL

Floor Debate
April 15, 2015

AGENDA. BUT I DO RESERVE THE ABILITY TO MOVE THINGS AROUND TO KEEP THEM GOING. IF ANYBODY HAS ANY QUESTIONS RIGHT NOW, I'VE HAD 48 SENATORS COME TO ME AND TELL ME HOW IMPORTANT THEIR BILLS ARE AND HOW THEY NEED TO BE UP ON THE AGENDA RIGHT AWAY. SO I'M GOING TO PUT SENATOR HUGHES' BILL UP RIGHT AWAY. THANK YOU, MR. PRESIDENT. (LAUGH)

SENATOR GLOOR: THANK YOU, MR. SPEAKER. (VISITORS INTRODUCED.) MEMBERS, WE NOW RETURN TO THE AGENDA AS WE LEFT THIS MORNING. THAT WAS LB599 WITH AM526, THE BUSINESS AND LABOR COMMITTEE AMENDMENT. RETURNING TO THE QUEUE, MEMBERS IN THE QUEUE: BURKE HARR, HANSEN, PANSING BROOKS, COOK, BRASCH, AND OTHERS. SENATOR HARR, YOU ARE RECOGNIZED. [LB599]

SENATOR HARR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. WELL, WE'RE BACK ON LB599. AS YOU MAY RECALL, THIS IS THE BILL THAT WOULD SAY OUR KIDS AREN'T WORTH MUCH, AT LEAST THEIR WAGES AREN'T. SO SENATOR KUEHN EARLIER TODAY TALKED ABOUT HOW IMPORTANT A FIRST JOB IS AND HOW IT REALLY FORMS WHO YOU ARE AND CAN AFFECT YOUR CAREER. AND I WAS THINKING ABOUT THAT AND I THOUGHT ABOUT IT. AND SAID, WELL, GOSH, MY FIRST JOB I WAS COLONEL OF THE URINAL. I CLEANED TOILETS, AND SO MAYBE HE IS RIGHT. BUT YOU KNOW, WE'RE TALKING HERE ABOUT HOW GREAT THIS IS FOR THE KIDS, AND THIS IS ALL ABOUT THE KIDS AND, GOSH DARN IT, LET'S TAKE ONE FOR THE TEAM AND DO IT FOR THE KIDS. LET'S GO WIN ONE FOR THE KIDS. THIS IS NOT ABOUT THE KIDS. WHO BROUGHT THIS BILL? SENATOR EBKE IN HER OPENING SAID FOR WHOM SHE BROUGHT THE BILL. IT WASN'T THE KIDS. IT WASN'T THE 14-YEAR-OLDS, THE 15-YEAR-OLDS, THE 16-YEAR-OLDS, THE 17-YEAR-OLDS. AS A MATTER OF FACT, I HAVEN'T SEEN ONE, NOR HAVE I HEARD FROM ONE TEENAGER WHO SAYS, PLEASE, PLEASE, I WANT TO BE PAID LESS. I DON'T THINK I'M WORTH WHAT ANYONE ELSE IS. NO, THIS BILL WAS BROUGHT BY THE GROCERS, PERIOD. THAT'S WHO BROUGHT THIS BILL. THAT'S WHO TESTIFIED. GO AND LOOK AND SEE WHO TESTIFIED FOR THIS BILL. AND THE ARGUMENT IS, WELL, THESE KIDS, THEY CAN'T DO AS MUCH. YOU KNOW, FEDERAL LAW HAS DECIDED THAT THESE KIDS SHOULD BE GIVEN PROTECTION. STATE LAW HAS DECIDED THESE KIDS SHOULD BE GIVEN PROTECTION. AND SO, THEREFORE, BECAUSE THEY CAN'T DO EVERYTHING THAT AN ADULT CAN DO, WE SHOULD PAY THEM LESS, WHICH I FIND OFFENSIVE AT BEST. WHAT'S NEXT? KIDS WHO HAVE A HANDICAP? ADULTS WHO HAVE A HANDICAP? THEY CAN'T DO AS MUCH. THE ELDERLY, THOSE 65 OR OLDER? THAT COULD BE SOME PEOPLE IN THIS ROOM. LET'S PAY THEM LESS. PREGNANT WOMEN? LET'S PAY THEM LESS. WHERE DOES THIS STOP, FOLKS? THAT'S THE JOB

Floor Debate
April 15, 2015

OF AN EMPLOYER TO SEE WHAT THIS PERSON CAN DO AND WORK WITHIN THE LIMITS OF WHAT THEY CAN DO. BUT TO OUTRIGHT SAY THEY SHOULD BE PAID LESS, EVEN IF THEY DO THE EXACT SAME WORK AS THE PERSON SITTING NEXT TO THEM, BECAUSE THERE IS A POTENTIAL THAT THEY COULD DO LESS, WE SHOULD AUTOMATICALLY PAY THEM LESS. THAT'S WRONG. SO THIS BILL IS NOT ABOUT THE KIDS. YOU KNOW, I KEEP HEARING FROM SENATOR LARSON OVER THERE, HOW HORRIBLE, HORRIBLE OUR PUBLIC SCHOOLS ARE AND WE NEED CHARTER SCHOOLS. WELL, WE DON'T HAVE CHARTER SCHOOLS, FOLKS, BUT WE DO HAVE PRIVATE SCHOOLS. AND GUESS WHAT? THERE ARE KIDS THAT GO TO THOSE PRIVATE SCHOOL THAT HAVE TO PAY THEIR WAY TO GO THERE. AND NOW WHAT ARE WE DOING? WE'RE GOING TO TELL THEM THEY HAVE TO WORK MORE HOURS, LESS TIME FOR THEIR STUDIES BECAUSE THEY'RE WORTH LESS--NOT WORTHLESS, BUT WORTH LESS PER HOUR. KIDS HAVE RESPONSIBILITY IN TODAY'S SOCIETY. IT'S NOT ALL CANDY AND NUTS THAT ARE BOUGHT WITH THIS MONEY. [LB599]

SENATOR GLOOR: ONE MINUTE. [LB599]

SENATOR HARR: THANK YOU. THESE KIDS WORK HARD. YES, THEY'RE GETTING A WORK ETHIC. I WOULD AGREE WITH THAT. BUT THESE KIDS WORK HARD AND THEY DESERVE TO BE PAID FOR THE WORK THEY DO. THERE ARE ALREADY EXEMPTIONS IN 48-1202. THERE ARE PLENTY OF EXEMPTIONS IN THERE. THIS BILL IS NOT FOR THE KIDS. THIS BILL IS FOR THE GROCERS, PERIOD. THANK YOU. [LB599]

SENATOR GLOOR: THANK YOU, SENATOR HARR. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB599]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I'D LIKE TO THANK SENATOR HARR FOR HIS COMMENTS AS IT IS NICE TO HEAR SOME OF THE HIGHER GENERATIONS DEFEND US YOUTH. BUT I WHOLEHEARTEDLY AGREE WITH THE POINT SENATOR HARR MADE. MOVING ON THOUGH, I'D LIKE TO ADDRESS A BROADER POLICY IMPLICATION HERE WITH CREATING A DIFFERENT SUBMINIMUM WAGE. AS I'M SURE...HOPEFULLY, EVERYONE REMEMBERS, YESTERDAY WE DEALT WITH THE OTHER SUBMINIMUM WAGE WE HAVE, THE MINIMUM WAGE FOR WORKERS PAID WITH GRATUITIES, TIPPED WORKERS. AND THAT WAS A SUBMINIMUM WAGE THAT WE SAW HAD BEEN CREATED FOR POLICY REASONS WAY BACK WHEN. BUT BECAUSE IT'S DIFFERENT, SEPARATE SUBMINIMUM WAGE, IT HASN'T BEEN RAISED IN 24 YEARS. AS MANY TIMES AS

Floor Debate
April 15, 2015

THE MINIMUM WAGE HAS GONE UP BOTH ON A STATE LEVEL AND ON A FEDERAL THAT HASN'T BEEN ADJUSTED SINCE 1991. THE REASON I BRING THAT UP IS NOT NECESSARILY SOUR GRAPES, BECAUSE THAT WAS MY PRIORITY BILL THAT MET A VERY QUICK DEATH YESTERDAY, BUT TO TALK ABOUT JUST THE OVERALL CATEGORY OF SUBMINIMUM WAGES. SO IF THERE'S ANYBODY ON THIS FLOOR WHO'S FEELING THAT THEY CAN SUPPORT THIS BILL BECAUSE \$8 COMPARED TO THE \$9 MINIMUM WAGE WE'LL HAVE NEXT YEAR OR EVEN \$7.25, ASSUMING THE COMMITTEE AMENDMENT FAILS, WOULD BE A GOOD THING FOR STUDENTS OR WOULD BE REASONABLE ENOUGH FOR STUDENTS. WELL, I ASK YOU TO THINK, DO YOU THINK THAT \$8 AN HOUR IS GOING TO STILL BE A GOOD DEAL 5 YEARS FROM NOW, 10 YEARS FROM NOW, 24 YEARS FROM NOW AS IT STANDS WITH TIPPED MINIMUM WAGE? I WANT YOU TO ENVISION WHAT KIND OF BUYING POWER \$8 AN HOUR IS GOING TO HAVE IN 2039. AND IF DO YOU THINK THAT \$8 AN HOUR CAN HOLD UP ON ITS OWN, OKAY. WE'LL DISAGREE THERE. I WOULD RESPECT THAT...RESPECT THE DISAGREEMENT, TO SAY THE LEAST. BUT JUST KEEP THAT IN MIND. THE VOTERS OVERWHELMINGLY, OVERWHELMINGLY, BY HIGHER MARGINS THAN MANY OF US FRESHMEN VOTED IN A HIGHER MINIMUM WAGE, BUT THEY COULDN'T ADDRESS THE SUBMINIMUM WAGE WE HAVE BECAUSE OF HOW OUR PETITION SYSTEM WORKS, THAT THOSE WERE SEPARATE ISSUES. AS IT RELATES AS THEY MAY BE, THEY WERE SEPARATE ISSUES SO WOULD HAVE NEEDED TO HAVE BEEN SEPARATE PETITIONS. SO ANY TIME IF WE DO CREATE...PASS THIS LAW AND DO CREATE A SUBMINIMUM WAGE FOR YOUNG STUDENT WORKERS, THAT'S GOING TO BE SOMETHING WE'RE GOING TO HAVE TO DEBATE AND DISCUSS AND FIGHT ON EVERY TIME WE WANT TO ADJUST THAT ONCE WE CREATE IT. I IMAGINE IF WE DO CREATE IT, IF MY OPPOSITION AND OTHERS' OPPOSITIONS TO THIS BILL IS UNSUCCESSFUL AND THIS YOUNG STUDENT WORKER RATE DOES GET CREATED, \$8 AN HOUR, WE'RE GOING TO FIND A TIME IN THE FUTURE WHERE WE MAY RAISE THE MINIMUM WAGE OR THE VOTERS MAY SHOW THEIR POWER AGAIN AND RAISE THE MINIMUM WAGE THEMSELVES, WE'LL HAVE TO COME BACK AND DEBATE THIS. AND JUST LIKE TIPPED MINIMUM WAGE, THAT WILL HAVE TO BE A SEPARATE DEBATE, A SEPARATE ARGUMENT. AND JUST LIKE TIPPED MINIMUM WAGE WHERE THE RESTAURANT INDUSTRY WAS THE DRIVING FORCE BEHIND THAT AND CAN'T WE THINK OF THE RESTAURANTS THAT WERE IMPACTED, WE'RE GOING TO HAVE THE SAME THINGS HERE WITH THE LOBBYISTS AND THE MONEY OF THE GROCERY INDUSTRY. I DO SEE SOME PARALLELS HERE BETWEEN TIPPED MINIMUM WAGE AND YOUNG STUDENT WORKERS. AND I'D LIKE PEOPLE TO CONSIDER THAT. CONSIDER THAT IF WE DO CREATE A SEPARATE MINIMUM WAGE FOR YOUNG STUDENT WORKERS, THAT'S GOING TO BE SOMETHING WE'RE GOING TO HAVE TO DEAL WITH OVER AND OVER AGAIN...OVER AND OVER AGAIN, AND IT'S JUST

Floor Debate
April 15, 2015

GOING TO ADD ANOTHER BURDEN IN THE FACE OF THE VOTERS WHO, AS WE SAW, VERY OVERWHELMINGLY SUPPORTED A RAISE IN THE MINIMUM WAGE. [LB599]

SENATOR GLOOR: ONE MINUTE. [LB599]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I'D LIKE TO JUST THEN ECHO SENATOR HARR'S REMARKS AS THE YOUNGEST MEMBER OF THE LEGISLATURE, I'VE ALREADY FOUND MYSELF A COUPLE OF TIMES STANDING UP FOR THE RIGHTS OF THE YOUNG PEOPLE AND THE YOUTH. I IMAGINE I'LL DO SO MORE IN THE FUTURE. BUT I WOULD LIKE TO ECHO HIS REMARKS AND JUST SAY MY OPPOSITION FROM THIS STEMS FROM THE THOUGHT THAT BOTH THE, FRANKLY, OUTRAGE THAT THIS IS BEING DONE AND THE FAVOR OF THE YOUNG PEOPLE, THE YOUNG STUDENTS WILL SOMEHOW BENEFIT BY BEING PAID LESS, AS WELL AS AN OPPOSITION TO THINK THAT SOMEONE WHO'S 17 OR 18'S WORK, SWEAT, TOIL, IS VALUED AT EVEN JUST A DOLLAR LESS THAN SOMEONE WHO IS 19. SO THANK YOU, MR. PRESIDENT. [LB599]

SENATOR GLOOR: THANK YOU, SENATOR HANSEN. (VISITORS INTRODUCED.) RETURNING TO DEBATE, SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB599]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. FIRST OFF, THIS IS A HARD BILL BECAUSE I KNOW THAT IT WAS BROUGHT IN GOOD FAITH BY SENATOR EBKE AND PRIORITIZED IN GOOD FAITH BY OUR FRIEND, SENATOR KUEHN. AND, YOU KNOW, SENATOR KUEHN TALKED ABOUT UNATTENDED CONSEQUENCES WHEN HE WAS SPEAKING AT SOME OF THE UNINTENDED CONSEQUENCES OF RAISING THE MINIMUM WAGE. I'D LIKE TO SPEAK A LITTLE BIT TO THE UNINTENDED CONSEQUENCES, AND I DO BELIEVE THAT THESE ARE UNINTENDED CONSEQUENCES IF THIS BILL WERE TO BE PASSED. WHAT WILL EFFECTIVELY HAPPEN IS THAT STUDENTS, YOUNG STUDENTS WILL BE ABLE TO BE HIRED FOR LESS MONEY. WELL, WHO DOES THAT LEAVE OUT OF THE LOOP? IT LEAVES MOMS, WORKING MOMS OUT OF THAT LOOP. IN LINCOLN, NEBRASKA, 68 PERCENT OF THE FAMILIES THAT ARE HEADED BY FEMALES LIVE AT OR BELOW THE POVERTY LEVEL, 68 PERCENT. IN LINCOLN, 22 PERCENT OF CHILDREN LIVE IN POVERTY; 30 PERCENT OF THE PEOPLE WITH TWO OR MORE CHILDREN IN THEIR FAMILIES LIVE AT OR BELOW THE POVERTY LEVEL. SO, OBVIOUSLY, JOBS ARE CRITICAL; AND FIRST JOBS ARE CRITICAL. BUT THE KNOWLEDGE THAT SOME OF THESE YOUNG PEOPLE WILL BE WORKING AND TRYING TO WORK IN

Floor Debate
April 15, 2015

THEIR LIVES TO HELP MAKE THEIR FAMILY'S RESOURCES COMPLETE, TO HELP SUPPORT THEIR EDUCATION AND TUITION, THAT WE WANT THEM TO GO TO SCHOOL. WE ALL REALIZE THAT ONE OF THE GREATEST TOOLS TO GET PEOPLE TO RISE UP OUT OF POVERTY IS A STRONG, GOOD EDUCATION. AND SO WHEN WE SAY, OH, WE THINK THAT THESE PEOPLE...IT REALLY DOESN'T MATTER. THESE ARE YOUNG KIDS. THEY NEED TO BE TRAINED, I'M WONDERING HOW LONG IT REALLY TAKES SOMEBODY TO TRAIN SOMEBODY TO SWEEP THE FLOOR, TO RUN A REGISTER. I WOULD ARGUE THAT MANY OF THE ADULTS THAT ARE THERE KNOW LESS ABOUT COMPUTER SKILLS THAN THE YOUNG PEOPLE THAT ARE BEING HIRED. HOW LONG DOES IT TAKE TO TELL THEM TO DRESS WELL OR DRESS IN A CERTAIN...SOME SORT OF REQUIRED CLOTHING. AGAIN, I THINK THE LEARNING CURVE FOR MANY OF THESE JOBS IS NOT STEEP. I THINK THAT MANY OF THESE JOBS CAN BE TAUGHT RATHER QUICKLY. IN A WAY, IT'S BETTER TO GET SOMEBODY THAT'S NEW SO YOU CAN TRAIN THEM TO DO YOUR BUSINESS IN YOUR WAY. I ALSO FEEL FOR THE SMALL BUSINESSES WHICH ARE, MANY OF THE GROCERS ARE SMALL BUSINESSPEOPLE. AND I UNDERSTAND THAT PULL FOR THEM AND HOW BUSINESS IS TOUGH AND THEY HAVE TO MAKE ENDS MEET AND THEY HAVE TO COMPLY WITH SO MANY DIFFERENT REQUIREMENTS, DIFFERENT COSTS. BUT I WANT TO JUST TALK ABOUT THE FACT THAT 71.6 PERCENT OF MY DISTRICT VOTED FOR THE MINIMUM WAGE INCREASE. AND I HAVE SOME INFORMATION FROM VOICES FOR CHILDREN. AND IN THEIR ARTICLE, THEY TALKED ABOUT THAT DUE TO THE SHRINKING MEDIAN INCOME, FAMILIES MUST WORK HARDER IN ORDER TO MAKE ENDS MEET TO PROVIDE FOR ALL OF THEIR BASIC NEEDS. THAT INCLUDES YOUNG PEOPLE WORKING. IN SOME CASES, CHILDREN OF WORKING PARENTS WILL HAVE TO WORK THEIR OWN JOBS AND EARN MONEY TO CONTRIBUTE TO THE FAMILY BUDGET. THIS BILL WOULD DECREASE THE MINIMUM WAGE FOR YOUNG STUDENT WORKERS. TAKING INCOME AWAY FROM STUDENT WORKERS COULD HAVE A SUBSTANTIAL IMPACT ON THESE YOUNG PEOPLE'S FAMILIES AND THEIR ABILITY TO MAKE ENDS MEET. SOME YOUNG STUDENT WORKERS ARE WORKING TO SAVE UP MONEY TO ATTEND COLLEGE, AS WE'VE SAID. SO THIS DECREASING THEIR EARNING CAPACITY WOULD EXACERBATE THE DISADVANTAGE THEY FACE AND WIDEN THE OPPORTUNITY GAP BETWEEN HIGHER INCOME INDIVIDUALS AND THOSE... [LB599]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB599]

Floor Debate
April 15, 2015

SENATOR PANSING BROOKS: ...FROM LOW- OR MIDDLE-INCOME...MIDDLE-CLASS FAMILIES. THANK YOU, MR. PRESIDENT. FINALLY, VOICES FOR CHILDREN TALKED ABOUT A DROPOUT INCENTIVE FOR THIS BILL. AND AGAIN, I THINK THIS IS TOTALLY AN UNINTENDED CONSEQUENCE. I DON'T THINK THIS WAS MEANT TO HARM PEOPLE. BUT WHAT THEY TALKED ABOUT WAS THAT IF A LOWER MINIMUM WAGE IS PAID TO A YOUNG PERSON WHO IS IN SCHOOL, THEN THEORETICALLY YOU EARN MORE IN THE SHORT RUN BY DROPPING OUT OF SCHOOL. NOW OBVIOUSLY THAT'S NOT OUR GOAL. IT'S NOT THE GOAL OF THE BILL, BUT IF YOU HAVE AN INCENTIVE BECAUSE YOU MAKE MORE MONEY BY NOT BEING IN SCHOOL, THAT'S AN UNINTENDED CONSEQUENCE THAT SHOULD BE DEALT WITH. THANK YOU, MR. PRESIDENT. [LB599]

SPEAKER HADLEY: THOSE IN THE QUEUE ARE SENATORS COOK, BRASCH, NORDQUIST, SCHUMACHER, AND OTHERS. SENATOR COOK, YOU'RE RECOGNIZED. [LB599]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD AFTERNOON, COLLEAGUES. HAPPY BELATED EQUAL PAY DAY. AS I SAID THIS MORNING, I'M GOING TO CONTINUE A DISCUSSION ABOUT THE IMPACT AND THE IMPORTANCE OF A MINIMUM WAGE ACROSS THE BOARD DUE IN PART TO THE LOWER WAGES AND SALARIES THAT WOMEN EARN IN NEBRASKA AND ACROSS THE UNITED STATES. AND THIS IS PART OF AN ARGUMENT THAT I HELPED TO MAKE WHEN WE WERE CAMPAIGNING FOR THE MINIMUM WAGE AMENDMENT, AND I WOULD ALSO PROUDLY SAY THAT LEGISLATIVE DISTRICT 13 VOTED OVERWHELMINGLY TO SUPPORT IT. AND IT'S VERY IMPORTANT, DESPITE THE LAWS THAT WE HAVE ON THE BOOKS, WHETHER THEY BE ABOUT WAGE DISCLOSURE OR WHETHER THEY BE ABOUT THE RATE AT WHICH PEOPLE ARE PAID OR HOW THEY'RE EVALUATED, DESPITE THOSE LAWS, WOMEN CONTINUE TO EARN ONLY--AND THIS SAYS THREE-FOURTHS--IN NEBRASKA, WE FOUND OUT IT'S 74 CENTS, OF WHAT A MAN EARNS FOR COMPARABLE WORK. THE WAGE GAP, LADIES AND GENTLEMEN, IS EVEN LARGER FOR WOMEN OF COLOR. IT STANDS AT 64 CENTS FOR EVERY DOLLAR, THAT AN AFRICAN-AMERICAN WOMAN EARNS 64 CENTS FOR EVERY DOLLAR A MAN MAKES. AND A LATINA EARNS 54 CENTS WORKING FULL TIME IN COMPARISON TO THEIR NON-HISPANIC MALE COUNTERPARTS. I THINK IT'S IMPORTANT TO REITERATE THIS POINT IN THE CONTEXT OF MY OPPOSITION TO LB599 BECAUSE THIS IS IN PART, AS I SAID EARLIER, THE REASON WHY CHILDREN ARE IN THE WORKPLACE. THEY'RE NOT USING IT FOR THAT SPECIAL PAIR OF TENNIS SHOES THAT COSTS TOO MUCH MONEY TO BE IN THE FAMILY BUDGET. THEY ARE CONTRIBUTING TO THE DAY-TO-DAY EXPENSES OF THE FAMILY. BACK TO EQUAL PAY AS AN ISSUE, WHEN I BROUGHT THIS BILL

Floor Debate
April 15, 2015

BEFORE THE BUSINESS AND LABOR COMMITTEE, THERE WAS A QUESTION-- WHEN I BROUGHT IT THIS YEAR AND THE YEAR BEFORE--WELL, DOESN'T THAT GAP IN EARNINGS, ISN'T THAT ACCOUNTED FOR BY THE LIFE CHOICES THAT SOME WOMEN MAKE WHEN IT COMES TO SUCH THINGS AS STEPPING OUT OF THE WORK FORCE TEMPORARILY TO HAVE CHILDREN OR CHOOSING A PARTICULAR CAREER THAT MIGHT FACILITATE MORE TIME FOR FAMILY? THIS IS FROM A STUDY, ONCE AGAIN PUBLISHED YESTERDAY FROM THE AAUW--THAT'S THE AMERICAN ASSOCIATION OF UNIVERSITY WOMEN--FOUND THAT A 7 PERCENT GENDER WAGE GAP EXISTED AMONG COLLEGE GRADUATES ONE YEAR OUT OF SCHOOL AFTER CONTROLLING FOR, QUOTE, COLLEGE MAJOR, OCCUPATION, ECONOMIC SECTOR, HOURS WORKED, MONTHS UNEMPLOYED SINCE GRADUATION--THIS AS YOU WILL RECALL, IS WITHIN ONE YEAR--GPA, TYPE OF UNDERGRADUATE INSTITUTION, INSTITUTION SELECTIVITY, AGE, GEOGRAPHICAL REGION, AND MARITAL STATUS. AND, FOLKS, HERE IS WHERE IT GETS EVEN MORE INTERESTING. TEN YEARS AFTER GRADUATING COLLEGE, THE GAP GROWS TO 12 PERCENT. I THINK IT'S IMPORTANT FOR US TO REMEMBER THAT WHILE THIS...JUST AS HAS BEEN MENTIONED EARLIER THIS AFTERNOON, I DON'T DOUBT THAT THIS IS AN ISSUE AMONG SMALLER, TRULY FAMILY-OWNED STORES. [LB599]

SPEAKER HADLEY: ONE MINUTE. [LB599]

SENATOR COOK: IF THAT'S THE CASE...THANK YOU, MR. PRESIDENT. IF THAT'S THE CASE, WHY DID THE COMMITTEE...OR PERHAPS WE SHOULD CONSIDER AS A BODY AN AMENDMENT SO THAT THIS BILL, THIS LAW ONLY APPLY TO COMMUNITIES OUTSIDE OF DOUGLAS, SARPY, AND LANCASTER COUNTIES? WITH THAT, MR. PRESIDENT, I WOULD YIELD THE BALANCE OF MY TIME TO THE CHAIR. THANK YOU. [LB599]

SPEAKER HADLEY: SENATOR BRASCH, YOU'RE RECOGNIZED. [LB599]

SENATOR BRASCH: THANK YOU, MR. SPEAKER, AND GOOD AFTERNOON, COLLEAGUES. I RISE IN SUPPORT OF LB599 AND AM526. AND I WANTED TO GIVE A SHOUT OUT TO THE GROCERS ASSOCIATION AND THE GROCERS WHO ARE VERY INTERESTED IN THIS BILL. I DON'T THINK THEY SHOULD BE CALLED OUT AS BEING SELFISH OR THOUGHTLESS. IN FACT, THEY ARE VERY, VERY MUCH ACCOMMODATING TO THESE STUDENTS. THE STUDENTS HAVE MANY NEEDS. NOT ONLY ARE THEY ABLE TO DO SEVERAL OF THE JOBS THAT OTHERS ARE ABLE TO DO, BUT THEY HAVE VERY COMPLEX AND DEMANDING SCHEDULES

Floor Debate
April 15, 2015

THAT INCLUDE EXTRACURRICULAR ACTIVITIES, SPORTS, SPEECH TEAM, MANY ACTIVITIES THAT SOMETIMES IN OUR HOMETOWN...I WILL GO IN AFTER HOURS DURING INTERIM, AND I SEE THE OWNER OF THE STORE IS THERE SO THEY COULD LET A STUDENT OFF TO BE AT ONE EVENT OR ANOTHER EVENT. AND IN FACT, THE GROCERS ARE GREAT PROVIDERS FOR OUR FOOD BANKS. AND WITH THOSE FOOD BANKS, THAT ALSO BRINGS FOOD INTO THE AFTER SCHOOL BACKPACK PROGRAM. THEY SHOULD NOT BE LOOKED UPON NEGATIVELY BECAUSE WHAT THEY ARE TRULY TRYING TO DO IS MAKE ENDS MEET SO THEY CAN HIRE ONE MORE STUDENT, TWO MORE STUDENTS; BECAUSE IF THEY ARE REQUIRED TO PAY THE MAXIMUM WAGE, THAT TRANSLATES TO LESS ABILITY TO HIRE THOSE TEMPORARY WORKERS WHO ARE NOT ALWAYS AS RELIABLE, AND FOR GOOD REASON, WHERE THE GROCERS STEP UP TO FILL IN FOR THEM AS NEEDED. THE GROCERS ALSO EXERCISE GREAT PATIENCE WHEN THEY HELP THESE STUDENTS WITH THEIR FIRST JOB. NOT ONLY ARE THEY THERE PROFESSIONALLY FOR THEM, BUT THE GROCERS ARE SOMETIMES SPONSORS OF THE PROM, OF THE LOCAL EVENTS IN THE COMMUNITY, THE GO-TO PLACE. IF THOSE ARE IN NEED, THEY CAN TURN TO THE GROCERS. THEY ARE THE GREATEST ADVOCATES OF THEIR EMPLOYEES AND THE STAFF. THEY HELP EMPLOY THOSE WITH SPECIAL NEEDS WILLINGLY AND NOT BEGRUDGINGLY. I DO BELIEVE THAT THIS IS A GOOD BILL. IT WILL HELP A FEW EXTRA STUDENTS WORK ON MAIN STREET IN A SMALLER TOWN. I DON'T KNOW WHAT IT TRANSLATES TO AS DOLLARS WHEN YOU'RE TALKING ABOUT DOUGLAS COUNTY OR LANCASTER COUNTY. BUT MY GUESS IS THAT IT WILL MEAN THE ABILITY TO HIRE MORE, TO BE MORE PHILANTHROPIC IN THE COMMUNITY, TO BE MORE SUPPORTIVE. MANY OF OUR SMALL TOWN GROCERIES ARE FAMILY OWNED AND OPERATED. AND THEIR STAFF, THEIR STUDENTS ARE TREATED LIKEWISE. SO I DO STAND IN SUPPORT OF LB599 AND AM526, AND I ENCOURAGE THE SUPPORT OF MY COLLEAGUES ON THIS BILL. THANK YOU, COLLEAGUES, AND THANK YOU, MR. SPEAKER. [LB599]

SPEAKER HADLEY: SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB599]

SENATOR NORDQUIST: THANK YOU, MR. SPEAKER AND MEMBERS. WELL, I WANT TO START BY GIVING A SHOUT OUT TO OUR LOW-INCOME WORKERS IN THIS STATE. UNFORTUNATELY, WE'VE ALREADY HEARD RHETORIC THIS MORNING, THIS AFTERNOON, PEOPLE SAYING THEY AREN'T WORTH MINIMUM WAGE. I HAD A COLLEAGUE PREVIOUSLY, WHEN WE DEBATED MINIMUM WAGE, SAY THEY AREN'T WORTH \$7.25 AN HOUR. WE JUST HEARD SOMEBODY SAY LOW-INCOME WORKERS AREN'T RELIABLE. WELL, IF ANYONE ELSE STANDS ON THIS FLOOR AND DISPARAGES LOW-INCOME WORKERS, I WILL CALL THEM OUT BY NAME.

Floor Debate
April 15, 2015

THESE ARE FAMILIES. A LOT OF TIMES THESE ARE SINGLE MOTHERS TRYING TO PUT FOOD ON THEIR TABLE, AND WE'RE NOT GOING TO STAND HERE AND DISPARAGE THEM TODAY. I WON'T STAND FOR IT. THIS BILL IS AN AFFRONT TO OUR DEMOCRACY. LAST YEAR, WE HAD A BILL IN THIS LEGISLATURE, AND THE LEGISLATURE, DESPITE OVERWHELMING EVIDENCE THAT THE PUBLIC WAS WITH US ON RAISING THE MINIMUM WAGE, THE LEGISLATURE BOWED DOWN TO THE PRESSURES OUTSIDE THE GLASS AND SAID NO. THEN WHAT DID WE DO? WE WENT TO THE CITIZENS, GOT 135,000 SIGNATURES, TOOK IT TO THE BALLOT, AND THOSE CITIZENS IN THIS STATE TO THE TUNE OF 60 PERCENT SAID YES, WE'RE GOING TO RAISE THE MINIMUM WAGE TO \$9 AN HOUR. NOW, WHAT'S THE FIRST THING THAT HAPPENS WHEN WE COME DOWN HERE? A GROUP OF LEGISLATORS, WHO EVERY ONE OF THEIR COUNTIES VOTED TO RAISE THE MINIMUM WAGE, THE INITIAL NAMES ON THE BILL, CAME DOWN TO LINCOLN, WORKED WITH THE SPECIAL INTERESTS OUTSIDE THE GLASS AND SAID WE'RE SMARTER THAN YOU, PUBLIC; WE'RE GOING TO UNDERMINE WHAT YOU DID. THIS IS AN AFFRONT TO OUR DEMOCRACY, AN AFFRONT TO OUR CITIZEN BALLOT INITIATIVE PROCESS. I'VE HAD COLLEAGUES OFF THE FLOOR SAY, OH, YOU KNOW, SENATOR NORDQUIST, YOU MISLED THE CITIZENS. THEY DIDN'T KNOW WHAT THEY WERE VOTING ON. I DON'T THINK I'M THAT SMART. AND I THINK NEBRASKANS ARE A LOT SMARTER THAN THAT. I WISH I HAD THE POWER TO MISLEAD 60 PERCENT OF OUR STATE, BUT I CERTAINLY DON'T. THEY KNEW WHAT THEY WERE VOTING ON. THEY KNEW WHAT THE CONSEQUENCES WERE. THEY SAW CLEARLY IN OTHER STATES THAT RAISED THEIR MINIMUM WAGE THE POSITIVE BENEFITS OF THAT. FOLKS, IT IS TIME TO PUT THIS ISSUE TO REST, TO STAND WITH THE VOTERS WHO CLEARLY MADE THEIR VOICES HEARD THIS LAST NOVEMBER, JUST A FEW MONTHS AGO. AND NOW WE'RE GOING TO OPEN OUR EARS TO THE SPECIAL INTERESTS BEHIND THE GLASS. IS THAT THE WAY OUR DEMOCRACY IS SUPPOSED TO WORK? ABSOLUTELY NOT. I WANT TO GET A COUPLE THINGS ON THE RECORD. FIRST OF ALL, WE DO HAVE A LOT OF EXEMPTIONS IN PLACE ALREADY FOR THE MINIMUM WAGE. THE VERY SMALL MOM AND POPS, I THINK SENATOR EBKE IN HER OPENING MENTIONED, WELL, IF THEY HAVE A COUPLE EMPLOYEES. ANYONE WHO HAS LESS THAN FOUR EMPLOYEES ALREADY IS EXEMPT FROM THE MINIMUM WAGE. INDIVIDUALS EMPLOYED IN AGRICULTURE DO NOT NEED TO BE PAID THE MINIMUM WAGE. BABY-SITTERS, PEOPLE WITH DEVELOPMENTAL DISABILITIES, EMPLOYEES OF POLITICAL SUBDIVISIONS DO NOT NEED TO BE PAID THE MINIMUM WAGE. INDIVIDUAL ENGAGED IN ACTIVITIES OF AN EDUCATION, CHARITABLE, RELIGIOUS, OR NONPROFIT ORGANIZATION WHEN THE RELATIONSHIP DOES NOT, IN FACT, EXIST OR WHEN SERVICE IS RENDERED TO SUCH ORGANIZATION OR ON A VOLUNTARY BASIS DO NOT NEED TO BE PAID A MINIMUM WAGE. WE DO HAVE A TRAINING WAGE IN

Floor Debate
April 15, 2015

PLACE WHERE FOR 90 DAYS, ANYONE UNDER THE AGE OF 20 ONLY HAS TO BE PAID 75 PERCENT. AND OUR STATUTE ACTUALLY SAYS OF THE FEDERAL MINIMUM WAGE, WHICH MEANS THEY ONLY HAVE TO BE PAID \$5.60 AN HOUR FOR THE FIRST 90 DAYS. THAT SHOULD BE SUFFICIENT TIME FOR THEM TO GET TRAINED AND TO GET UP TO SPEED. BUT, FOLKS, OUR LABOR MARKET IN NEBRASKA, WE DON'T LEGISLATE IN A VACUUM. WE HAVE NOW THE LOWEST UNEMPLOYMENT RATE IN THE COUNTRY DESPITE WHAT THE OPPONENTS OF THE MINIMUM WAGE EFFORT SAID. THEY SAID THE SKY WAS GOING TO FALL, BUSINESSES WERE GOING TO PULL UP THE STAKES, SCATTER TO OTHER STATES BECAUSE THEY JUST WON'T BE ABLE TO AFFORD TO DO BUSINESS IN NEBRASKA. WELL, THE MINIMUM WAGE PASSED IN NOVEMBER. [LB599]

SPEAKER HADLEY: ONE MINUTE. [LB599]

SENATOR NORDQUIST: WHAT HAPPENED IN DECEMBER WHEN THEY DECIDED...WHEN THEY SAW THAT THE MINIMUM WAGE HAD PASSED AND THEY HAD TO START MAKING PLANS FOR AN \$8 AN HOUR MINIMUM WAGE? WHAT HAPPENED? OUR UNEMPLOYMENT FELL. WHAT HAPPENED THE NEXT MONTH IN JANUARY? THEY HAD ANOTHER MONTH TO PREPARE AND START LAYING OFF WORKERS AND START HEADING FOR THE EXITS. WHAT HAPPENED? OUR UNEMPLOYMENT FELL TO ONE OF OUR LOWEST LEVELS IN STATE HISTORY AND THE LOWEST LEVEL IN THE COUNTRY. CLEARLY, THE NAYSAYERS OF THE MINIMUM WAGE EFFORT WERE NOT ACCURATE WHEN THEY SAID THE SKY WAS GOING TO FALL AND UNEMPLOYMENT WAS GOING TO SOAR. BUT AGAIN, YOU KNOW, WE TALKED ABOUT THE BAD POLICY OUTCOMES OF THIS, THE INCENTIVE FOR TEENAGERS TO DROP OUT, TO EARN MORE MONEY. BUT THE BIGGEST ISSUE HERE IS WHAT THIS SENDS TO THE VOTERS. AND IF VOTERS ARE LISTENING AT HOME, WATCH THE VOTE ON THIS AND HOLD YOUR LEGISLATOR ACCOUNTABLE... [LB599]

SPEAKER HADLEY: TIME, SENATOR. [LB599]

SENATOR NORDQUIST: ...WHEN YOUR DISTRICTS VOTED TO RAISE THE MINIMUM WAGE. THANK YOU. [LB599]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB599]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. YESTERDAY MORNING, THE SUN ROSE ON A NEW LEGISLATURE. THERE WAS A

Floor Debate
April 15, 2015

VERY DIFFERENT DYNAMIC, EVEN THOUGH WE HAVEN'T SENSED IT YET, WE'RE ABOUT TO. SENATOR GROENE'S BILL ON THE INITIATIVE PETITION PROCESS BECAME LAW. WE HAVE A VIABLE INITIATIVE PETITION PROCESS. NO LONGER DO WE HAVE TO WAIT FOR A WEALTHY BENEFACITOR TO LAUNCH OUR INITIATIVE PETITIONS. THAT SHOULD TELL US SOMETHING. LET'S DO A LITTLE HISTORY HERE ON THE POWER OF THE PEOPLE AND THE SECOND BODY. LAST YEAR, SENATOR NORDQUIST OFFERED A PROPOSITION FOR AN INCREASED MINIMUM WAGE. THIS BODY BOWED ITS SHOULDERS AND BASICALLY SAID, NO WAY, JOSE. THERE WAS AN AMENDMENT OFFERED EVEN THAT SAID, LOOK, WE'LL MODERATE THIS. AND THE MODERATION WILL BE THIS MINIMUM WAGE LAW WILL NOT APPLY TO ANYBODY UNLESS THEY ARE A WORKER WHO HAS BEEN AT A JOB FOR TWO YEARS AND THE EMPLOYER IS A BIG OPERATION, NOT THE AVERAGE LITTLE EMPLOYERS. AND IT WAS, HELL NO, WE WON'T GO--A SENTIMENT CLEARLY OUT OF LINE WITH NEBRASKA'S PEOPLE. AND BECAUSE OF THAT WEALTHY BENEFACTOR, THE PEOPLE WERE ABLE TO SPEAK. AND THEY SPOKE PRETTY CLEAR. DID THEY MAKE A MISTAKE ON WAITRESSES AND THINGS LIKE THAT? ONLY TIME WILL TELL, AND LOW STUDENT EMPLOYEES, ONLY TIME WILL TELL. BUT THEY MADE A DECISION. THEY SPOKE. DO WE WANT TO RUN AFOUL OF THEIR DIRECT DECISION BY STARTING TO TAMPER WITH IT? THIS IS ONLY PART OF IT, BECAUSE THIS BILL IS GOING TO REQUIRE 33 VOTES TO PASS. AND THAT'S BECAUSE THE LEGISLATURE IS OUT OF STEP AGAIN WITH THE PEOPLE ON ANOTHER ISSUE. IN 2004, WHEN THAT RULE CAME INTO PLAY, IT WAS PASSED BY 55 PERCENT OF THE POPULATION AS PART OF THE '04 PETITION GAMBLING INITIATIVE, ANOTHER ISSUE WHERE THE LEGISLATURE IS COMPLETELY OUT OF STEP WITH THE PUBLIC. MORE THAN HALF OF THE PEOPLE IN THAT ELECTION WANTED IT, BUT BECAUSE OF THE AWKWARDNESS OF THE PROCEDURE, ONLY PARTS OF THAT INITIATIVE PASSED, ONE OF WHICH WAS THE 33 VOTES TO OVERRIDE THE PEOPLE--STRONG SENTIMENT OF THE PEOPLE, STRONG PART OF THE HISTORY OF THE CUT CHECKS AND BALANCES. LET US RISE UP AGAINST THE PEOPLE THIS SOON AFTER THEY HAVE DIRECTLY SPOKEN BY INITIATIVE, DIRECTLY SPOKEN, AND WE WILL HAVE A PROBLEM. WE'RE NOT GOING BACK TO THE PEOPLE AND SAYING, YOU KNOW, WOULD YOU LIKE TO TWEAK WITH YOUR DECISION, LIKE THE SUGGESTION WAS MADE IN CA7CA...LR7CA. I'LL GET IT RIGHT. WE'RE NOT DOING THAT. WE'RE JUST SAYING WE'RE GOING TO OVERRIDE YOU, FOLKS. WE'RE THE LEGISLATURE. THEY'LL TEACH US A THING OR TWO BECAUSE NOW THEY HAVE FUNCTIONAL ACCESS TO TALK BACK AT US ON TAX ISSUES, TO TALK BACK AT US ON GAMING ISSUES, TO TALK BACK TO US ON MEDICAID. AND PROBABLY ON ALL THOSE ISSUES, WHEN THEY TALK BACK, WE WILL NOT LIKE THE FACT THAT WE WERE INTRANSIGENTS

Floor Debate
April 15, 2015

IN LISTENING TO THE SWELL OF PUBLIC OPINION AND PUBLIC NEEDS AND SENTIMENTS. SO WE ARE MODERATED NOW. [LB599 LR7CA]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR SCHUMACHER: SENATOR GROENE DESERVES CREDIT FOR GIVING THE PEOPLE THE VOICE BACK. AND THAT IS...VOICE APPLIES TO LEFT, RIGHT, MIDDLE, AND IN BETWEEN. IF WE'RE GOING TO FLY IN THE FACE OF WHAT THE VOTERS SPOKE, WE'RE GOING TO PAY FOR IT. THIS MAY BE A MISTAKE ON A MINOR ISSUE OF IT. IT MAY NOT BE A MISTAKE. THEY MAY BE SMARTER THAN WE ARE, BUT WE CERTAINLY ARE GOING TO TELL THEM OFF IF WE, THIS SOON, OVERRIDE THEIR DESIRES. THANK YOU. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR SCHUMACHER. THOSE IN THE QUEUE WISHING TO SPEAK: SENATOR MORFELD, SENATOR KEN HAAR, SENATOR HANSEN, SENATOR KUEHN, AND OTHERS. SENATOR MORFELD, YOU ARE RECOGNIZED. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. AS MANY OF YOU ALREADY KNOW, I RISE IN OPPOSITION TO LB599. AND JUST TO MAKE CLEAR, THERE IS NOBODY THAT'S ANTI-GROCERY HERE. I WORKED AT A GROCERY STORE FOR FIVE YEARS, TWO YEARS FULL TIME BEFORE I WENT TO COLLEGE. I UNDERSTAND THE PROFIT MARGINS OF A GROCERY STORE. I WAS IN MIDDLE MANAGEMENT AT ONE, A LARGE CHAIN HERE IN TOWN. I SUPPORT GROCERY STORES. THEY DO A LOT OF GREAT THINGS FOR THE COMMUNITY. BUT THEY'RE LIKE ANY OTHER CAPITALISTIC BUSINESS. IF YOU'VE GOT TO INCREASE PRICES A LITTLE BIT TO COVER COSTS, THEN THAT'S WHAT YOU'VE GOT TO DO. THE OTHER THING LURKING BEHIND HERE IS THE FACT THAT THERE ARE A LOT OF PEOPLE WHO AREN'T MAKING ENOUGH TO MAKE ENDS MEET. SO THEN WHAT DO THEY HAVE TO DO? THEY HAVE TO BE ABLE TO GO ON PROGRAMS AND OTHER THINGS TO GET BY, EVEN THOUGH THEY OFTEN WORK HARD. IT'S MY FIRM BELIEF THAT EVERYBODY IS ENTITLED TO THE DIGNITY OF A LIVING WAGE. AND IN FACT, THE \$9 MINIMUM WAGE IS NOT A LIVING WAGE AS WE ALL KNOW. AND IF EMPLOYERS DO NOT TAKE UP THE MORAL RESPONSIBILITY TO PROVIDE A LIVING WAGE, THEN WHAT HAPPENS? OTHER TAXPAYERS HAVE TO STEP IN, AND THERE ARE CONSEQUENCES. WAGES HAVE NOT BEEN KEEPING UP WITH THE COST OF LIVING AS IT IS. AND I UNDERSTAND THAT MOST KIDS...I

Floor Debate
April 15, 2015

ACTUALLY SHOULDN'T EVEN SAY THAT. I DON'T KNOW. BECAUSE WHEN I WAS GOING DOOR TO DOOR, I WAS TALKING TO A LOT OF FAMILIES WHERE THE KIDS DID SUPPORT, WHERE MAYBE THE GRANDMOTHER WAS TAKING CARE OF THE TWO YOUNGER KIDS BECAUSE SOMETHING HAPPENED TO THE MOTHER OR FATHER AND THEY WERE HELPING SUPPORT THE GRANDMOTHER. OR IN SOME CASES, THERE WERE SINGLE MOTHERS WHO WERE WORKING FULL TIME AND THEIR KIDS WERE SOMEHOW CONTRIBUTING TO THE COST OF LIVING FOR THE ENTIRE FAMILY. THAT'S THE REALITY IN MY DISTRICT. THE REALITY IN OTHER DISTRICTS MAY BE DIFFERENT. BUT THEN AGAIN, MY DISTRICT, ABOUT THE THIRD- OR FOURTH-LOWEST INCOME DISTRICT IN THE STATE. WE SHOULD NOT BE BOXING ALL CHILDREN IN JUST ONE CATEGORY. I THINK IT'S GREAT THAT PERHAPS SENATOR EBKE'S KIDS CAN WORK FOR ONLY \$7 OR \$8 AN HOUR AND STILL GET BY, OR THAT MAYBE SOME OF OUR GRANDKIDS OR CHILDREN CAN DO THE SAME AS WELL AND THAT WE HAVE THE RESOURCES TO PROVIDE THEM WITH WHAT THEY NEED TO SURVIVE, TO GO TO COLLEGE, TO DO OTHER THINGS. BUT THAT IS NOT EVERY FAMILY IN NEBRASKA'S REALITY. THIS IS NOT ABOUT HATING THE GROCERS OR NOT SUPPORTING BUSINESS. IT'S ABOUT ENSURING THAT WE TREAT PEOPLE FAIRLY AND THAT WE GIVE PEOPLE A WAGE THAT THEY DESERVE, WHICH IS AGAIN, STILL UP TO THE EMPLOYER. I SUPERVISED ABOUT 20 TO 30 CHECKERS, BAGGERS, STOCKERS AT ANY GIVEN TIME AT THE STORE THAT I WORKED AT. AND WHEN IT CAME TIME FOR A RAISE, IF SOMEBODY WAS NOT DOING THEIR JOB THE WAY THEY SHOULD BE, THEY WERE NOT GIVEN A RAISE. AND THE PEOPLE THAT WERE MORE PRODUCTIVE AND MORE RESPONSIBLE AND MORE ACCOUNTABLE WERE GIVEN A RAISE. BUT I CAN TELL YOU SOMETHING ELSE, THERE WERE MANY SHIFTS WHERE THE YOUNGER WORKERS WERE MUCH MORE PRODUCTIVE, MUCH MORE RESPONSIBLE THAN SOME OF THE OLDER WORKERS, AND THERE WERE SOME SHIFTS WHERE IT WAS VICE-VERSA. BUT THE FACT OF THE MATTER IS IS ONE PERSON WHO IS 17 YEARS OLD... [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR MORFELD: ...SHOULD NOT BE PAID AT A BASE LEVEL LESS THAN SOMEBODY WHO IS 25 OR 26 DOING THE SAME JOB UNLESS THE EMPLOYER DECIDES, WITH THAT BOTTOM PRICE OR WITH THE MINIMUM WAGE THAT THEY ARE REQUIRED TO PAY, THAT THEY SHOULD BE GIVEN A RAISE OR REWARDED FOR THEIR HARD WORK. I THINK THAT THIS ALSO CREATES A LOT OF DIFFERENT LEGAL ISSUES. SUDDENLY, ARE OLDER WORKERS GOING TO BE DISCRIMINATED AGAINST BECAUSE THE YOUNGER WORKERS ARE ACTUALLY A LOT CHEAPER? ARE THOSE AGE DISCRIMINATION CLAIMS GOING TO BE COMING? I CAN

Floor Debate
April 15, 2015

GUARANTEE YOU AN AGE DISCRIMINATION CLAIM IS GOING TO COST A LOT MORE TO A GROCER OR A SMALL BUSINESS OWNER THAN IT WOULD JUST TO BE ABLE TO PAY THEM THE SAME LEVEL OF WAGES THAT EVERYBODY ELSE STARTS OUT AS. MANY GOOD POINTS WERE MADE ABOUT THE FACT THAT THE VOTERS JUST DECIDED ON THIS ISSUE. [LB599]

SENATOR WATERMEIER: TIME, SENATOR. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. [LB599]

SENATOR WATERMEIER: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB599]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I DON'T KNOW WHY I ALWAYS SPARK THE MICROPHONE, BUT IT HAPPENS. WHILE I'M A PROUD GRANDFATHER, THREE GRANDKIDS AND THE OLDEST GRANDDAUGHTER NOW IS JUST STARTED AT THE UNIVERSITY OF CHICAGO, AND SHE'S IN HONORS CALCULUS AND GETTING AN A IN THAT CLASS. AND JENNY STARTED WORKING TO SUPPORT HER COLLEGE EDUCATION LAST YEAR ALREADY. SHE WORKED AT SUPER SAVER. SHE HAD TO BE AT WORK AT 5 IN THE MORNING. AND SHE WAS ALWAYS THERE ON TIME, AND I KNOW JENNY WELL ENOUGH TO KNOW THAT SHE ALWAYS WORKS HARD. SHE ALWAYS WORKS HARD. AND BY THE WAY, SHE WAS WORKING WITH OLDER WORKERS AS WELL. AND SO IT MAKES...AND BY THE WAY, SHE'LL BE 18 IN JUNE. SO LET'S SEE, THIS BILL, I GUESS IT SAYS 18 OR UNDER. SO SHE MIGHT STILL BE MAKING THE LESS THAN MINIMUM WAGE. AND IT MAKES NO SENSE TO ME THAT SOMEBODY THAT DOES THE KIND OF WORK SHE DID, WORKING IN THE DELI DEPARTMENT, MAKING SALADS AND ALL THE OTHER KINDS OF THINGS, WORKING HARD, WORKING WITH PEOPLE WHO ARE OLDER THAN SHE IS, WHY SHE SHOULD GET PAID LESS. AND IF SHE GOT PAID LESS, THEN AN ADDITIONAL BURDEN FALLS ON HER PARENTS TO PAY FOR THAT COLLEGE EDUCATION. SO YOU KNOW, I GUESS WE COULD START MAKING ALL KINDS OF EXCEPTIONS TO THIS KIND OF RULE, LIKE SAY, IF YOU CAN PROVEN THAT YOU'RE SAVING MONEY FOR COLLEGE, THEN IT MAKES SENSE THAT YOU GET THE MINIMUM WAGE. OR IF YOU'RE HELPING SUPPORT YOUR FAMILY, THEN YOU SHOULD GET THE MINIMUM WAGE NO MATTER WHAT. IT JUST DOESN'T MAKE SENSE TO ME TO DRAW THIS ARTIFICIAL LINE AND SAY BELOW THAT LINE, ALL OF A SUDDEN LABOR IS WORTH LESS. SO I RISE IN OPPOSITION TO LB599. I KNOW THAT GROCERS NEED TO MAKE MONEY, OF COURSE. BUT THEY SHOULDN'T BE MAKING EXTRA MONEY ON THE BACKS OF YOUNG PEOPLE WHO ARE WORKING HARD AND DOING THEIR JOB. AND OFTEN YOU SEE AT THE

Floor Debate
April 15, 2015

STORE, IT WILL SAY "HELP WANTED." IT DOESN'T SAY THAT WE'RE GIVING ALL THESE JOBS JUST TO HELP YOUNG PEOPLE, TRAIN THEM AND SO ON. THEY OUGHT TO BE GETTING THE SAME KIND OF WAGES BECAUSE THEY'RE PROVIDING LABOR, AND THEY SHOULD BE PAID. AS I GUESS THE BIBLE SAYS, A WORKER IS WORTHY OF THEIR HIRE. AND AGAIN, IT'S VERY PERSONAL FOR ME BECAUSE I WATCH MY GRANDDAUGHTER IN THIS ROLE, AND I SEE NO REASON WHY SHE SHOULD BE PAID LESS FOR WHAT SHE DOES BECAUSE OF THE WAY SHE WORKS, THE GOOD WORK ETHIC SHE HAS AND SO ON AND SO FORTH. SO THANK YOU VERY MUCH. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR HAAR. SENATOR HANSEN, YOU ARE RECOGNIZED. [LB599]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. AND I WOULD YIELD MY TIME TO SENATOR COOK. [LB599]

SENATOR WATERMEIER: SENATOR COOK, YOU ARE YIELDED 4 MINUTES, 50 SECONDS. [LB599]

SENATOR COOK: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON AGAIN, COLLEAGUES. I WOULD LIKE TO CONTINUE OUR CONVERSATION. I SUPPOSE IT'S MORE OF A MONOLOGUE. BUT HOW ABOUT AN EDUCATIONAL PROCESS, AN ONGOING EDUCATIONAL PROCESS THAT IS IMPORTANT, I BELIEVE, IN EVERY DECISION THAT WE MAKE HERE IN THE LEGISLATURE, WHETHER IT'S ONE RELATED TO SALES AND INCOME TAXES, PROPERTY TAXES, CERTAINLY DECISIONS THAT WE MAKE AND POLICIES THAT WE PUT IN PLACE AS THEY RELATE TO PUBLIC ASSISTANCE, ALL REALLY ROLL DOWN TO, ON SOME LEVEL, THE DEGREE TO WHICH WOMEN ARE NOT COMPENSATED AT THE SAME RATE THAT MEN ARE COMPENSATED IN A POSTMODERN CONTEXT. I'LL CONTINUE WITH SOME INFORMATION FROM THE NATIONAL WOMEN'S LAW CENTER. THEY REPORTED THAT MINIMUM WAGE IS FALLING SHORT FOR MILLIONS OF AMERICANS, BUT ESPECIALLY FOR WOMEN WHO REPRESENT TWO-THIRDS-- THAT IS TWO OUT OF THREE--MINIMUM WAGE WORKERS ACROSS THE COUNTRY, AND AT LEAST HALF OF THE MINIMUM WAGE WORKERS IN EVERY STATE. HERE IN THE STATE OF NEBRASKA, THE DISPARITIES ARE PARTICULARLY HIGH WITH WOMEN MAKING UP SEVEN OUT OF TEN MINIMUM WAGE WORKERS. THE RESEARCH GOES ON TO SHOW THAT INCREASING THE MINIMUM WAGE, WHICH THE VOTERS DID IN NOVEMBER ACROSS THE STATE, INCREASING THE MINIMUM WAGE WOULD HELP TO CLOSE THE WAGE GAP. SINCE THE MAJORITY OF

Floor Debate
April 15, 2015

MINIMUM WAGE WORKERS ARE WOMEN, INCREASING THE MINIMUM WAGE ON THE FEDERAL LEVEL, AND AS WE DID HERE IN THE STATE, COULD CLOSE THE GAP BY ABOUT 5 PERCENT ACROSS THE COUNTRY. I WILL CONTINUE WITH SOME ADDITIONAL INFORMATION, ALSO FROM THE NATIONAL WOMEN'S LAW CENTER. IT IS ENTITLED AND IT'S AVAILABLE FOR YOUR OWN REVIEW ON THE INTERNET, WWW.NWLC.ORG. IT IS ENTITLED "UNDERPAID AND OVERLOADED: WOMEN IN LOW-WAGE JOBS." THESE ARE THE KEY FACTS, AND I'M GOING TO READ FROM AN EXECUTIVE SUMMARY. THE KEY FACTS, WOMEN MAKE UP TWO-THIRDS OF NEARLY 20 MILLION WORKERS IN THE LOW-WAGE WORK FORCE, THOUGH THEY MAKE UP LESS THAN HALF OF ALL WORKERS. EVEN IN LOW-WAGE JOBS THAT TYPICALLY PAY \$10.10--AND THESE ARE NATIONAL STATISTICS--\$10.10 PER HOUR OR LESS, WOMEN WORKING FULL TIME, YEAR ROUND FACE A 13 PERCENT WAGE GAP. AND THE GAP IS EVEN LARGER, AS I MENTIONED EARLIER, FOR AFRICAN-AMERICAN WOMEN AND HISPANIC WOMEN WHEN COMPARED TO WHITE, NON-HISPANIC MEN. ANOTHER POINT ON THIS REPORT, WOMEN'S SHARES OF THE LOW-WAGE WORK FORCE ARE LARGER THAN THEIR MALE COUNTERPARTS, THOUGH WOMEN'S SHARES OF OVERALL WORK FORCE ARE ALMOST ALWAYS SIMILAR OR IN SOME CASES SMALLER. WOMEN WITH SOME COLLEGE OR AN ASSOCIATE'S DEGREE, I WILL PAUSE HERE BY SAYING THAT THIS IS VERY REFLECTIVE OF THE...IF YOU WERE LOOKING AT THE METROPOLITAN STATISTICAL AREA OF THE GREATER OMAHA AREA, THE TYPICAL WORKER HAS TWO YEARS OF POST-HIGH SCHOOL EDUCATION. SO WOMEN WITH SOME COLLEGE OR HOLDING AN ASSOCIATE'S DEGREE MAKE UP MORE THAN TWICE AS LARGE A SHARE OF THE LOW-WAGE WORK FORCE... [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR COOK: ...AS THEIR MALE COUNTERPARTS. THANK YOU, MR. PRESIDENT. AND THAT IS 22 PERCENT VERSUS 10 PERCENT, EVEN THOUGH THEIR SHARES OF THE OVERALL WORK FORCE ARE SIMILAR: 15 PERCENT FOR WOMEN VERSUS 14 PERCENT FOR MEN. TO CONTINUE, WOMEN AGE 50 OR OLDER MAKE UP MORE THAN THREE TIMES AS LARGE A SHARE OF THE LOW-WAGE WORK FORCE AS THEIR MALE COUNTERPARTS. THAT'S 17 PERCENT VERSUS 5 PERCENT, EVEN THOUGH, ONCE AGAIN, THEIR SHARES OF OVERALL WORK FORCE ARE SIMILAR. MOTHERS MAKE UP 3.5 TIMES AS LARGE A SHARE OF THE LOW-WAGE WORK FORCE AS DO FATHERS, 21 PERCENT VERSUS 6 PERCENT, EVEN THOUGH THEIR SHARES OF THE OVERALL WORK FORCE ARE SIMILAR. [LB599]

SENATOR WATERMEIER: TIME, SENATOR. [LB599]

Floor Debate
April 15, 2015

SENATOR COOK: THANK YOU, MR. PRESIDENT. [LB599]

SENATOR WATERMEIER: MR. CLERK FOR AN ANNOUNCEMENT.

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. THE GOVERNMENT COMMITTEE WILL HOLD AN EXECUTIVE SESSION AT 2:30 IN ROOM 2022.

SENATOR WATERMEIER: THANK YOU, MR. CLERK. SENATOR COOK, YOU ARE RECOGNIZED. [LB599]

SENATOR COOK: THANK YOU, MY PRESIDENT. I WILL CONTINUE WITH THE INFORMATION FROM THE NATIONAL WOMEN'S LAW CENTER. WOMEN'S SHARES OF THE LOW-WAGE WORK FORCE ARE ALMOST ALWAYS LARGER THAN THEIR SHARES OF THE OVERALL WORK FORCE. FOR MEN, THIS IS RARELY TRUE. WOMEN WITH ONLY A HIGH SCHOOL DEGREE ARE 24 PERCENT OF THE LOW-WAGE WORK FORCE, DOUBLE THEIR SHARE OF THE OVERALL WORK FORCE. TO CONTRAST THAT WITH MEN WITH ONLY A HIGH SCHOOL DEGREE ARE UNDERREPRESENTED IN THE LOW-WAGE WORK FORCE; THEY'RE 12 PERCENT OF THE LOW-WAGE WORK FORCE. SINGLE WOMEN'S SHARE OF THE LOW-WAGE WORK FORCE, 43 PERCENT. AND AS SENATOR PANSING BROOKS MENTIONED EARLIER, MOST OFTEN THESE ARE MOTHERS, AND ACCORDING TO OUR LOCAL STATISTICS, MOTHERS WITH AT LEAST TWO CHILDREN IN THE HOME. SINGLE WOMEN'S SHARE OF THE LOW-WAGE WORK FORCE, 43 PERCENT, IS NEARLY DOUBLE THEIR SHARE OF THE OVERALL WORK FORCE. SINGLE MEN'S SHARE OF THE LOW-WAGE WORK FORCE IS SIMILAR TO THEIR SHARE OF THE OVERALL WORK FORCE, 25 PERCENT VERSUS 23 PERCENT. AFRICAN-AMERICAN WOMEN'S SHARE OF THE LOW-WAGE WORK FORCE, 12 PERCENT, IS DOUBLE THE SHARE OF THE OVERALL WORK FORCE. AFRICAN-AMERICAN MEN'S SHARE OF THE LOW-WAGE AND OVERALL WORK FORCES ARE THE SAME AT 5 PERCENT. THE ONLY GROUP OF WOMEN THAT IS UNDERREPRESENTED IN THE LOW-WAGE WORK FORCE IS WOMEN WITH A BACHELOR'S DEGREE OR HIGHER; THEY ARE 5 PERCENT. I FIND THAT STILL IRONIC. THEY HAVE A...HOLD A BACHELOR'S DEGREE. THEY STILL REPRESENT 5 PERCENT OF THE LOW-WAGE WORK FORCE, ABOUT ONE-THIRD OF THEIR SHARE OF THE OVERALL WORK FORCE. HOWEVER, MEN WITH BACHELOR'S DEGREES OR HIGHER ARE EVEN MORE UNDERREPRESENTED IN THE LOW-WAGE WORK FORCE. THEY ARE ONLY 3 PERCENT OF THE LOW-WAGE WORK FORCE, OR ABOUT ONE-SIXTH OF THEIR SHARE OF THE OVERALL WORK FORCE. IN CONTRAST, ONLY A FEW GROUPS OF MEN, INCLUDING MEN WITHOUT A HIGH SCHOOL DEGREE, YOUNG MEN, THIS

Floor Debate
April 15, 2015

INCLUDES YOUNG MEN AGE 16 TO 24, AND HISPANIC MEN ARE OVERREPRESENTED IN THE LOW-WAGE WORK FORCE COMPARED TO THEIR SHARE OF THE OVERALL WORK FORCE. AND EVEN WITHIN THESE GROUPS, MEN ARE OVERREPRESENTED TO A LESSER EXTENT THAN THEIR FEMALE COUNTERPARTS. AMONG WOMEN IN LOW-WAGE WORK FORCE, NEARLY HALF ARE WOMEN OF COLOR. NEARLY FOUR OUT OF FIVE HAVE AT LEAST A HIGH SCHOOL DEGREE. HALF OF THEM WORK FULL TIME. CLOSE TO ONE-THIRD ARE MOTHERS. AND 40 PERCENT OF THEM HAVE FAMILY INCOMES BELOW \$25,000 PER YEAR. MORE THAN ONE QUARTER ARE AGE 50 AND OLDER. NOW, THIS IS AN ENORMOUS IMPACT, OF COURSE, ON HER ABILITY TO SAVE FOR RETIREMENT, TO PREPARE FOR A COMFORTABLE OR EVEN A MANAGEABLE RETIREMENT. MORE THAN ONE-QUARTER ARE AGE 50 AND OLDER, ABOUT THE SAME SHARE OF THE FEMALE LOW-AGE WORK FORCE AS AT THE OTHER END OF THE WORK SPECTRUM, WHICH IS WOMEN AGE 16 TO 24. [LB599]

SENATOR WATERMEIER: ONE MINUTE. [LB599]

SENATOR COOK: THANK YOU, MR. PRESIDENT. AND FOR PURPOSES OF DEFINITION, I WILL INCLUDE SOME NOTES. THE "LOW-WAGE WORK FORCE" IS DEFINED HERE AS OCCUPATIONS WITH MEDIAN WAGES OF \$10.10 OR LESS PER HOUR BASED ON THE BUREAU OF LABOR STATISTICS. SO RIGHT THERE WITH A MINIMUM WAGE IN THE STATE OF NEBRASKA, WHICH ONLY JUST GOT TO \$8 AND WILL GO TO \$9, YOU CAN UNDERSTAND THAT OUR SITUATION IN NEBRASKA IS EVEN MORE DRAMATICALLY PRESENTED. WORKER CHARACTERISTICS ARE THE NATIONAL LAW CENTER'S CALCULATIONS BASED ON THEIR MOST RECENT POPULATION SURVEY. SO WITH THAT, MR. PRESIDENT, I WOULD YIELD THE BALANCE OF MY TIME TO THE CHAIR. THANK YOU. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR COOK AND SENATOR HANSEN. SENATOR MORFELD, YOU ARE RECOGNIZED, AND THIS IS YOUR THIRD TIME ON THE AMENDMENT. [LB599]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. JUST A FEW OTHER QUICK THOUGHTS ABOUT THIS AS WE MOVE FORWARD. FIRST, I THINK IT WAS EARLIER IN THIS WEEK, OR MAYBE LAST WEEK, I THINK IT WAS EARLIER THAT WE WERE TALKING ABOUT TERM LIMITS. AND THERE IS A BUNCH OF PEOPLE THAT I NOTED THAT COSPONSORED THIS BILL THAT WERE SAYING THE PEOPLE HAVE ALREADY SPOKEN. THIS IS DISRESPECTFUL TO GO BACK AND TRY TO CHANGE TERM LIMITS AFTER THE PEOPLE HAVE JUST SPOKEN ON THAT SPECIFIC ISSUE.

Floor Debate
April 15, 2015

WELL, THE PEOPLE HAVE JUST SPOKEN ON THIS ISSUE. THEY SAID OVERWHELMINGLY ALL PEOPLE SHOULD BE ABLE TO EVENTUALLY, WITHIN THE NEXT YEAR, EARN \$9 AN HOUR. AND NOW WE'RE BACK HERE AGAIN SAYING, OH, WELL, YOU KNOW, MAYBE THE PEOPLE DIDN'T KNOW OR UNDERSTAND THE NUANCES OF WHAT THEY WERE DOING OR UNDERSTAND THE IMPACT ON THE INDUSTRY. THE FACT OF THE MATTER IS IS THAT THE PEOPLE HAVE SPOKEN, AND WHETHER WE LIKE IT OR NOT, THEY HAVE SPOKEN. SENATOR HAAR/HARR BROUGHT UP A GOOD POINT EARLIER THAT WHERE DOES THIS END? SO FOR SOME REASONS THAT HAVE BEEN ENUMERATED, PEOPLE UNDER THE AGE OF 18 ARE SUDDENLY ONLY WORTH \$8 AN HOUR BASED ON THE AMENDMENT, OR \$7 BASED ON THE ORIGINAL BILL. DO WE FIND THAT OTHER DEMOGRAPHICS OF INDIVIDUALS ARE SUDDENLY WORTH MORE OR LESS WHEN IT COMES TO MINIMUM WAGE? DOES AN INDUSTRY DECIDE, WELL, YOU KNOW, PEOPLE OVER THE AGE OF 65, THEY'RE NOT AS PRODUCTIVE AS THE FOLKS THAT WORK WITH US THAT ARE UNDER THE AGE OF 65. I CAN GUARANTEE IF THERE WAS AN AMENDMENT ON THIS BILL TO APPLY THIS MINIMUM WAGE TO PEOPLE OVER THE AGE OF 65, PEOPLE WOULD NOT BE VOTING FOR IT. BUT YOU KNOW WHAT, THOSE PEOPLE CAN VOTE, THEY HAVE A POLITICAL VOICE. WHEREAS, THE PEOPLE THAT WE ARE SUBJECTING THIS TO, RIGHT NOW, DON'T HAVE A POLITICAL VOICE. THEY'RE AN EASY TARGET. THEY'RE UNDER 18. AND REGARDLESS OF THE FACT OF WHETHER OR NOT THEY WORK JUST AS HARD OR MAYBE EVEN HARDER THAN SOMEBODY WHO'S OVER THE AGE OF 18, WE'RE DEVALUING THE WORK THAT THEY DO. THE PEOPLE HAVE SPOKEN ON THIS ISSUE. AND FOR THOSE THAT MADE THAT CLAIM DURING THE DEBATE ON TERM LIMITS, I ASK THAT YOU STAND IN PRINCIPLE AGAINST THIS BILL AND RESPECT WHAT THEY HAVE TOLD US AND THE REST OF THE STATE OF NEBRASKA. THANK YOU, MR. PRESIDENT. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR MORFELD. SENATOR EBKE, YOU ARE RECOGNIZED. [LB599]

SENATOR EBKE: I CALL THE QUESTION, MR. PRESIDENT. [LB599]

SENATOR WATERMEIER: THE QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR, VOTE AYE. ALL THOSE OPPOSED, VOTE NO. HAVE YOU ALL VOTED? RECORD, MR. CLERK. [LB599]

ASSISTANT CLERK: 20 AYES, 3 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB599]

Floor Debate
April 15, 2015

SENATOR WATERMEIER: DEBATE DOES NOT CEASE. THE NEXT SPEAKER IN THE QUEUE IS SENATOR NORDQUIST. YOU ARE RECOGNIZED. [LB599]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. I SPOKE EARLIER ABOUT THE FACT THAT WE DON'T LEGISLATE IN A VACUUM, AND NEBRASKA'S LOW UNEMPLOYMENT RATE IS SOMETHING THAT WE NEED TO TAKE INTO CONSIDERATION. WE SAY, WELL, THE BUSINESSES JUST... [LB599]

SENATOR WATERMEIER: SENATOR NORDQUIST, THIS IS YOUR THIRD TIME ON THIS AMENDMENT. [LB599]

SENATOR NORDQUIST: YEAH. THANK YOU. WE SAY THAT THE BUSINESSES JUST CAN'T...OR THAT THE TEENAGE WORKERS, THERE JUST AREN'T JOBS FOR THEM. WELL, QUITE FRANKLY, FOLKS, AS I HEARD JUST ON THE RADIO THIS MORNING, WE ARE IN A SELLER'S MARKET FOR LABOR. BUSINESSES IN THE STATE ARE LOOKING FOR QUALIFIED EMPLOYEES ALL THE TIME, FROM...I LOOKED THROUGH THE LIST OF OUR COUNTY UNEMPLOYMENT RATE AND IT DOESN'T VARY THAT WIDELY FROM THE OVERALL STATE LOW UNEMPLOYMENT RATE. THAT MEANS COUNTIES FROM BORDER TO BORDER, COMMUNITIES FROM BORDER TO BORDER HAVE VERY LOW UNEMPLOYMENT RATES, WHICH MEANS THERE IS A LIMITED WORK FORCE, WHICH MEANS I QUESTION THIS FACTOID THAT'S BEING TOSSED ABOUT THAT TEENAGERS AREN'T GETTING JOBS BECAUSE, QUITE FRANKLY, THESE BUSINESSES NEED EMPLOYEES. NOW, GRANTED, WE CAN...YES, I'M SURE THEY WOULD LOVE TO PAY THEIR EMPLOYEES A DOLLAR AN HOUR LESS. BUT THAT JUST FLAT OUT UNDERMINES THE WILL OF THE VOTERS. I MEAN, IF WE'RE GOING TO START CARVING OUT PIECES OF THE WILL OF THE VOTERS, THEN WHAT STOPS THE NEXT BILL WHEN SOMEBODY SAYS, THIS INDUSTRY IS REALLY HURTING. YOU KNOW, \$9 JUST ISN'T SUSTAINABLE. LET'S JUST TAKE THE TOP RATE DOWN TO \$7.50 AN HOUR OR \$8.50 AN HOUR OR \$8.25 AN HOUR. THE VOTERS DIDN'T KNOW WHAT THEY WERE DOING. THAT'S WHAT YOU ARE TELLING THEM. AND FOR THE MEMBERS WHO RETURNED TO THIS BODY THAT VOTED NO ON THE BILL LAST YEAR, THINK ABOUT WHAT YOU'RE DOING. YOU SAID NO LAST YEAR ON A BILL WHEN WE HAD PLENTY OF PUBLIC POLLING INFORMATION, PLENTY OF EVIDENCE THAT THE PUBLIC WAS WITH US ON THIS. YOU SAID NO. THEN WE WENT TO THAT PUBLIC AND THEY SAID YES. NOW YOU'RE COMING BACK AND SAYING NO AGAIN. FOLKS, PULL WHATEVER IS IN YOUR EAR OUT OF YOUR EARS AND LISTEN TO THE PUBLIC. THEY HAVE SPOKEN. LET US VOTE DOWN LB599. LET THE WILL OF THE PUBLIC, THE WILL OF NEBRASKANS FROM BORDER TO BORDER, FROM 73 COUNTIES STAND. AND LET'S MOVE FORWARD WITH POLICIES TO HELP

Floor Debate
April 15, 2015

WORKERS, NOT TRY TO PULL THE RUG OUT FROM UNDER SOME OF THEM.
THANK YOU. [LB599]

SENATOR WATERMEIER: THANK YOU, SENATOR NORDQUIST. SENATOR PANSING
BROOKS, YOU ARE RECOGNIZED. [LB599]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I AM RISING TO GIVE
MY TIME TO SENATOR COOK BECAUSE I AM ENJOYING THIS HAPPY BELATED
EQUAL PAY DAY DISCUSSION. THANK YOU. [LB599]

SENATOR WATERMEIER: SENATOR COOK, YOU ARE YIELDED 4 MINUTES, 50
SECONDS. [LB599]

SENATOR COOK: WONDERFUL. THANK YOU, MR. PRESIDENT. GOOD AFTERNOON
AGAIN, COLLEAGUES. I'M GOING TO CONTINUE WITH SOME INFORMATION FROM
THE NATIONAL WOMEN'S LAW CENTER AND THEN FOLLOW IT UP WITH, IT'S NOT
THIS YEAR'S SELECTED CHARACTERISTICS FOR NEBRASKA LEGISLATIVE
DISTRICTS FROM THE 2008 TO 2012 AMERICAN COMMUNITY SURVEY, BUT IT'S
THE ONE DATED DECEMBER 2013. I THINK THERE ARE SOME PERCEPTIONS
ABOUT WHERE PEOPLE IN POVERTY, PARTICULARLY WOMEN IN POVERTY WHO
ARE OFTEN A SINGLE PARENT IN POVERTY, WHETHER THEY EXIST IN YOUR
DISTRICT OR WHERE THEY EXIST. SO TO CONTINUE, "UNDERPAID AND
OVERLOADED: WOMEN IN LOW-WAGE JOBS," EXECUTIVE SUMMARY. NOW, THE
FULL REPORT CAN BE FOUND ON THE WEB SITE. I ALREADY GAVE THAT TO YOU.
OVER THE PAST FOUR DECADES, WOMEN'S WORK EXPERIENCE AND
EDUCATIONAL ATTAINMENT HAVE INCREASED DRAMATICALLY. I LEARNED
SOMEPLACE THAT THERE ARE NOW MORE WOMEN IN LAW SCHOOL AND MORE
WOMEN IN MEDICAL SCHOOL THAN THERE ARE MEN. WE'RE NOT TALKING
ABOUT THOSE WOMEN. THEY'RE NOT GOING TO BE LOW-WAGE WORKERS. IF
THEY ARE NOW, THEY WON'T BE FOR LONG. ALTHOUGH WOMEN HAVE BETTER
CREDENTIALS THAN EVER BEFORE, THE JOB AND INCOME PROSPECTS FOR
MANY ARE BLEAK. WOMEN MAKE UP TWO-THIRDS OF THE NEARLY 20 MILLION
WORKERS IN LOW-WAGE JOBS DEFINED IN THIS REPORT AS JOBS THAT
TYPICALLY PAY \$10.10 PER HOUR OR LESS. AND IN NEBRASKA, IF THEY'RE
MAKING MINIMUM WAGE, SHE'S MAKING LESS. ALTHOUGH THEY MAKE UP
SLIGHTLY LESS THAN HALF OF THE WORK FORCE AS A WHOLE. THE LOW-WAGE
WORK FORCE INCLUDES JOBS. THESE ARE VERY IMPORTANT, PARTICULARLY
IMPORTANT WITH THE AGING DEMOGRAPHICS IN THE GREAT STATE OF
NEBRASKA. THE LOW-WAGE WORK FORCE INCLUDES JOBS SUCH AS HOME

Floor Debate
April 15, 2015

HEALTH AIDES. WITH OUR EMPHASIS ON EARLY CHILDHOOD EDUCATION, GUESS WHO ELSE THE LOW-WAGE WORK FORCE INCLUDES? CHILD CARE WORKERS, FAST FOOD WORKERS, RESTAURANT SERVERS, MAIDS, AND CASHIERS. I GUESS THAT WOULD BE THE KIND OF JOB YOU MIGHT FIND IN THE GROCERY STORE WHICH INVITES, IN PART, THEIR INTEREST IN THIS POLICY INITIATIVE. THE WORK IS HARD AND NECESSARY, BUT THE PAY IS SIMPLY INADEQUATE. AT \$10.10 PER HOUR, A FULL-TIME, YEAR-ROUND WORKER EARNS \$20,200 ANNUALLY. THAT IS BARELY ABOVE THE FEDERAL POVERTY LINE FOR A MOTHER WITH TWO CHILDREN. AND THOSE STATISTICS BARE OUT FOR A TYPICAL PERSON ON PUBLIC ASSISTANCE IN THE STATE OF NEBRASKA. MANY OF THE WORKERS IN THESE JOBS ARE PAID THE MINIMUM WAGE. AT THAT RATE, A FULL-TIME, YEAR-ROUND WORKER WOULD EARN, ACCORDING TO THE OLD MINIMUM WAGE CITED HERE, \$14,500, NOT MORE CERTAINLY IN NEBRASKA AT \$8 PER HOUR, THOUSANDS OF DOLLARS BELOW THE POVERTY LINE FOR A FAMILY OF THREE. ONCE AGAIN, COLLEAGUES, WE'RE NOT GETTING AWAY WITH NOT...THE GROCERS MAY WANT TO GET AWAY WITH NOT PAYING THEIR WORKERS, BUT WE AS TAXPAYERS AND CITIZENS AREN'T GETTING AWAY WITH NOT SUPPORTING THESE FAMILIES... [LB599]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB599]

SENATOR COOK: ...WHEN IT COMES TO THEIR NEED FOR FOOD, SHELTER, MONEY TO BUY SUNDRY ITEMS. THE MONEY COMES FROM SOMEPLACE. IF THEY'RE NOT ABLE TO EARN IT THROUGH A FAIR WAGE FOR WHAT IS DIFFICULT WORK IN THE CASE OF HOME HEALTH AIDES AND CHILD CARE WORKERS, FOOD WORKERS, RESTAURANT SERVERS, MAIDS, AND CASHIERS, GUESS WHAT, YOU'RE SUBSIDIZING IT. WOMEN'S CONCENTRATION IN LOW-WAGE JOBS HAS INCREASED IN RECENT YEARS, AND THE TREND IS LIKELY TO CONTINUE. MORE THAN ONE-THIRD--THAT'S 35 PERCENT OF WOMEN'S NET JOBS GAINS DURING THE RECOVERY FROM THE GREAT RECESSION--HAVE BEEN IN JOBS THAT TYPICALLY PAY \$10.10 PER HOUR OR LESS. SO WHEN WE BRAG ABOUT OUR LOW UNEMPLOYMENT RATES, JUST REMEMBER, FIRST OF ALL, IN LD13, THE UNEMPLOYMENT RATE IS 11.3 PERCENT, NOT CLOSE TO 2.2 PERCENT OR ALL THESE OTHER NUMBERS THAT THE STATE OF NEBRASKA LIKES TO SAY ARE THEIR UNEMPLOYMENT RATES. NOT ONLY IS THAT THE CASE, BUT, OKAY, SURE, THEY'RE EMPLOYED--EMPLOYED AT MINIMUM WAGE, WHICH AS I MENTIONED EARLIER, IS NOT ENOUGH TO SUPPORT A FAMILY. [LB599]

Floor Debate
April 15, 2015

SPEAKER HADLEY: TIME, SENATOR COOK. [LB599]

SENATOR COOK: THANK YOU, MR. SPEAKER. [LB599]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB599]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, GOING BACK TO MY GRANDDAUGHTER BECAUSE IT'S A, YOU KNOW, PERSONAL EXPERIENCE, PART OF MY FAMILY, RIGHT NOW JENNY IS 18, AND SOMETHING MAGICAL IS GOING TO HAPPEN ON JUNE 13 AT MIDNIGHT, SHE'S GOING TO TURN 19. SO ONE DAY HER SERVICE, AND AGAIN, HER VERY GOOD SERVICE IS WORTH--LET'S SAY THE AMENDMENT PASSES--\$8 AND THEN THE NEXT DAY IT'S GOING TO BE WORTH SOMETHING MORE. THERE IS ABSOLUTELY NO SENSE TO IT. THE QUALITY OF HER WORK IS GREAT. SHE LIKES WHAT SHE IS DOING IN THAT SUMMER JOB, AND I SEE NO REASON THAT AT MIDNIGHT ON JUNE 13 WHEN SHE TURNS FROM...WELL, MAYBE IT'S THE MINUTE AFTER, I DON'T KNOW EXACTLY WHEN YOUR NEXT DATE IS, BUT SHE'LL TURN FROM 18 TO 19. AND ALL OF A SUDDEN HER LABOR IS WORTH MORE. IT'S NOT FAIR TO HER. IT'S NOT A GOOD MESSAGE, I THINK, TO SEND TO YOUNG PEOPLE. AND SO I WOULD GIVE THE REST OF MY TIME TO SENATOR COOK IF SHE'D LIKE. [LB599]

SPEAKER HADLEY: SENATOR COOK, YOU'RE YIELDED 3 MINUTES, 20 SECONDS. [LB599]

SENATOR COOK: THANK YOU, MR. PRESIDENT. I'LL CONTINUE. WOMEN'S CONCENTRATION IN LOW-WAGE JOBS HAS INCREASED IN RECENT YEARS, AS I SAID BEFORE, I GOT CALLED ON TIME LAST TIME. AND THIS IS POST-GREAT RECESSION. I THINK I WENT INTO MAKING THE POINT THAT WE CAN BRAG ABOUT LOW UNEMPLOYMENT RATES, BUT IF YOU JUST SCRATCH THE SURFACE, IS SOMEBODY WORKING TWO OR THREE JOBS TO COBBLE A LIVING TOGETHER, AND THEN WE HAPPILY COUNT IT AS AN EMPLOYED PERSON? I DON'T KNOW IF THAT'S WHAT WE MEAN BY FULL EMPLOYMENT. MAYBE IT IS FOR SOME OF MY COLLEAGUES. THE SHARE OF WOMEN WORKERS WHO HOLD LOW-WAGE JOBS INCREASED BY MORE THAN 6 PERCENT BETWEEN 2007, THE YEAR BEFORE THE RECESSION, AND 2012 DESPITE WOMEN'S CONTINUED ADVANCES IN EDUCATION. AND DISPROPORTIONATELY STRONG GROWTH IN LOW-WAGE, FEMALE-DOMINATED JOBS IS PROJECTED FOR THE FUTURE. OF THE 20 JOBS PREDICTED TO ADD THE LARGEST NUMBERS OF WORKERS BETWEEN 2012 AND 2022, FIVE ARE LOW WAGE TYPICALLY PAYING LESS THAN \$10.10 PER HOUR. AND ALL OF

Floor Debate
April 15, 2015

THESE LOW-WAGE JOBS ARE FEMALE DOMINATED. ANOTHER 9 OF THESE 20 HIGH-GROWTH JOBS PAY BETWEEN \$10.10 PER HOUR AND THE MEDIAN WAGE OF \$16.71 PER HOUR. ONCE AGAIN, THAT IS A NATIONAL NUMBER. AND FIVE OF THESE JOBS ARE FEMALE DOMINATED. WOMEN'S OVERREPRESENTATION IN LOW-WAGE JOBS IS OF PARTICULAR CONCERN TODAY BECAUSE FAMILIES' RELIANCE ON WOMEN'S EARNINGS HAS INCREASED DRAMATICALLY OVER THE LAST 40 YEARS. WORKING MOTHERS ARE PRIMARILY BREADWINNERS IN 41 PERCENT OF FAMILIES WITH CHILDREN. AND THEY ARE COBREADWINNERS BRINGING IN BETWEEN 25 PERCENT AND 50 PERCENT OF FAMILY EARNINGS IN ANOTHER 22 PERCENT OF THESE FAMILIES. AT THE SAME TIME... [LB599]

SPEAKER HADLEY: ONE MINUTE. [LB599]

SENATOR COOK: THANK YOU, MR. PRESIDENT. AT THE SAME TIME, WOMEN STILL SHOULDER THE MAJORITY OF CAREGIVING RESPONSIBILITIES. AND THE CHARACTERISTICS OF LOW-WAGE JOBS POSE PARTICULAR CHALLENGES TO WOMEN AS BOTH BREADWINNERS AND CAREGIVERS. THIS ANALYSIS FOCUSES ON THE ROLE OF GENDER IN THE LOW-WAGE WORK FORCE USING DATA ON WORKER CHARACTERISTICS FROM THE CURRENT POPULATION SURVEY AND THE AMERICAN COMMUNITY SURVEY. THAT'S THE SAME SURVEY THAT DR. JOHN BARTLE AND JERRY DEICHERT FROM THE UNIVERSITY OF NEBRASKA AT OMAHA USE WHEN THEY ARE DOING AN ANALYSIS FOR SERVICES OF OUR OWN AMERICAN COMMUNITY SURVEY IN NEBRASKA. IT REVEALS A STARK REALITY. REGARDLESS OF THEIR EDUCATION... [LB599]

SPEAKER HADLEY: TIME, SENATOR. [LB599]

SENATOR COOK: THANK YOU, MR. PRESIDENT. [LB599]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR HARR, YOU'RE RECOGNIZED TO CLOSE ON THE BUSINESS AND LABOR COMMITTEE AMENDMENTS. [LB599]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. THIS IS A SIMPLE AMENDMENT. THIS AMENDMENT SAYS THOSE KIDS WHO UNDER THE AGE OF 18, THAT THE MINIMUM WAGE FOR THEM WOULD REMAIN AT \$8 AND WE WOULD TREAT THEM SEPARATELY THAN WE WOULD AN ADULT. THE STUDENT WAGE RATE WOULD GO FROM \$7.25 AN HOUR TO \$8 AND IT WOULD STAY AT \$8.

Floor Debate
April 15, 2015

WITH THAT, THAT'S MY...I'D ASK FOR YOUR SUPPORT ON AM526. THANK YOU.
[LB599]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON AM526. ALL IN FAVOR
SIGNIFY BY VOTING AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.
[LB599]

ASSISTANT CLERK: 26 AYES, 0 NAYS ON THE ADOPTION OF COMMITTEE
AMENDMENTS. [LB599]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SENATOR
NORDQUIST, YOU'RE RECOGNIZED TO SPEAK. [LB599]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. IT'S CLEAR
THAT WE'RE GETTING CLOSE TO A VOTE ON GENERAL FILE ON THIS BILL, AND
IT'S OBVIOUS THAT WE'LL...IT LOOKS PRETTY CLEAR THAT WE'LL HAVE
MULTIPLE ATTEMPTS TO BE ABLE TO DEBATE THIS BILL, INCLUDING A FINAL
VOTE THAT WILL REQUIRE 33 VOTES. BUT I THINK IT'S IMPORTANT FOR ONE
FINAL REMINDER TO THE BODY TO THINK ABOUT THE MESSAGE THAT WE'RE
SENDING TO OUR CONSTITUENTS. MANY, AND I GUESS...I CHECKED I WAS THE
LAST LIGHT ON BEFORE GETTING UP HERE, SO I GUESS THERE'S STILL AN
OPPORTUNITY. BUT WE WILL MOVE FORWARD WITH A BILL THAT MONTHS
AFTER VOTERS HAVE SAID WE WANT A UNIFORM \$9 AN HOUR MINIMUM WAGE
STARTING JANUARY 1, 2016, APPEARS TO BE AT LEAST A MAJORITY OF THIS BODY
IS WILLING TO SAY, YOU KNOW, WE WANT TO UNDERMINE THAT; THAT EITHER
WE DON'T TRUST THE VOTERS OR WHATEVER REASON. THERE CERTAINLY HAS
BEEN AMPLE EVIDENCE THAT THERE HASN'T BEEN MUCH DEBATE ON THE
OTHER SIDE. CERTAINLY SENATOR EBKE HAS DONE A FINE JOB OF STANDING UP
AND ARTICULATING THE SUPPORT FOR IT. BUT FOR THE REST OF THE MEMBERS
OF THIS BODY...AND SENATOR KUEHN, WHO PRIORITIZED IT, BUT FOR THE REST
OF THE MEMBERS OF THIS BODY WHO IS GOING TO TAKE SUCH A VOTE, SUCH A
VOTE TO UNDERMINE THE WILL OF THE PUBLIC, AND YET, WE HAVE NOT HEARD
FROM A VAST MAJORITY OF THE PEOPLE THAT I ASSUME ARE GOING TO VOTE
FOR THIS TO EXPLAIN WHY THEY ARE WILLING TO TAKE SUCH A VOTE, SUCH A
VOTE TO UNDERMINE THE WILL OF THEIR CONSTITUENTS. A VAST MAJORITY OF
YOUR LEGISLATIVE DISTRICTS VOTED FOR THIS: 73 OF OUR 93 COUNTIES VOTED
FOR IT; 60 PERCENT OF THE PUBLIC. AND MONTHS LATER, YOU COME DOWN AND
CHOOSE TO UNDERMINE IT. AND IT'S NO WONDER THAT THE PUBLIC IS SO FED
UP WITH GOVERNMENT TODAY, THAT WHEN THE PUBLIC MAKES SUCH A CLEAR

Floor Debate
April 15, 2015

STATEMENT ON AN ISSUE THAT IT DOESN'T TAKE MUCH BUT A LITTLE BIT OF SPECIAL INTEREST ARM TWISTING TO BEGIN TO UNDERMINE THAT. AND THAT'S WHAT'S HAPPENED HERE, UNFORTUNATELY. I JUST HOPE THAT BY THE TIME WE GET TO FINAL READING AND THE 33 VOTE THRESHOLD IS NOT KEPT...IS NOT MET BECAUSE OF THE MESSAGE IT WILL SEND TO NEBRASKANS. THE MESSAGE IT WILL SEND ON FUTURE BALLOT MEASURES. I KNOW THAT SENATOR GROENE HAS SAID BALLOT MEASURES THAT HE WOULD LIKE TO SEE PASSED. SENATOR SCHUMACHER HAS BALLOT MEASURES HE WOULD LIKE TO SEE PASSED. THE MESSAGE THAT IT SENDS, THAT GUESS WHAT, PUBLIC, LEGISLATURE THINKS WE'RE SMARTER THAN YOU. AND THE PEOPLE OUTSIDE THE GLASS, THE SPECIAL INTERESTS, WE'RE GOING TO LISTEN TO THEM RATHER THAN LISTEN TO YOU. THAT IS THE MESSAGE THAT'S BEING SENT WITH A YES VOTE ON THIS BILL, AND I ENCOURAGE YOU TO VOTE NO. THANK YOU. [LB599]

SPEAKER HADLEY: (VISITORS INTRODUCED.) SENATOR COOK, YOU ARE RECOGNIZED. [LB599]

SENATOR COOK: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON AGAIN, COLLEAGUES. IN MY LAST TURN AT THE MICROPHONE, I PROMISED TO OFFER SOME STATISTICS AS THEY RELATE TO THE NUMBER OF CHILDREN IN POVERTY IN THE STATE OF NEBRASKA. I'VE ALREADY MENTIONED TO YOU THAT, DESPITE THE PROSPERITY ACROSS OUR STATE, THERE HAS BEEN AN INCREASE IN THE NUMBER OF CHILDREN LIVING IN POVERTY BETWEEN THE ANALYSIS OF THE AMERICAN COMMUNITY SURVEY FROM THE CENSUS IN 2000 AND THE ANALYSIS OF THE AMERICAN COMMUNITY SURVEY FROM THE CENSUS IN 2010. SO WHAT I HAVE FROM THE REPORT I MENTIONED IS FIGURE EIGHT: CHILDREN AGED 18...AGED UNDER 18 YEARS BELOW POVERTY AS A PERCENTAGE OF THE POPULATION FOR WHOM POVERTY IS DETERMINED FOR NEBRASKA LEGISLATIVE DISTRICTS. SO THIS, IN CONTRAST TO WHAT I WAS SHARING WITH YOU FROM THE NATIONAL WOMEN'S LAW CENTER, THESE ARE OUR VERY OWN LOCAL STATISTICS ON THE NUMBER OF CHILDREN LIVING IN POVERTY. REMEMBER, THESE ARE THE FAMILIES THAT SOMETIMES THE CHILDREN CHOOSE TO DROP OUT OF SCHOOL TO SUPPORT THE HOME. SOMETIMES THEIR CHECK IS A REAL LIVE CHECK THAT GOES TO PAY BILLS IN THE HOME. SO I'LL JUST GO DISTRICT BY DISTRICT; THERE ARE 49 OF THEM. THE FIRST ONE ON THE LIST IS DISTRICT 11. SENATOR CHAMBERS' REPRESENTS DISTRICT 11. FIFTY-NINE PERCENT OF THE CHILDREN IN THAT DISTRICT LIVE IN POVERTY. DISTRICT 46, SENATOR MORFELD'S DISTRICT, 42.7 PERCENT; DISTRICT 7, SENATOR NORDQUIST, 34.7 PERCENT; DISTRICT 43, 26.2 PERCENT; 17, 26 PERCENT. MY DISTRICT, DISTRICT 13, 25.7 PERCENT OF CHILDREN AGED UNDER 18 YEARS LIVE BELOW

Floor Debate
April 15, 2015

POVERTY. DISTRICT 5, THAT'S SENATOR MELLO, 25.2 PERCENT; DISTRICT 27, 24.2 PERCENT; DISTRICT 9, 24 PERCENT; DISTRICT 48, 23.8 PERCENT; DISTRICT 28, 21.9 PERCENT; DISTRICT 35, 21.2 PERCENT; DISTRICT 8, 19.6 PERCENT; DISTRICT 19, ALSO 19.6 PERCENT OF CHILDREN LIVING IN POVERTY; DISTRICT 1, 19.1 PERCENT; DISTRICT 21, 19.1 PERCENT; DISTRICT 45, ALSO 19.1 PERCENT; DISTRICT 47, 18.9 PERCENT; 32, 17.7 PERCENT; DISTRICT 44, 16.8 PERCENT OF CHILDREN IN POVERTY. OVERALL ACROSS THE STATE OF NEBRASKA, 16.7 PERCENT OF CHILDREN LIVE IN POVERTY, AS DO IN DISTRICTS 15, 22, AND 33. I'M SORRY, 33, THAT'S 16.4 PERCENT OF CHILDREN IN POVERTY; DISTRICT 10, 16 PERCENT; DISTRICT 36, 15.6 PERCENT OF CHILDREN; DISTRICT 20, 15.4 PERCENT OF CHILDREN IN POVERTY. [LB599]

SPEAKER HADLEY: ONE MINUTE. [LB599]

SENATOR COOK: DISTRICT...THANK YOU, MR. PRESIDENT. DISTRICT 23, 15.3; 37, 15 PERCENT; 26, 14.4 PERCENT; 40, 13.7 PERCENT; 34, 13.6 PERCENT; 41, 12.4 PERCENT; 42, 12.3 PERCENT; 38, 11.7 PERCENT; DISTRICT 14, 11.2 PERCENT; 3, 10.6 PERCENT; 6, 10.5 PERCENT; 30, 10.4 PERCENT; 18, 9.9 PERCENT; 16, 9.7 PERCENT; 12, 9.2 PERCENT; 29, 8.6 PERCENT; 4, 7.4 PERCENT; 24, 7.3; 2, 6.2 PERCENT; 31, 4.6 PERCENT; 49, 4.6 PERCENT; 39...I'M SORRY, 25, 2.7 PERCENT. THANK YOU, MR. PRESIDENT. [LB599]

SPEAKER HADLEY: SENATOR MORFELD, YOU'RE RECOGNIZED. [LB599]

SENATOR MORFELD: MR. PRESIDENT, THIS WILL BE THE LAST TIME THAT I SPEAK ON THIS, BUT I CAN ASSURE YOU THAT ON SELECT AND FINAL WE'LL HAVE SEVERAL AMENDMENTS AND BE DISCUSSING THIS AT LENGTH. I THINK IT'S IMPORTANT TO REMEMBER...LET ME START WITH THIS. AS AN EMPLOYER, MY NONPROFIT AGENCY EMPLOYS 30 FULL- AND PART-TIME STAFF. WOULD IT BE NICE TO PAY PEOPLE A LITTLE BIT LESS? MAYBE. I'D HAVE A LOT MORE RESOURCES TO DEDICATE TO OUR DIRECT SERVICE PROGRAMS, TO OUR POLICY PROGRAM, ALL THOSE THINGS. BUT AS AN EMPLOYER, I BELIEVE THAT EVERYBODY IS ENTITLED TO THE DIGNITY OF A LIVING WAGE, AND \$9 DOESN'T EVEN GET US THERE. IT'S NOT EVEN CLOSE ANYMORE. IT IS A MORAL OBLIGATION, I BELIEVE AS AN EMPLOYER, TO PROVIDE YOUR EMPLOYEES WITH THE DIGNITY OF A LIVING WAGE. AND WE HAVE TO REMEMBER THAT WE CANNOT BOX ALL CHILDREN INTO ONE CATEGORY AND SAY THAT, WELL, MY CHILD WOULD BE FINE IF THEY MADE \$8 AN HOUR, SO EVERYBODY ELSE'S WOULD, AS OPPOSED TO \$9 AN HOUR. AS SENATOR COOK NOTED, 42.7 PERCENT OF CHILDREN IN MY DISTRICT LIVE IN POVERTY. MANY OF THESE CHILDREN, AS

Floor Debate
April 15, 2015

I HAVE SAID TIME AND TIME AGAIN ON THIS FLOOR, PROVIDE FOR THEIR FAMILY AND HELP PROVIDE FOR THEIR FAMILY. WHAT THIS BODY IS DECIDING TO DO IS TO GO AFTER A DEMOGRAPHIC THAT HAS NO POLITICAL VOICE, NO VOTING POWER, AND TO SAY THAT YOUR WORK IS WORTH LESS THAN ANOTHER'S. IT'S CERTAINLY EASY TO GO AFTER PEOPLE UNDER 18 BECAUSE THEY CAN'T COME BACK AND VOTE AGAINST YOU, PROBABLY FOR A WHILE, AND EVEN THEN THEY MAY NOT REMEMBER. AND BY THAT TIME, THEY'LL BE MAKING THE WAGE THAT EVERYBODY ELSE IS MAKING. WE HAVE A MORAL OBLIGATION AS EMPLOYERS TO PAY PEOPLE THE DIGNITY OF A LIVING WAGE. AND WE AS A STATE SHOULD NOT BE ALLOWING EMPLOYERS TO BE PAYING LESS. IN FACT, WE SHOULD PROBABLY BE MAKING THEM PAY MORE, BECAUSE THE MORE THAT PEOPLE ARE PAID, THE LESS OF AN OBLIGATION THE STATE WILL HAVE IN TERMS OF HAVING TO PROVIDE SERVICES THAT PEOPLE CANNOT AFFORD. WE'RE ABOUT TO VOTE ON LB599 AND I URGE ALL OF YOU TO THINK HARD ABOUT HOW YOU'RE VOTING ON THIS. FIRST, BECAUSE THE PEOPLE HAVE ALREADY SPOKEN; AND SECOND, BECAUSE WE SHOULD BE PROVIDING EQUAL PAY FOR EVERYONE WHEN IT COMES TO THE MINIMUM WAGE. THANK YOU. [LB599]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB599]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I'M CERTAINLY GOING TO UPHOLD THE WILL OF THE PEOPLE, AT LEAST UNTIL IT'S BEEN IN OPERATION LONG ENOUGH FOR US TO FIGURE OUT WHETHER OR NOT THEY MADE A MISTAKE OR NOT. RIGHT NOW IT LOOKS PRETTY CAPRICIOUS AND ARBITRARY FOR US TO JUST STEP IN BEFORE EVEN WHAT THEY PUT INTO ACTION HAS AN OPPORTUNITY TO BE...HAVE EVIDENCE ACCUMULATED THAT IT IS A MISTAKE. PERHAPS IT ISN'T. AND PERHAPS THE WORLD WILL NOT END. PERHAPS WE SHOULD LISTEN TO THEM. BUT I'M LOOKING AT THE BILL ITSELF. IT TALKS IN TERMS OF A YOUNG STUDENT WORKER IS SOMEBODY 18 OR YOUNGER WHO IS GOING TO SCHOOL AND DOES NOT QUALIFY FOR A WAGE RATE AS PART OF A VOCATIONAL TRAINING PROGRAM OF SOME KIND. SO WE'RE GOING TO PAY KIDS WHO DROP OUT OF SCHOOL MORE THAN WE'RE GOING TO PAY KIDS WHO STAY IN SCHOOL? WHAT KIND OF POLICY IS THAT? AND WHEN I LOOK AT ALL THE OTHER THINGS WE SAY THERE'S AGE DIFFERENCE, SOMETHING KICKS IN, IT'S BECAUSE THERE'S A DIFFERENCE IN PERFORMANCE. WE SAY YOU CAN'T VOTE UNTIL A CERTAIN AGE, PRESUMABLY BECAUSE YOU AREN'T SKILLED ENOUGH TO VOTE. YOU CAN'T DRIVE UNTIL THERE'S A CERTAIN AGE, PRESUMABLY BECAUSE YOU'RE TOO LITTLE TO SEE OVER THE STEERING WHEEL. YOU CAN'T DRINK UNLESS YOU'RE A CERTAIN AGE. YOU CAN'T PLAY PICKLE CARDS UNLESS YOU'RE A CERTAIN AGE, PRESUMABLY DEALING WITH

Floor Debate
April 15, 2015

REASON AND THE ABILITY TO APPRECIATE THE CONSEQUENCES OF YOUR ACTIONS. BUT WORK? THERE'S BEEN NO RATIONAL REASON GIVEN WHY THE WORK OF ONE PERSON IS WORTH LESS THAN THE WORK OF ANOTHER PERSON. WHY WOULD WE DISCRIMINATE ON THE BASIS OF WORK? WHY WOULD WE INCENTIVIZE DROPPING OUT OF SCHOOL? LET...THE PEOPLE WEREN'T DUMB IN NOT PUTTING SOMETHING LIKE THIS INTO THE BILL THAT THEY PASSED. THE PEOPLE WERE SMART. THE PEOPLE WENT ALONG WITH THE IDEA THAT WORK IS WORK, AND YOU'RE WORTH WHAT YOU'RE WORTH, AND CERTAINLY WE SHOULD NOT BE MESSING WITH THAT UNTIL WE HAVE HARD EVIDENCE TO SAY LOOK IT, PEOPLE, WE AREN'T STICKING OUR FINGER IN YOUR EYE, BECAUSE WE LET THIS OPERATE FOR A BIT OF TIME AND IT REALLY WAS A BOONDOGGLE. PROBABLY THAT'S NOT GOING TO HAPPEN. BUT IF IT DOES HAPPEN, WE CAN FIX IT AFTER THERE'S HARD EVIDENCE AND NOT JUST FEARS AND SUSPICIONS. THE PEOPLE HAVE SPOKEN. THINK ABOUT IT. THEY'VE CHOSEN TO USE THE SUPERSTATUTE, THE 33 VOTES FOR US TO MESS WITH THE STATUTES. BUT WOULD WE RATHER HAVE THEM, TEACH THEM, TELL THEM, LOOK, IF YOU'RE GOING TO GO THROUGH THE TROUBLE OF AN INITIATIVE PETITION, DON'T USE A SUPERSTATUTE METHOD THAT CAN BE CHANGED BY THE LEGISLATURE UNDER URGENT CONDITIONS? USE A CONSTITUTIONAL AMENDMENT. PUT YOUR NEXT MINIMUM WAGE BILL IN THE CONSTITUTION. FORCING THEM TO DO THAT CREATES INITIATIVE 300 PROBLEMS. WHEN THINGS DON'T WORK OUT QUITE RIGHT, NOBODY CAN DO ANYTHING TO UNDO IT SHORT OF THE FEDERAL COURTS. IS THAT WHAT WE'RE TELLING THE PEOPLE: GET AN EXTRA 30 PERCENT OF THE SIGNATURES IN YOUR NEXT PETITION DRIVE AND STICK EVERYTHING IN THE CONSTITUTION BECAUSE THE LEGISLATURE WON'T RESPECT YOUR DECISION EVEN FOR A MINUTE, AND EVEN BEFORE YOUR DECISION HAS HAD THE ABILITY AND THE TIME TO BE TESTED, YOUR JUDGMENT TO BE TESTED, THEY'LL STICK THEIR FINGER IN YOUR EYE AND SAY, WE KNOW BETTER? I LIKE THE GROCERS. THEY DO FINE WORK. AND IF IT WERE NOT FOR THE FACT THAT THE PEOPLE HAVE SPOKEN, I MAY WELL BE... [LB599]

SPEAKER HADLEY: ONE MINUTE. [LB599]

SENATOR SCHUMACHER: ...AMENABLE TO THE CONTENT OF THIS. IS THAT TIME? [LB599]

SPEAKER HADLEY: ONE MINUTE. [LB599]

Floor Debate
April 15, 2015

SENATOR SCHUMACHER: OKAY. THANK YOU. BUT THE PEOPLE HAVE SPOKEN. AND WE HAVE AN OBLIGATION AT LEAST TO HAVE THEIR IDEA PLAY OUT BEFORE WE TRY TO BE ARROGANT ABOUT IT. IF NEXT YEAR IT TURNS OUT THIS WAS A TERRIFIC BOONDOGGLE AND NO KID IS EMPLOYED DURING THE SUMMER, THEN WE'LL SAY, SEE, WE HAD TO DO SOMETHING. BUT WE CAN'T SAY THAT TODAY. THEY HAVE SPOKEN, AND THEY HAVE THE LAST CARD IN THIS GAME. THANK YOU. [LB599]

SPEAKER HADLEY: SENATOR SULLIVAN, YOU ARE RECOGNIZED. [LB599]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES. SO IS IT THE CONSTITUTION THAT DRIVES THIS DISCUSSION? IS IT THE LEGISLATURE? IS IT THE PETITION PROCESS? IS IT THE GROCERS? WELL, IF THEY'RE ALL IN THIS CONVERSATION, THEY'RE ALL PART OF THE PROCESS, AND THIS IS THE PROCESS THAT WE'RE IN THE MIDDLE OF. AND I TAKE TO HEART, CERTAINLY, THE STATISTICS THAT SENATOR COOK HAS LAID OUT FOR US. I LISTENED TO WHAT SENATOR SCHUMACHER SAID. AND I KNOW THAT THERE IS POVERTY ALL ACROSS THIS STATE. YOU'VE HEARD ME TALK SEVERAL TIMES ABOUT HOW IMPORTANT GROCERY STORES ARE TO ME AND THAT IF THE ONE IN CEDAR RAPIDS EVER CLOSED, I'D PROBABLY RESIGN AND GO RUN IT MYSELF, BECAUSE I HAVE TO HAVE A GROCERY STORE IN THE COMMUNITY WHERE I LIVE. AND WHEN I TRAVEL DISTRICT 41, I ALMOST ALWAYS STOP IN AT THE GROCERY STORES IN OUR SMALL TOWNS AND THANK THOSE PEOPLE FOR WHAT THEY'RE DOING, BECAUSE THEY ARE A VERY IMPORTANT PART OF MAIN STREET. BUT I WILL TELL YOU, THEY ARE STRUGGLING. AND IF THEY AREN'T THERE, AND IT'S GETTING HARDER AND HARDER BECAUSE WE HAVE FEWER AND FEWER PEOPLE IN THESE SMALL TOWNS, AND TYPICALLY THE GROCERY STORES DO EMPLOY THE YOUNG PEOPLE AS A VERY INITIAL TRAINING GROUND FOR THEIR FIRST WORK EXPERIENCE. AND I HAVE TO SAY THERE'S A VERY WELL KNOWN CATHOLIC PRIEST HERE IN LINCOLN WHO GOT HIS FIRST START BOXING GROCERIES WHEN HE FIRST MOVED TO CEDAR RAPIDS QUITE A NUMBER OF YEARS AGO. SO HE GOT...THAT WAS A PROVING GROUND FOR HIM, AND, OBVIOUSLY, HE'S EXCELLED QUITE A BIT SINCE THEN. THERE'S A TRADE-OFF FOR EVERYTHING. I DON'T NECESSARILY LIKE BEING...WELL, I DON'T LIKE BEING BRANDED THAT I'M DISCRIMINATORY AGAINST YOUNGER WORKERS, THAT...AND I CAN'T REMEMBER BUT I SURELY AM HOPEFUL THAT WHEN WE VOTED ON THE MINIMUM WAGE ON THIS FLOOR, THAT I WAS IN SUPPORT OF IT, BECAUSE I AM. BUT IT'S MORE COMPLICATED THAN THAT. AND WE DO HAVE A PROCESS TO MAKE THESE DECISIONS EVEN THOUGH, YES, THE CITIZENS HAVE SPOKEN. BUT WE HAVE A RESPONSIBILITY TO SPEAK, TOO, AND THAT'S WHAT WE'RE TRYING

Floor Debate
April 15, 2015

TO DO AS WE'RE DEBATING LB599. SO AT THE END OF THE DAY, AS I SO OFTEN DO IN MANY OF THESE DECISIONS I MAKE OUT HERE, IT'S NOT CLEAR-CUT. IT'S A BALANCE BETWEEN A VARIETY OF DIFFERENT ISSUES. AND SO I FIND MYSELF, WHILE I SUPPORT THE EFFORTS OF THE CITIZENS IN SPEAKING IN SUPPORT OF THE MINIMUM WAGE, I ALSO HAVE TO LOOK OUT FOR THE MAIN STREETS IN DISTRICT 41 AND THE BUSINESS OWNERS THAT SERVE THE COMMUNITIES AND THAT SUPPORT THE YOUNG PEOPLE THAT COME TO WORK FOR THEM AND HELP THEM GET A TRAINING GROUND AND A PROVING GROUND FOR FUTURE WORKING SITUATIONS. AND SO WHILE IT'S NOT NECESSARILY AN EASY FIX FOR ME TO VOTE FOR LB599, I THINK AT THIS POINT IN TIME TO ME IT'S THE RIGHT THING TO DO. THANK YOU, MR. PRESIDENT. [LB599]

SPEAKER HADLEY: SENATOR DAVIS, YOU'RE RECOGNIZED. [LB599]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. IT'S KIND OF TOUGH TO FOLLOW SENATOR SULLIVAN ON THAT ISSUE. SHE DID SUCH AN ELOQUENT JOB OF SPEAKING TO THE PROBLEMS THAT TAKE PLACE IN RURAL COMMUNITIES WHERE THERE ISN'T A SURPLUS OF PEOPLE WHO COME IN TO BUY THE GROCERIES AND WHERE YOU'RE COMPETING WITH LARGE MERCHANTS, OFTENTIMES WHERE PEOPLE HAVE TO DRIVE A LONG DISTANCE TO GO. SO AS MUCH AS I HATE THE IDEA OF HAVING TO DO THIS, I THINK IT REALLY IS SOMETHING THAT IS NECESSARY FOR RURAL NEBRASKA. THESE YOUNG PEOPLE NEED THE JOBS. YOU KNOW, I'VE GOT A GROCERY STORE IN MY DISTRICT THAT IS IN CODY, NEBRASKA, WHICH IS RUN...ESSENTIALLY, IT'S A STUDENT-RUN GROCERY STORE BECAUSE THEY DIDN'T HAVE ONE A LONG TIME. THEY WERE 40 MILES TO VALENTINE. SO YOU KNOW, THAT LITTLE GROCERY STORE IS VITAL TO THAT COMMUNITY. IN ARTHUR, NEBRASKA, THE SAME SITUATION, A COMMUNITY-RUN GROCERY STORE BY THE SCHOOLCHILDREN THERE. LABOR IS A FACT OF LIFE IN ANY BUSINESS. BUT THIS WILL HELP KIDS GET JOBS, THEIR FIRST JOBS. IT WILL KEEP SOME OF THESE SMALL GROCERY STORES ALIVE. AND IT'S JUST GOOD PUBLIC POLICY, I THINK. SO I SUPPORT THE BILL AND HOPE THAT IT WILL MOVE ON. THANK YOU. [LB599]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR EBKE, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. [LB599]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I WILL NOT TAKE VERY LONG. I DO WANT TO THANK SENATOR SULLIVAN AND SENATOR DAVIS FOR TOSSING THEIR TWO CENTS IN HERE. I THINK IT'S IMPORTANT FOR US TO RECOGNIZE THAT THIS

Floor Debate
April 15, 2015

BILL IS REALLY DESIGNED TO MAXIMIZE THE OPPORTUNITIES FOR STUDENTS WHO MAY OTHERWISE HAVE LIMITED SKILLS AND LIMITED HOURS OF AVAILABILITY BECAUSE OF THEIR SCHOOL SCHEDULES. IT IS A CHANCE THAT THE EMPLOYERS ARE TAKING TO HAVE TO WORK AROUND THOSE SCHEDULES, AND WE ARE TRYING TO PROVIDE AN INCENTIVE FOR OUR SMALLEST OF EMPLOYERS TO GIVE THESE YOUNG STUDENT WORKERS A CHANCE. I WANT TO ENCOURAGE EVERYBODY TO VOTE GREEN, AND I WOULD ASK FOR A CALL OF THE HOUSE. [LB599]

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. [LB599]

ASSISTANT CLERK: 34 AYES, 0 NAYS TO GO UNDER CALL. [LB599]

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 SCHNOOR, KEN HAAR, BOLZ, MELLO, KINTNER, CHAMBERS, AND GROENE, THE HOUSE IS UNDER CALL. SENATOR SCHNOOR, SENATOR CHAMBERS, SENATOR KINTNER, THE HOUSE IS UNDER CALL. SENATOR EBKE, FOR WHICH PURPOSE DO YOU RISE? [LB599]

SENATOR EBKE: ROLL CALL VOTE IN REGULAR ORDER, PLEASE. [LB599]

SPEAKER HADLEY: MR. CLERK, A ROLL CALL IN REGULAR ORDER. [LB599]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1194-1195.) VOTE IS 32 AYES, 11 NAYS, MR. PRESIDENT, ON THE MOTION TO ADVANCE THE BILL. [LB599]

SPEAKER HADLEY: LB599 ADVANCES TO E&R INITIAL. THE CALL IS RAISED. MR. CLERK, WE'LL PROCEED TO THE NEXT ITEM ON THE AGENDA. [LB599]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT BILL, LB72, INTRODUCED BY SENATOR SCHUMACHER. (READ TITLE.) THE BILL WAS READ FOR THE FIRST TIME ON JANUARY 8th OF THIS YEAR, REFERRED TO THE JUDICIARY COMMITTEE, THAT

Floor Debate
April 15, 2015

COMMITTEE PLACED THE BILL ON GENERAL FILE WITH COMMITTEE AMENDMENTS. (AM604, LEGISLATIVE JOURNAL PAGE 1000.) [LB72]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB72]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. IN 1993, THE CONGRESS OF THE UNITED STATES REALIZED THERE WAS AN IMPENDING PROBLEM. AND THE PROBLEM WAS THERE'S GOING TO BE A WHOLE BIG BAD BUNCH OF BABY BOOMERS GOING TO BE HEADING TOWARD NEED FOR PUBLIC ASSISTANCE IN THEIR OLD AGE. AND ALREADY THEN BEFORE THAT BUNCH OF BABY BOOMERS GOT CLOSE TO THAT AGE, THEY WERE BEGINNING TO SEE PROBLEMS WITH FOLKS TAKING ADVANTAGE OR ATTEMPTING TO TAKE ADVANTAGE OF SOCIETY'S GENEROSITY THROUGH THE SOCIAL SAFETY NETS, PARTICULARLY OLD AGE NURSING HOME CARE AT PUBLIC EXPENSE, AND TAKING ADVANTAGE OF THAT BY GIVING AWAY THEIR ASSETS PRIOR TO NEEDING A NURSING HOME AND THEN BEING POOR AND ABLE TO APPLY FOR IT WHILE THEIR HEIRS ENJOYED THE FRUITS OF THEIR ASSETS. AND THAT BECAME A CONCERN AND AN INCREASING CONCERN. SO THEY PASSED A LAW WHICH SAID THAT THE STATE COULD GO BACK AGAINST A PERSON'S ESTATE IN CERTAIN CIRCUMSTANCES TO RECOUP THE...WOULD NORMALLY BE THOUGHT OF AS WRONGFULLY OBTAINED OR CERTAINLY IMPROPERLY OBTAINED BENEFITS. NEBRASKA DID NOT ACT RIGHT AWAY. MANY STATES DID NOT ACT RIGHT AWAY. BUT BY NOW, MOST STATES HAVE ACTED IN RESPONSE TO WHAT THE CONGRESS WAS CONCERNED WITH. IN 2003, WE DID WHAT WE USUALLY DO, WE STUDIED IT. TWO THOUSAND AND THREE, THE NEBRASKA LEGISLATURE CONTRACTED WITH THE CENTER FOR LONG-TERM CARE FINANCING FOR AN ANALYSIS OF LONG-TERM CARE FINANCING PROBLEM IN NEBRASKA AND FOR RECOMMENDATIONS FOR MEASURES THAT COULD BE TAKEN TO CONTAIN THE STATE'S MEDICAID LONG-TERM CARE EXPENDITURES. THE CENTER'S REPORT ENTITLED "THE HEARTLAND MODEL FOR LONG-TERM CARE REFORM: A CASE STUDY" WAS GIVEN TO THE LEGISLATURE IN 2004. THE PROJECT PROPOSAL NOTES: GENEROUS MEDICAID NURSING HOME ELIGIBILITY RULES IN NEBRASKA, ALTHOUGH WELL-INTENTIONED AND POLITICALLY POPULAR, HAVE GRADUALLY CONVERTED A MEANS-TESTED PUBLIC ASSISTANCE PROGRAM INTO AN EXPENSIVE DE FACTO LONG-TERM CARE ENTITLEMENT PROGRAM. CONSEQUENTLY, OUT-OF-POCKET AND NURSING...AND INSURANCE FINANCING NURSING HOME, COMMUNITY-BASED, AND NURSING HOME CARE HAVE LANGUISHED WHILE MEDICAID COSTS FOR THESE PROGRAMS HAVE SKYROCKETED. THE PUBLIC POLICY DILEMMA IS TO CONTAIN MEDICAID LONG-TERM CARE SPENDING IN A POLITICALLY

Floor Debate
April 15, 2015

SENSITIVE WAY WITHOUT INCREASING TAXES OR CUTTING BENEFITS TO THOSE FOLKS WHO MIGHT BE NEEDY. WE DIDN'T DO MUCH AFTER THAT. IN FACT, WE MIGHT HAVE GONE BACKWARD. WE HAD A RECOVERY TEAM OF TWO INDIVIDUALS IN THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, AT LEAST ONE OF WHICH WAS A LAWYER UP TO ABOUT 1998 OR '99. NOW WE DO NOT EVEN HAVE A LAWYER THERE. THEY HAVE TO REFER IT OUT OF THEIR LITTLE DIVISION FOR ANY TYPE OF COLLECTION ACTIVITY. HERE'S HOW THE DEAL WORKS AND WHY THIS IS GOING TO PROBABLY HAVE TO BE A MULTIYEAR ATTEMPT AT CORRECTING IT WITH THIS YEAR'S, AFTER THE AMENDMENTS, BEING NOT A TOURNIQUET AS MUCH AS IT IS SOME BAND-AIDS ON SOME SPECIFIC AREAS. FOLKS HAVE A HOUSE, REAL ESTATE OF SOME KIND, AND WHAT YOU CAN DO UNDER THE FEDERAL LAW IS YOU CAN GIVE THAT PROPERTY AWAY. SOMETIMES YOU USE WHAT'S CALLED A LIFE ESTATE TO GIVE IT AWAY. YOU GIVE IT AWAY AND HOLD BACK AN INTEREST IN THE PROPERTY. SOMETIMES THEY USE A TRUST WHERE THEY GIVE IT TO A THIRD-PARTY TRUSTEE, AND THAT TRUSTEE GIVES IT AWAY ON THEIR DEATH. BUT AT ANY RATE, WHEN YOU DO THAT AND YOU LAY LOW FOR FIVE YEARS AND DON'T APPLY FOR NURSING HOME INSURANCE, IT'S PERFECTLY OKAY UNDER THE FEDERAL RULES. AND THAT HAS LED TO A FAIR AMOUNT OF USAGE OF THAT PRINCIPAL AND THAT TECHNIQUE, AND IT WILL BE A COMPOUNDING PROBLEM AS YEARS GO ON HERE. WE CAN'T DO ANYTHING RETROACTIVELY, SO ALL THE FOLKS THAT HAVE DONE IT SO FAR ARE PROBABLY HOME FREE AS FAR AS LIFE ESTATES AND GIFTS TO THEIR HEIRS ARE CONCERNED. IT'S BASICALLY A CAKE AND EAT IT TOO. YOUR HEIRS GET YOUR ESTATE AND THE TAXPAYERS GET THE BILL. I TRIED TO DEAL WITH THIS IN LB72 IN TWO WAYS. FIRST, WAS TO ADDRESS THIS SITUATION WHERE PEOPLE PUT THEIR LAND OR ESTATES IN TRUST WITH INSTRUCTIONS TO THE TRUSTEE TO GIVE IT TO THEIR HEIRS WHEN THEY'RE PASSED AWAY. AND THIS BILL SAYS, LOOK, THAT'S FINE, BUT THE TRUSTEE CANNOT GIVE IT TO THE HEIRS IF THERE'S A BILL DUE DHHS AND IT'S NOT SQUARED UP WITH. AND IT GIVES...UNDER OUR EXISTING LAW, DHHS HAS SOME BROAD AUTHORITY AS TO WHAT SQUARED UP WITH MEANS. AND SO IT WOULD REQUIRE AS PART OF THE INHERITANCE TAX PROCEEDINGS THAT PEOPLE GO THROUGH IF THEY HAVE ANY MONEY, FOR THE DHHS TO BE NOTIFIED, AND IT WOULD TELL THE TRUSTEE YOU DON'T HAVE POWER TO DIVVY UP THE ESTATE AMONG THE HEIRS UNTIL DHHS LETS YOU KNOW THAT THERE'S NO BILL. AND IT WOULD PUT A, IN THE REVISED VERSION OF THE BILL, A 60-DAY TIME FRAME FOR DHHS TO RESPOND TO YOUR REQUEST FOR A WAIVER THAT THERE IS NO BILL DUE. I TRIED TO GO FARTHER IN THE BILL AND SAY, OKAY, USING THE TRICK OF LIFE ESTATES AND OUTRIGHT GIFTS, A LIEN GOES ON THE PROPERTY WHEN YOU MAKE A GIFT OR PUT SOMETHING IN LIFE ESTATE, AND THAT LIEN

Floor Debate
April 15, 2015

SECURES THE OBLIGATION TO DHHS THAT YOU MIGHT FURTHER INCUR. THERE WAS NO REAL OPPOSITION AT THE HEARING EXCEPT FOR THE BANKERS AND TITLE PEOPLE WHO WANTED TO KNOW HOW THAT LIEN WOULD BE RECORDED SO THAT THEY WOULD KNOW ABOUT IT WHEN THEY WERE DOING TITLE WORK AND LOAN WORK. I WORKED THAT OUT WITH THE BANKERS AND THE TITLE COMPANY. ONCE THE BILL HIT THE LEGISLATIVE CALENDAR, THE LAWYERS ON AN INTERNET WEB SITE SENT OUT A CRY THAT, WHOOPS, LB72 CLOSES THE LIFE-ESTATE LOOPHOLE. AND MANY OF YOU PROBABLY HAVE HEARD FROM LAWYERS BECAUSE NO LAWYER WANTS A GOOD LOOPHOLE CLOSED. AND SOME OF WHAT THE BAR SAID WAS LEGITIMATE. IT WAS A PRETTY BROAD NET, NOT A TERRIBLY ONEROUS NET BUT IT CAUGHT SOME DOLPHINS WITH THE SHARKS. AND IT CERTAINLY WORKED UP A PART OF THE BAR THAT CALLS ITSELF THE MEDICAID ESTATE PLANNERS. DIDN'T KNOW YOU COULD HAVE MEDICAID IF YOU HAD AN ESTATE, BUT YOU'RE PLANNING FOR IT. SO THE BAR HAS BEEN REASONABLY GOOD AND THEY'VE INDICATED THEY'RE WILLING TO WORK WITH ME THROUGH THE SUMMER TO HONE THAT SECTION 5 OF THE BILL SO THAT IT DOES NOT CATCH VERY MANY DOLPHINS WITH THE SHARKS. AND I GET THE IMPRESSION THAT THEY'RE AS COMMITTED AS I AM AND AS I THINK MOST OF YOU ARE TO MAKING SURE THAT THIS PRACTICE OF MAKING YOURSELF POOR IN ORDER TO GET ON MEDICAID AND YOUR HEIRS TO GET YOUR ESTATE IS NOT A LEGITIMATE PRACTICE CONSIDERING WHAT WE'RE FACING WITH MEDICAID EXPENSES. LB72 IS A COMMITTEE AMENDMENT ON IT. I'M ASKING THE COMMITTEE AMENDMENT BE DEFEATED, AND I WILL THEN GUT OUT THE SECTION 5, WHICH IS THE LIFE ESTATE AND GIFT PORTION, WORKING WITH ANY OF YOU WHO WANT TO WORK ON THE PARTICULAR AREA AND DHHS WHO INDICATES TO ME THAT THEY REALLY ARE GRATEFUL FOR THIS BILL BECAUSE SOMETHING HAS NEEDED TO BE DONE FOR 20 YEARS HERE, AND COME UP WITH A PROPOSAL THAT DEALS WITH THESE OUTRIGHT GIFTS OR THESE LIFE ESTATE TRANSFERS OF YOUR ASSETS TO GET ON MEDICAID IF YOU JUST SIT OUT FIVE YEARS. MEDICAID MEANING OLD-AGE ASSISTANCE IN THIS PARTICULAR CASE. [LB72]

SPEAKER HADLEY: ONE MINUTE. [LB72]

SENATOR SCHUMACHER: THE REMAINING PORTION, WHICH ARE NOTICE PORTIONS, THAT TELL THE TRUSTEE, LOOK, GIVE DHHS NOTICE IN AN INHERITANCE TAX PROCEEDING, LET THEM KNOW THAT THERE IS A...MONEY THAT IS...MAY BE SUBJECT TO THEIR CLAIM, AND THEY WILL GIVE YOU A CLEARANCE BACK TO PROCEED WITHIN 60 DAYS UNLESS THERE IS A CLAIM, AND THEN YOU NEED TO SETTLE UP WITH THEM. AND THOSE PROVISIONS OF

Floor Debate
April 15, 2015

THE BILL REMAIN THAT REQUIRING THE NOTICE AND REQUIRING IF THERE IS A CLAIM AGAINST A TRUSTEE IN A REVOCABLE TRUST, FOR THAT CLAIM TO BE SETTLED. IT IS A TOUGH SUBJECT, BUT IT COMES FROM THE FIRM BELIEF THAT IF YOU HAVE AN ESTATE, THE TAXPAYERS SHOULD NOT BE PAYING YOUR BILL, AND THIS IS PROBABLY A TWO- TO THREE-YEAR PROCESS OF TRYING TO TIGHTEN UP WHAT THE FEDERAL GOVERNMENT RECEIVED AS A PROBLEM IN 1993. [LB72]

SPEAKER HADLEY: TIME, SENATOR. [LB72]

SENATOR SCHUMACHER: THANK YOU. [LB72]

SPEAKER HADLEY: SENATOR FRIESEN...I'M SORRY. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE AMENDMENTS. [LB72]

SENATOR SEILER: MR. SPEAKER, MEMBERS OF THE COMMITTEE, EXCUSE ME, OF THE UNICAMERAL, THE COMMITTEE ON JUDICIARY VOTED 7-0 WITH ONE MEMBER NOT PRESENT TO ADVANCE THE AMENDMENT, AM604. I DON'T THINK I'VE EVER INTRODUCED A BILL OR ANY TYPE OF AMENDMENT THAT WAS ALREADY AGREED TO BE REPEALED BEFORE I INTRODUCED IT. BUT AS I UNDERSTOOD SENATOR SCHUMACHER, HE IS GOING TO REPEAL THIS PARTICULAR BILL. IT'S A REAL SIMPLE ONE. IT JUST PROVIDES A PROCEDURE FOR NOTIFYING THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND RECORDING A COPY OF THE NOTICE WITH THE REGISTER OF DEED, AND THEN THERE IS A TRANSFER OF PROPERTY COVERED BY LB72. I'M ASKING THAT IT BE PASSED, AND THEN I BELIEVE THE NEXT AMENDMENT BY SENATOR SCHUMACHER WILL REPEAL IT. [LB72]

SPEAKER HADLEY: SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB72]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I APPRECIATE WHAT SENATOR SCHUMACHER IS ATTEMPTING TO DO HERE. AND I DO THINK WE NEED TO CONTINUE TO LOOK AT SOME OF THE GAMES THAT ARE BEING PLAYED WHEN IT COMES TO ESTATE PLANNING. HOWEVER, WHEN YOU TARGET IT AS SPECIFICALLY AS WE ARE AND BASICALLY INTO REAL ESTATE, IT IS A LITTLE BIT CONCERNING, AND I APPRECIATE HIS EFFORTS TO MAKE IT A BETTER BILL OVER THE SUMMER. BUT FOR THE RECORD, I JUST KIND OF WANTED TO NOTE THAT AG LAND IS TREATED IN A NUMBER OF DIFFERENT WAYS WHEN IT COMES TO

Floor Debate
April 15, 2015

ESTATE PLANNING. YOU CAN HAVE AN INDIVIDUAL LIKE ME WHO MAY...WHEN MY DAUGHTER AND SON-IN-LAW MOVE BACK HOME TO FARM, INSTEAD OF COMPENSATING THEM, MAYBE I WOULD WANT TO PASS ON A PIECE OF FARM GROUND TO THEM. I WOULD PUT IT IN A TRUST. I WOULD TRY TO PASS IT ON TO THEM AS IN LIEU OF WAGES THAT I MAY PAY, BUT I STILL NEED THE INCOME BECAUSE THAT PIECE OF LAND IS MY 401(K) FOR RETIREMENT. THERE ARE SITUATIONS HERE WHERE I THINK IT IS LEGITIMATE WHAT SOME PEOPLE ARE DOING AND THERE'S OTHERS THAT ARE NOT. SO I URGE THE COMMITTEE, WHEN THEY LOOK AT THIS, OR SENATOR SCHUMACHER, TO REALLY LOOK AT ALL THE DIFFERENT AVENUES THAT ARE USED SOMETIMES IN ESTATE PLANNING, AND BE CAREFUL OF HOW YOU MAY SET THOSE PARAMETERS WHEN WE LOOK AT WHAT WE DO WITH AG LAND. THESE ASSETS WHEN...IN A FARM AND THEN WHEN YOU'RE AN AG PRODUCER, THESE ASSETS ARE PASSED DOWN TO THE NEXT GENERATION BECAUSE THE NEXT GENERATION CANNOT AFFORD TO BUY THEM. OUR COSTS ARE GETTING SO HIGH, AND SENATOR SCHUMACHER HAS ALLUDED TO THAT IN THE PAST, WE DO HAVE A BUBBLE IN LAND PRICES. MAYBE IT'S A BUBBLE. BUT IN ORDER FOR THAT NEXT GENERATION TO MAKE IT, THERE ARE SOMETIMES PIECES OF PROPERTY ARE GOING TO NEED TO BE PASSED TO THEM IN SOME WAY. THIS IS ONE OF THOSE METHODS THAT CAN BE USED. IT ISN'T THE INTENT OF MOST PEOPLE TO BYPASS THEIR DUTY TO TAKE CARE OF THEMSELVES VERSUS MEDICAID. THAT'S NOT THE OBJECT OF IT. MANY OF THE PEOPLE I KNOW WOULD DO ANYTHING TO MAKE SURE THAT THEY HAVE ENOUGH ASSETS AT THE END OF LIFE SO THEY DO NOT NEED MEDICAID COVERAGE, BUT YOU NEVER KNOW HOW THAT PLAYS OUT, HOW LONG YOU'RE GOING TO LIVE. AND THE FIVE-YEAR LOOKBACK MADE MORE SENSE. AND HERE WHEN YOU CAN LOOK BACK 20 YEARS, 25 YEARS, IT TURNS IT INTO A WHOLE DIFFERENT ASPECT. SO THANK YOU, MR. PRESIDENT. [LB72]

SPEAKER HADLEY: SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB72]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I WAS WONDERING IF YOU WOULD ENTERTAIN SOME QUESTIONS. [LB72]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD? [LB72]

SENATOR KOLTERMAN: SENATOR SCHUMACHER, EXCUSE ME. [LB72]

SENATOR SCHUMACHER: YES. [LB72]

Floor Debate
April 15, 2015

SENATOR KOLTERMAN: SENATOR SCHUMACHER, COULD YOU EXPLAIN HOW THE SPEND-DOWN WORKS SO SOMEBODY CAN BECOME ELIGIBLE FOR MEDICAID NURSING HOME CARE? I KNOW THAT THERE'S A FIVE-YEAR LOOKBACK ON LAND AND PROPERTY AND GIFTS THAT YOU GIVE AWAY. BUT EXPLAIN JUST HOW THAT WORKS SO THAT THE BODY HAS A CLEAR UNDERSTANDING OF EXACTLY WHAT WE'RE TALKING ABOUT, IF YOU WOULD, PLEASE. [LB72]

SENATOR SCHUMACHER: OKAY. FIRST OF ALL, IT'S MY UNDERSTANDING THAT THE...SENATOR SEILER WILL ASK FOR REJECTION OF THIS AMENDMENT SO THAT WE DON'T GET CONFUSED IN SOME PARTS OF THE BILL THAT WILL BE REMOVED. BUT IN ANSWER TO YOUR QUESTION, IF YOU GIVE AWAY YOUR...WHEN YOU APPLY FOR MEDICAID FOR NURSING HOME CARE SAYING THAT YOU'RE BROKE, YOU'VE GOT TO HAVE VERY MINIMAL LEVEL OF ASSETS, A FEW THOUSAND DOLLARS IS ALL YOU'RE ALLOWED. AND THEN YOU HAVE GOT TO ANSWER SOME QUESTIONS, ONE OF WHICH WAS--HAVE YOU GIVEN ANYTHING AWAY IN THE LAST FIVE YEARS? AND IF YOU'VE GIVEN MONEY, LAND, STOCKS, WHATEVER, YOU'VE GOT TO DECLARE THAT. IF YOU HAVE, THEN THEY DO A MATHEMATICAL CALCULATION AS TO WHAT PERIOD OF TIME YOU ARE DISQUALIFIED FROM BENEFITS BEFORE YOU CAN HAVE BENEFITS. IF YOU GIVE AWAY VERY LITTLE, THE DISQUALIFICATION TIME IS VERY SHORT. IF YOU GAVE AWAY A WHOLE BUNCH, YOU MIGHT BE OUT FOR FIVE YEARS. AND YOU HAVE TO SPEND DOWN YOUR ASSETS, WHATEVER MONEY YOU HAVE, BEFORE YOU EVEN CAN APPLY TO THAT MINIMUM LEVEL OF I THINK IT'S LIKE \$4,000 OR SOMETHING LIKE THAT. [LB72]

SENATOR KOLTERMAN: GREAT. ALL RIGHT, THANK YOU. THAT'S VERY HELPFUL. THE REASON I ASKED THAT QUESTION IS, THIS IS GOING TO BE A HUGE LIABILITY, AS HE INDICATED EARLY ON IN HIS OPENING REMARKS. BEING IN THE INSURANCE BUSINESS, IT'S VERY, VERY DIFFICULT TODAY TO PURCHASE LONG-TERM CARE INSURANCE, AND THE LONG-TERM CARE INSURANCE IS GOING UP DRAMATICALLY. COMPANIES ARE BACKING OUT OF THE ARENA. AND SO WE'RE FINDING, IN MY PRACTICE, THAT PEOPLE ARE LOOKING AT THIS AS A WAY TO PROTECT THEIR ASSETS. AND IF IT'S DONE PROPERLY AND IT'S DONE WITHIN THE GUIDELINES OF THE LAW, I SEE NO PROBLEM WITH IT. BUT SOME OF THE THINGS THAT WE TALK ABOUT IS WHEN YOU GO ON MEDICAID, IF YOU PLAN ON HAVING MEDICAID PAY FOR YOUR LONG-TERM CARE STAY, YOU'RE REALLY GIVING UP A LOT, BECAUSE YOU'RE...LIKE HE JUST INDICATED, YOU HAVE TO SPEND DOWN TO ABOUT \$4,000. IF YOU'RE MARRIED, YOUR SPOUSE IS ENTITLED TO KEEP HALF THE ESTATE, PLUS THEY GET TO STAY IN THEIR HOME, AND THEY GET TO KEEP A CAR, BUT YOU'VE REALLY STRIPPED SOMEBODY OF MOST OF THEIR ASSETS.

Floor Debate
April 15, 2015

AND THERE IS THIS FIVE-YEAR LOOKBACK. SO IF YOU PLAN PROPERLY, YOU CAN ELIMINATE SOME OF THIS, BUT YOU CAN'T JUST GO IN AT THE 11th HOUR AND SAY, HEY, I DON'T WANT TO LOSE ALL MY ASSETS, I DON'T WANT TO LOSE A FARM, I DON'T WANT TO LOSE MY BUSINESS TO A NURSING HOME. AND SO IT TAKES PROPER PLANNING. BUT THE BIGGER PROBLEM THAT I SEE COMING DOWN THE PIKE, AND HE ALLUDED TO THIS EARLY ON, IS THIS IS GOING TO BE A HUGE, HUGE, HUGE LIABILITY TO US GOING FORWARD, AND WE'RE GOING TO SEE MORE AND MORE PEOPLE RELY ON THIS. AND SO I THINK WE NEED TO REALLY STUDY THIS AT SOME DEPTH. I'M NOT SAYING I'M AGAINST SOME OF THE ASPECTS OF THIS BILL, BUT I THINK WE NEED TO WALK VERY CAUTIOUSLY AS WE ADDRESS THESE RULES AND HOW THEY PERTAIN. THE OTHER PART OF THIS IS WHEN YOU START TALKING ABOUT SPEND-DOWNS, EVEN IF YOU DON'T HAVE A LOT OF ASSETS AND YOU'RE REQUIRED TO SPEND DOWN, THERE ARE PEOPLE THAT COME INTO MY OFFICE AND SAY TO ME... [LB72]

SPEAKER HADLEY: ONE MINUTE. [LB72]

SENATOR KOLTERMAN: ...I AM \$600 OVER THE SPEND-DOWN, AND I NEED TO SPEND \$600 ON SOME SORT OF AN INSURANCE PRODUCT THAT I'LL PROBABLY NEVER USE THAT ALLOWS ME TO GET MEDICAID AND ALLOWS ME TO GO TO A NURSING HOME. AND THERE'S SOMETHING WRONG WITH THAT APPROACH. THE STATE REQUIRES THEM TO GO OUT AND BUY AN INSURANCE POLICY THAT THEY MIGHT NOT EVER USE, AND THEN THEY TURN AROUND. I DON'T KNOW WHY WE DON'T JUST ASK THEM TO GIVE THAT \$600 TOWARDS THEIR STAY OR TOWARDS THE MEDICAID, THE COST OF MEDICAID. SO THERE'S JUST ALL KINDS OF THINGS LIKE THIS IN SPEND-DOWN AND ALSO IN HOW WE ALLOCATE MONIES FOR LONG-TERM CARE STAYS. AND I THINK THEY DESERVE VERY SERIOUS CONSIDERATION AND WOULD HOPE THAT YOU WOULD APPROACH THIS WITH A LOT OF CAUTION, NOT THAT IT'S BAD FIRST ATTEMPT, BUT IT IS A FIRST ATTEMPT, AND I'M WITH HIM ON SOME OF IT, BUT PART OF IT I'M NOT SO SURE. [LB72]

SPEAKER HADLEY: TIME, SENATOR. [LB72]

SENATOR KOLTERMAN: THANK YOU. [LB72]

SPEAKER HADLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB72]

Floor Debate
April 15, 2015

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. WHEN I SERVED ON THE MEDICAID-REFORM COUNCIL IN THE EARLY 2000s, THAT REFORM COUNCIL WAS CHAIRED BY FORMER-STATE SENATOR DON PEDERSON. AND SENATOR PEDERSON IS OR WAS, I THINK HE'S RETIRED BY NOW, AN ATTORNEY IN NORTH PLATTE AND A VERY WISE GENTLEMAN WHO I LEARNED A LOT FROM. AND HE TALKED ABOUT THIS ISSUE THEN, IN THE EARLY 2000s, BECAUSE HE WOULD HAVE PEOPLE COME INTO HIS LAW OFFICE AND SAY, WE WOULD LIKE TO SHELTER AND BRING ACROSS THE ASSETS AND HAVE GRANDMA THEN BE IN THE NURSING-CARE FACILITY AND HAVE MEDICAID PAY FOR IT. AND WE BEGAN TALKING ABOUT IT EVEN THEN. THIS IS A VERY SERIOUS CONUNDRUM, AND IT WILL BE FOR THE PEOPLE WHO SIT IN THIS BODY. BECAUSE ON THE ONE HAND, YOU'RE GOING TO WANT TO SAY, WELL, YOU KNOW, THERE'S A FAMILY FARM OR THERE'S A PARTICULAR BUSINESS THAT I WOULD LIKE MY KIDS TO HAVE, AND HOW CAN I MAKE SURE OF THAT. ON THE OTHER HAND, U.S. STATE SENATORS WILL WATCH AN EVER-ESCALATING COST TO MEDICAID. AS I TALKED ABOUT THE OTHER DAY, IN OUR MEDICAID, YOU GO TO THE HOSPITAL IF YOU'RE OVER 65, AND MEDICARE PAYS FOR THAT, BUT WHEN YOU GO TO THE NURSING-CARE FACILITY, THAT'S WHEN MEDICAID KICKS IN. AND WHILE CHILDREN ARE THE LARGEST NUMBER OF PEOPLE ON OUR CURRENT MEDICAID PLAN, IT IS THE LONG-TERM CARE AND OUR SENIORS THAT ARE THE MOST COSTLY. AND THE BABY BOOMERS, OF WHICH I AM ONE, ARE LOOMING AT THE DOOR. AND WHEN WE START SEEING THAT EVER-INCREASING AND ESCALATING COST, THAT'S PARTLY WHY WE HAVE SENATOR BOLZ'S GOOD TASK FORCE THAT'S LOOKING AT AGING ISSUES. I COMMEND SENATOR SCHUMACHER FOR BRINGING THE ISSUE FORWARD. WE MAY NOT HAVE THE ANSWER, BUT WE CERTAINLY KNOW WHAT AN IMPORTANT QUESTION IT IS. AND I WOULD BE GLAD TO OFFER WHATEVER HELP THAT WE CAN, BECAUSE IT WILL TAKE SOME VERY THOUGHTFUL CONSULTATION WITH EXPERTS ACROSS THE STATE AS TO HOW WE BRING A SOLUTION TO THE PROBLEM SENATOR SCHUMACHER IS ADDRESSING. THANK YOU, MR. PRESIDENT. [LB72]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE RECOGNIZED. [LB72]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR SCHUMACHER AND SENATOR KOLTERMAN AND SENATOR CAMPBELL. I THINK THERE'S SOME AGREEMENT HERE THAT THERE IS A QUESTION ABOUT HOW WE LOOK FORWARD TO LONG-TERM SUSTAINABILITY IN OUR MEDICAID PROGRAMS, HOW WE RESPOND TO THE NEEDS OF OUR AGING POPULATION, AND HOW WE DO SO IN BOTH A FISCALLY RESPONSIBLE AND COMPASSIONATE MANNER. I AM THINKING A LOT ABOUT THIS PIECE OF LEGISLATION AND TRYING TO PLAY OUT

Floor Debate
April 15, 2015

ALL THE SCENARIOS AND IMPACTS AND REALLY TRYING TO UNDERSTAND IT IN-DEPTH, AND HAVE HAD A COUPLE OF CONVERSATIONS WITH SENATOR SCHUMACHER ABOUT IT. AND I JUST...I HAVE A COUPLE OF QUESTIONS, SENATOR SCHUMACHER, IF YOU WOULD YIELD. [LB72]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD? [LB72]

SENATOR SCHUMACHER: YES, I WILL. [LB72]

SENATOR BOLZ: AND AS WE TALKED OFF THE MIKE, I APPRECIATED YOUR WILLINGNESS TO TACKLE THIS AREA, WHICH IS TECHNICAL AND CHALLENGING, AND SO I APPRECIATE THIS CONVERSATION. MY FIRST QUESTION IS, CAN YOU HELP ME UNDERSTAND, DOES THIS DEBT THAT IS ACCRUED, DOES IT APPLY WHETHER AN INDIVIDUAL HAD A MEDICAID COST IN AN INSTITUTION OR HOSPITALIZATION OR A MEDICAL NEED OR IS IT ONLY APPLIED TO INSTITUTIONAL CARE? [LB72]

SENATOR SCHUMACHER: OKAY. THANK YOU, SENATOR BOLZ. AND NOW THIS IS EXISTING LAW. THIS ISN'T IN THE BILL, BUT THIS IS WHAT THIS EXIST...THE DEBT THAT THIS MECHANISM, AFTER WE GET THROUGH WITH THE PROCESS, PART WITH THIS BILL, MORE WITH MAYBE ONE THAT WILL BE COMING NEXT YEAR WE'LL DEAL WITH, BUT THE...WHAT THE DEBT APPLIES TO IS 68-919 IS OUR LAW NUMBER. THE RECIPIENT OF MEDICAL ASSISTANCE UNDER THE MEDICAL ASSISTANCE PROGRAM SHALL BE INDEBTED TO THE DEPARTMENT, HEALTH AND HUMAN SERVICES, FOR THE TOTAL AMOUNT PAID FOR MEDICAL ASSISTANCE, AND THAT'S A PRETTY BROAD DEFINITION. IT INCLUDES, THERE'S A WHOLE LIST OF THINGS IN THE STATUTE WHAT THAT INCLUDES, AND THAT STATUTE IS 68-911. IF--IF--THE RECIPIENT WAS 55 YEARS OF AGE OR OLDER AT THE TIME THEY GOT IT, THE MEDICAL ASSISTANCE, OR THE RECIPIENT RESIDED IN A MEDICAL INSTITUTION, AND AT THE TIME OF INSTITUTIONALIZATION OR APPLICATION FOR THE ASSISTANCE, WHICHEVER IS LATER, THE DEPARTMENT DETERMINES THAT THE RECIPIENT COULD NOT REASONABLY BE EXPECTED TO BE DISCHARGED AND RESUME LIVING AT HOME. FOR PURPOSES OF THIS SECTION, MEDICAL INSTITUTION MEANS A NURSING FACILITY, INTERMEDIATE CARE FACILITY FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, OR AN INPATIENT HOSPITAL. SO UNDER THOSE TWO CONDITIONS UNDER PRESENT LAW, THERE IS A DEBT FOR MEDICAL ASSISTANCE, WHICH IS BROADLY DEFINED. [LB72]

SENATOR BOLZ: SO EITHER AN INSTITUTION OR A HOSPITALIZATION? [LB72]

Floor Debate
April 15, 2015

SENATOR SCHUMACHER: FOR A MEDICAL INSTITUTION MEANS A NURSING FACILITY, AN INTERMEDIATE CARE FACILITY FOR PERSONS WITH DEVELOPMENTAL DISABILITIES, OR AN INPATIENT HOSPITAL. [LB72]

SENATOR BOLZ: AN INPATIENT HOSPITAL. PART OF WHAT I'M TRYING TO DISCERN IS UNDERSTANDING WHAT THE PRACTICAL IMPLICATIONS OF THIS ARE. AND I DO APPRECIATE THE WORK TO TRY TO PROHIBIT SOMEONE WHO HAS ASSETS FROM MOVING INTO A NURSING FACILITY UTILIZING MEDICAID AND PROTECTING THE ASSETS. I UNDERSTAND THAT INTENT AND I APPRECIATE IT. WHAT I'M TRYING TO UNDERSTAND IS WHAT ABOUT THE INDIVIDUAL WHO HAS A ONE-TIME HOSPITALIZATION AND THEN MOVES BACK HOME AND TRIES TO CONTINUE TO PROTECT HIS OR HER ASSETS? I'M TRULY AND GENUINELY TRYING TO UNDERSTAND WHAT BOTH THE PRACTICAL AND THE PHILOSOPHICAL IMPLICATIONS ARE IN ACCRUING AN INDEBTEDNESS TO SOMEONE'S ASSETS FOR SOMEONE WHO HAS SOUGHT OUT MEDICAL CARE. I WANT PEOPLE TO BE ABLE TO ACCESS MEDICAL CARE. AND THAT MAYBE LEADS ME TO ANOTHER PRACTICAL OR LOGISTICAL QUESTION. IF I WERE OVER THE AGE... [LB72]

SPEAKER HADLEY: ONE MINUTE. [LB72]

SENATOR BOLZ: ...OF 65 AND ENTERED AN INPATIENT HOSPITAL SETTING FOR A TEMPORARY PERIOD OF TIME, NEEDED TO UTILIZE MEDICAID, AND MOVE BACK HOME, IF I WANTED TO PROTECT MY ASSET MOVING FORWARD, IS THERE A MECHANISM FOR PAYING OFF MY DEBT? SENATOR SCHUMACHER, IF YOU HAVE A RESPONSE, I WOULD BE CURIOUS TO HEAR IT? [LB72]

SENATOR SCHUMACHER: I'M SURE THEY'LL CASH A CHECK OVER AT DHHS. BUT SOME OF THESE QUESTIONS WILL BE UNNECESSARY, I THINK, IN THE CONTEXT OF THE CHANGES THAT I WOULD PROPOSE IN THE BILL TODAY, BUT AS I UNDERSTAND IT YOU PROBABLY COULD PAY OFF YOUR DEBT. BUT THE DEBT IS EXISTING LAW. IT HAS NOTHING TO DO WITH THIS BILL. [LB72]

SENATOR BOLZ: BUT THE ASSET WOULD BE...WOULD PAY OFF THE EXISTING DEBT PRIOR TO BEING TURNED OVER TO A BENEFACTOR. AND SO I THINK THE HEART OF WHAT I'M TRYING TO GET IS WHAT ARE THE PRACTICAL... [LB72]

SPEAKER HADLEY: TIME, SENATOR. [LB72]

Floor Debate
April 15, 2015

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. [LB72]

SPEAKER HADLEY: SENATOR RIEPE, YOU'RE RECOGNIZED. [LB72]

SENATOR RIEPE: MR. PRESIDENT, FELLOW SENATORS, AND NEBRASKANS, I, FIRST OF ALL, WANT TO APPLAUD SENATOR SCHUMACHER FOR BRINGING UP THIS VERY DIFFICULT AND YET NECESSARY DISCUSSION. I AM IN FAVOR OF LB72. WE CERTAINLY HAVE A CRISIS LOOMING WITH MEDICAID, AND I AM KEENLY INTERESTED IN MEDICAID REFORM. MEDICAID ORIGINALLY WAS NEVER INTENDED TO BE A LONG-TERM CARE PROGRAM FOR MILLIONAIRES. WE ALSO HAVE A CHALLENGE WITH THE BABY BOOMERS, AS BEEN DISCUSSED. I READ RECENTLY WHERE THE AVERAGE SAVINGS ACCOUNT IS LIKE \$25,000. I THINK THAT WAS A NATIONAL NUMBER. AND AT TODAY'S NURSING HOME RATES, THAT WILL GET YOU ABOUT FOUR MONTHS, IF YOU WILL. I THINK IT ALSO BRINGS UP THE ISSUE OF WE HAVE TO DO SOME MEDICAID REFORM BEFORE WE CAN MOVE FORWARD WITH PROGRAMS, WHETHER THAT'S INSURANCE, HEALTH INSURANCE FOR OTHER FELLOW NEBRASKANS, AND WE ALSO NEED TO TAKE A LOOK AT SOME INCENTIVES FOR LONG-TERM CARE INSURANCE. AND I KNOW IT'S DIFFICULT TO ACQUIRE THAT, THE PRICE IS VERY STEEP, AND...BUT WE NEED TO TRY TO FIGURE OUT HOW WE COULD GET MORE PEOPLE ONTO THAT INSURANCE. YOU INSURE FOR THE THINGS THAT YOU CAN'T AFFORD TO LOSE. AND IF YOU HAVE A STOCK PORTFOLIO OR A FARM AND YOU DON'T WANT TO LOSE IT, THEN YOU NEED TO MAKE SOME PLANNING, SOME LONG-TERM STRATEGIC PLANNING FOR THAT. THAT'S ALL THAT I HAVE AND IF I HAVE ANY ADDITIONAL TIME, I YIELD THAT TO SENATOR SCHUMACHER. [LB72]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE YIELDED 3 MINUTES AND 20 SECONDS. [LB72]

SENATOR SCHUMACHER: OKAY. IF I CAN OUTLINE WHERE I WOULD HOPE THIS BILL WOULD GO, I WOULD HOPE THAT AM604, THE JUDICIARY COMMITTEE AMENDMENT, WHICH AMENDS THE PART OF THE BILL THAT DEALS WITH GIVEAWAYS OF YOUR PROPERTY THROUGH LIFE ESTATES, THROUGH OUTRIGHT GIFTS, THAT BE REJECTED. AND THEN I HAVE AN AMENDMENT THAT WOULD BE NEXT ON THE AGENDA THAT SAYS WE TAKE THE GIVEAWAY PORTION OUT, LET'S WORK ON THAT THIS SUMMER TO GET THE BAR ASSOCIATION'S TUMMY ACHE SETTLED OUT, AND SEPARATE MORE AND BETTER THE SHARKS FROM THE DOLPHINS, AND MOVE THE BILL WITH THE NOTICE PROVISIONS. AND THOSE NOTICE PROVISIONS SAY BASICALLY A TRUSTEE HAS TO GIVE NOTICE TO THE

Floor Debate
April 15, 2015

DEPARTMENT OF HEALTH AND HUMAN SERVICES BEFORE THEY CAN DIVVY UP THE ASSETS IN A REVOCABLE TRUST AMONG THE HEIRS. AND THEY CAN'T DO THAT UNTIL DHHS, IF THERE'S A BILL, IS SQUARED UP WITH. AND IT BASICALLY IS A SMALL AREA OF THE PROBLEM, BECAUSE THE TRUST IS NOT THE USUAL VEHICLE THAT THIS IS DONE IN. IT'S THE LIFE ESTATES AND THE GIVEAWAYS. BUT WE WILL AT LEAST ADDRESS THE ISSUE OF LETTING DHHS KNOW THAT THERE MIGHT BE MONEY THAT THEY HAVE A CLAIM ON UNDER EXISTING LAW. THOSE NOTICES, THEY ARE NOT NECESSARILY GETTING NOW, MAY BE PURPOSEFULLY NOT GETTING NOW. AND THEN WE RESERVE FOR THE SUMMER THE...AND I INVITE ANYONE WHO'S INTERESTED IN THIS TO PARTICIPATE, THE WORK OF TRYING TO FIGURE OUT HOW WE STOP PEOPLE GIVING AWAY SUBSTANTIAL ASSETS TO THEIR HEIRS AND GETTING BASICALLY STATE-PAID NURSING HOME INSURANCE, WHICH BECAUSE IT COMES FREE FROM THE STATE, THEY AREN'T INTERESTED IN GOING TO SENATOR KOLTERMAN'S OFFICE AND BUYING IT. AND THAT COMPOUNDS A PROBLEM WHEN YOU DON'T HAVE PEOPLE IN THE INSURANCE POOL. SO I THINK WE CAN ADDRESS THIS PROBLEM. WE CLEARLY HAVE NOT BEEN DOING IT. IT HAS BEEN ON THE BACK BURNER, THE FOLKS FROM DHHS INDICATE... [LB72]

SPEAKER HADLEY: ONE MINUTE. [LB72]

SENATOR SCHUMACHER: ...THAT IT IS NOT AT THIS TIME A PRIORITY AND THEY SURE WISH IT WAS. THEY TALK ABOUT HOW LETTERS THEY SEND OUT TRYING TO FIND ASSETS ARE SIMPLY THROWN AWAY BECAUSE THERE'S NO TEETH IN WHAT THEY HAVE, AND THIS IS A BIG ISSUE. AND I THINK WE'RE GOING TO FIND THAT THERE ARE IN THE TENS IF NOT HUNDREDS OF MILLIONS OF DOLLARS AT STAKE HERE IF WE HANDLE THIS RIGHT. BUT WHEN WE'RE DONE HERE, THIS WILL BE FAIRLY WATERED DOWN TO SOME NOTICE PROVISIONS. THANK YOU, MR. SPEAKER. [LB72]

SPEAKER HADLEY: SENATOR SCHEER, YOU'RE RECOGNIZED. [LB72]

SENATOR SCHEER: THANK YOU, MR. SPEAKER. WOULD SENATOR SCHUMACHER YIELD TO A QUESTION OR TWO? [LB72]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD? [LB72]

SENATOR SCHUMACHER: YES. [LB72]

Floor Debate
April 15, 2015

SENATOR SCHEER: THANK YOU, MR. SCHUMACHER. AND THIS MAY NOT HAVE ANYTHING TO DO WITH THE BILL AS AMENDED OR YOUR AMENDMENT, BUT SOME OF THE INFORMATION THAT I WAS RECEIVING FROM SEVERAL ATTORNEYS IN MY AREA. AND I GUESS I SHOULD PREFACE, I'M NOT AN ATTORNEY, I'M LIKE THE MAJORITY OF US ON THE FLOOR HERE, SO SOME OF THIS IS NOT NECESSARILY SECOND NATURE TO ME, AND I MIGHT BE ASKING A VERY SIMPLISTIC QUESTION, BUT I JUST WANT TO MAKE SURE THAT I'VE GOT AN UNDERSTANDING OF IT. FEDERAL LAW SAYS THAT YOU'VE GOT THIS FIVE-YEAR THRESHOLD. DOES THIS BILL DO ANYTHING DIFFERENTLY THAN THAT FIVE-YEAR THRESHOLD THAT FEDERAL GOVERNMENT ALREADY HAS? [LB72]

SENATOR SCHUMACHER: THE FIVE-YEAR THRESHOLD ESSENTIALLY, IF YOU'VE GIVEN AWAY YOUR STUFF, YOU ARE INELIGIBLE FOR STATE-PAID ASSISTANCE FOR UP TO FIVE YEARS, DEPENDING UPON A FORMULA THAT THEY HAVE. THAT'S FIVE YEARS, THAT'S FEDERAL. IT DOESN'T MEAN THAT THE STATES, IF THEY WANT TO DO MORE THAN THE MINIMUM, CANNOT GO AFTER YOUR ESTATE AFTER YOU'RE DEAD AND YOUR SPOUSE IS DEAD AND YOU NO LONGER HAVE MINOR CHILDREN. AND THAT'S A STATE FRAMEWORK THAT WE'D HAVE TO DEVELOP. WE HAVE NOT YET DEVELOPED THAT. [LB72]

SENATOR SCHEER: OKAY. SO WHAT YOU'RE TALKING ABOUT IS SOMETHING THAT WE REALLY DON'T KNOW HOW IT WOULD EXIST. BECAUSE I'M LOOKING, FOR EXAMPLE, I GUESS WHAT I'M LOOKING AT IS AN INDIVIDUAL GIVES SOMETHING OR SELLS THE HOME AND HAS THE CASH AND GIVES THAT CASH AWAY TO THEIR FIVE OR TEN KIDS. IT'S NOW SEVEN YEARS LATER, AND THEY BECOME INSTITUTIONALIZED IN A NURSING HOME. WHEN HE DIES OR WHEN SHE DIES FIVE OR SIX YEARS LATER, IT WAS SEVEN YEARS PAST THE POINT OF WHERE SHE GAVE THE MONEY AWAY. SHE WAS IN A NURSING FACILITY FOR FIVE OR SIX YEARS. WOULD YOU BELIEVE THAT THE STATE WOULD HAVE...HOW WOULD THEY NECESSARILY GO BACK AFTER THOSE DOLLARS THAT LITERALLY ARE 10 OR 12 YEARS OLD? [LB72]

SENATOR SCHUMACHER: THE WAY THE BILL WAS ORIGINALLY DRAFTED, CATCHING SOME DOLPHINS WITH THE SHARKS, THERE WOULD BE A LIEN ON THE PROPERTY THAT WAS GIVEN AWAY. USUALLY IF IT'S TRACEABLE, THAT WILL BE REAL ESTATE OR SOME TYPE OF STOCK OR BOND THAT'S TRACEABLE. CASH IS HARD AND GOLD IS HARD TO TRACE, AS YOU KNOW. BUT THERE WOULD BE A LIEN, THEIR HEIRS WOULD KNOW THERE'S A LIEN ON IT, NOT TO BETTER SPEND IT, AND BANKERS WOULD KNOW THERE'S A LIEN ON IT NOT TO LOAN AGAINST IT, AND THEN THAT PROPERTY COULD BE CLAIMED AT THAT POINT. THERE ARE

Floor Debate
April 15, 2015

MORE SOPHISTICATED WAYS, I UNDERSTAND, THAN WHAT I HAD PLANNED THAT OTHER STATES HAVE IMPLEMENTED, AND THAT'S WHY TIME OUT ON THAT PART OF IT FOR THE SUMMER. [LB72]

SENATOR SCHEER: BUT YOU WOULDN'T HAVE A PROBLEM GOING BEYOND THE FEDERAL REQUIREMENTS, THAT DOESN'T CREATE A PROBLEM? [LB72]

SENATOR SCHUMACHER: IN FACT, WE'RE ENCOURAGED BY THE 1993 ACT TO GO BEYOND THE FEDERAL...MINIMUM FEDERAL REQUIREMENTS. THIS 1993 BASICALLY SAID WE'RE GOING TO GIVE YOU SOME ELBOW ROOM AGAINST HEIRS, NOT AGAINST YOUR SPOUSE, NOT AGAINST YOUR MINOR CHILDREN, NOT AGAINST YOU, BUT ONCE YOU GUYS ARE GONE, WE'RE GOING TO GIVE THE STATES THE OPTION TO GET FAIRLY AGGRESSIVE HERE. AND THAT'S CONSISTENT WITH FEDERAL POLICY. THE FEDERAL POLICY SAYS IF YOU'RE BROKE AND YOU'VE BEEN BROKE FOR FIVE YEARS, YOU GET IT AND THE STATE CAN'T SAY NO, BUT THAT DOESN'T MEAN THAT THEY CAN'T GO AFTER STUFF YOU'VE GIVEN AWAY. [LB72]

SENATOR SCHEER: AND JUST, FINALLY, DO YOU KNOW HOW MANY STATES MIGHT BE DOING SOMETHING SIMILAR TO WHAT YOU HAVE PROPOSED? [LB72]

SENATOR SCHUMACHER: THE NOTE THAT I HAVE HERE, LET'S SEE... [LB72]

SPEAKER HADLEY: ONE MINUTE. [LB72]

SENATOR SCHUMACHER: ...ACCORDING TO A 2004, THIS WAS QUITE A WHILE AGO, AARP SURVEY AND REPORT ON RECOVERY PROGRAMS, 13 STATES, INCLUDING NEBRASKA, LIMITED RECOVERY TO WHAT WAS IN PROBATE, WHILE 33 STATES WENT BEYOND THAT IN SEEKING RECOVERY. [LB72]

SENATOR SCHEER: OKAY. THANK YOU VERY MUCH, SENATOR SCHUMACHER. THANK YOU, MR. SPEAKER. [LB72]

SPEAKER HADLEY: SENATOR HUGHES, YOU'RE RECOGNIZED. [LB72]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT, GOOD AFTERNOON, COLLEAGUES. I'VE GOT A COUPLE OF QUESTIONS, FIRST FOR SENATOR SEILER, IF HE WOULD YIELD. [LB72]

Floor Debate
April 15, 2015

SPEAKER HADLEY: SENATOR SEILER, WILL YOU YIELD? [LB72]

SENATOR SEILER: I WILL YIELD. [LB72]

SENATOR HUGHES: THANK YOU. IN YOUR OPENING ON AM604, DID I HEAR YOU...DID I UNDERSTAND YOU TO SAY THAT THERE WILL BE AN AMENDMENT COMING LATER THAT WILL TAKE THIS ONE OUT? IS THAT...DID I UNDERSTAND THAT CORRECTLY? [LB72]

SENATOR SEILER: THERE IS. [LB72]

SENATOR HUGHES: SO BEING A NEW SENATOR, PROCEDURALLY, WE NEED TO VOTE THIS ONE DOWN AND THEN PUT THE NEXT ONE ON? WOULD THAT BE... [LB72]

SENATOR SEILER: I AM GOING TO ASK THAT WHEN WE GET IN MY CLOSING THAT EVERYBODY HERE VOTE NO ON THE AMENDMENT. I CAN'T WITHDRAW IT BECAUSE IT'S A COMMITTEE AMENDMENT, BUT I WANT YOU TO VOTE NO. [LB72]

SENATOR HUGHES: OKAY. THANK YOU FOR THAT CLARIFICATION. SENATOR SCHUMACHER, WOULD YOU YIELD? [LB72]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD? [LB72]

SENATOR SCHUMACHER: YES, I WILL. [LB72]

SENATOR HUGHES: IN YOUR OPENING, YOU SAID THAT YOU WERE WILLING TO WORK WITH THE ATTORNEYS OVER THE SUMMER TO FIX THIS. IS THAT CORRECT? [LB72]

SENATOR SCHUMACHER: YEAH. THERE'S TWO GENERAL THEMES IN THE BILL. ONE IS A LIEN ON PROPERTY THAT YOU'VE GIVEN AWAY. THAT WOULD BE THE SUBJECT OF DISCUSSIONS. THE OTHER IS NOTICE TO THE DEPARTMENT SO THAT THEY CAN SEE WHETHER OR NOT THEY CAN USE EXISTING LAW TO CHASE DOWN SOME ASSETS NOTICED BY A TRUSTEE OR WHEN YOU DO AN INHERITANCE TAX DETERMINATION TO THE DEPARTMENT THAT THERE'S SOME

Floor Debate
April 15, 2015

MONEY CHANGING HANDS, SO IF THEY HAVE A CLAIM UNDER EXISTING LAW THEY KNOW THEY BETTER START ACTING ON IT. [LB72]

SENATOR HUGHES: OKAY. SO THIS BILL SOLVES ONE OF THOSE PIECES? [LB72]

SENATOR SCHUMACHER: YES, THE NOTICE, GIVING THE DEPARTMENT NOTICE, AND HOLDING THE TRUSTEES IN ABEYANCE UNTIL THEY'VE HAD A CHANCE TO SEE IF THERE'S A BILL, AN ACCOUNT THAT'S BEEN RUN UP. [LB72]

SENATOR HUGHES: OKAY. SO WE DON'T NEED TO SOLVE BOTH OF THOSE PROBLEMS IN ONE ISSUE THAT WOULD NOT BE MORE EFFICIENT? [LB72]

SENATOR SCHUMACHER: I PROBABLY WAS WAY TOO AMBITIOUS TO THINK I COULD SWALLOW IT ALL AT ONCE. [LB72]

SENATOR HUGHES: OKAY. THANK YOU, MR. PRESIDENT. [LB72]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB72]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I WAS TRYING TO THINK AWHILE WHAT BILL IT WAS, BUT A WHILE BACK, WE WERE TALKING ABOUT SOMETHING AND I BROUGHT UP THIS VERY SUBJECT, PEOPLE HIDING ASSETS, AND I WAS TOLD FROM ACROSS THE ROOM THAT NOBODY DOES THAT. SO APPARENTLY THIS ISN'T AN ISSUE. BUT I DO HAVE A COUPLE OF QUESTIONS THAT I'D LIKE TO ASK SENATOR SCHUMACHER. [LB72]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD? [LB72]

SENATOR SCHUMACHER: YES, I WILL. [LB72]

SENATOR BLOOMFIELD: SENATOR SCHUMACHER, IF HHS OR THE STATE DECIDES TO GO AFTER SOME FUNDS THAT HAVE BEEN GIVEN AWAY FOR 12 YEARS, IS THERE ANY LIMIT TO THE AMOUNT OF LEGAL CHARGES THEY CAN ADD ON TO THE BILL? [LB72]

SENATOR SCHUMACHER: SENATOR, I'M UNAWARE RIGHT NOW THAT THEY ADD LEGAL CHARGES TO ANYTHING. I THINK IF THEY GET ANYTHING OUT OF IT,

Floor Debate
April 15, 2015

THEY'RE...THEY FEEL LUCKY. I DO NOT KNOW IF THEY HAVE AUTHORITY FOR LEGAL CHARGES. I WOULD SUSPECT NOT. [LB72]

SENATOR BLOOMFIELD: OKAY. SO THE DEPARTMENT'S ATTORNEYS WOULD JUST DO THIS AND THERE WOULDN'T BE ANY LEGAL FEES PILED UP AGAINST THE ESTATE OR THE INHERITORS? [LB72]

SENATOR SCHUMACHER: WHATEVER THEY WOULD DO, THEY WOULD DO UNDER EXISTING LAW IF THEY HAD THE STAFF OVER THERE. THIS JUST LETS THEM KNOW THAT THERE MIGHT BE SOMETHING TO DO AFTER WE GET DONE AMENDING IT, IF WE DO THAT. [LB72]

SENATOR BLOOMFIELD: OKAY. I'VE GOT A LOT TO LEARN ON THIS YET, SO. THANK YOU. [LB72]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE RECOGNIZED. [LB72]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I WANTED TO FINISH MY THOUGHT AND FINISH THE LINE OF QUESTIONING MY PREVIOUS TIME ON THE MIKE. I THINK AT THE HEART OF MY QUESTION OR MY CONCERN IS A DISCERNMENT BETWEEN PREVENTING SOMEONE FROM MISUSING ASSETS IN ORDER TO QUALIFY FOR LONG-TERM INSTITUTIONAL CARE AND TRYING TO HELP UNDERSTAND WHAT THE SITUATION WOULD BE IF SOMEONE HAS A SHORT-TERM HOSPITALIZATION, A PUBLIC BENEFIT, AN IMMEDIATE NEED AND HOW THAT HAS IMPLICATIONS IN THE LONG TERM. AND SO, ULTIMATELY, I'M CONCERNED ABOUT WHAT PRECEDENT THAT MIGHT SET. SENATOR SCHUMACHER, WILL YOU YIELD TO ONE MORE QUESTION, PLEASE? [LB72]

SPEAKER HADLEY: SENATOR SCHUMACHER, WILL YOU YIELD? [LB72]

SENATOR SCHUMACHER: YES, I WILL. [LB72]

SENATOR BOLZ: SENATOR SCHUMACHER, IN YOUR PROPOSAL IN THE VERSION IN WHICH YOU ENVISION IT, HOW LONG OF A LOOKBACK PERIOD COULD THE DEPARTMENT LOOK TO FOR MEDICAL DEBT? IF I AM 65 AND I HAVE A HOSPITALIZATION AND I UTILIZE MEDICAID AND I DON'T PASS AWAY UNTIL I'M 80 AND HAVE BEEN A GOOD FINANCIAL STEWARD IN THE MEANTIME, WOULD

Floor Debate
April 15, 2015

THE MEDICAL DEBT ACCRUED IN MY HOSPITALIZATION 15 YEARS PREVIOUS BE SOMETHING THAT WOULD BE CONSIDERED IN YOUR SET OF SCENARIOS? [LB72]

SENATOR SCHUMACHER: IF IT WAS AFTER YOU WERE 55 YEARS OLD, IT WOULD BE PART OF THE DEBT UNDER EXISTING STATUTE, AND RIGHT NOW IN NEBRASKA, IT WOULD ONLY COME OUT OF YOUR PROBATE ESTATE IF THEY KNEW ABOUT IT AND FILED ON IT. WE HAVE YET TO DEFINE ESTATE BROADER THAN A PROBATE ESTATE, AND THAT WOULD BE SOMETHING WE'D LOOK AT THIS SUMMER. BUT, YES, I THINK THERE WOULD...EVEN THOUGH THERE'S FIVE YEARS ON LOOKBACK FOR QUALIFICATIONS AS FAR AS CLAIMING SOME OF THAT MONEY BACK FROM YOUR HEIRS IF THEY COULD BE FOUND, THEY COULD GO BACK QUITE A WHILE. OTHERWISE YOU BEAT THE SYSTEM SUCCESSFULLY. [LB72]

SENATOR BOLZ: THE CLARIFICATION IS HELPFUL. I PERSONALLY NEED TO CONTINUE THINKING AND DISCERNING ABOUT THIS PIECE OF LEGISLATION. I THINK THE INTENT IS GOOD AND I WANT TO MAKE SURE WE GET THE MECHANICS CORRECT. SO THAT'S MY PEACE. THANK YOU, MR. PRESIDENT. [LB72]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. [LB72]

SENATOR SEILER: THANK YOU, MR. SPEAKER. MEMBERS OF THE UNICAMERAL, THIS PARTICULAR AMENDMENT GETS A LITTLE GOOFIER ALL THE TIME. LISTEN VERY CAREFULLY. I WANT YOU TO VOTE RED ON THIS AMENDMENT. VOTE RED ON THIS AMENDMENT. THANK YOU. [LB72]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING TO AM604. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB72]

ASSISTANT CLERK: 1 AYE, 30 NAYS ON THE ADOPTION OF THE COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB72]

SPEAKER HADLEY: COMMITTEE AMENDMENT FAILS. OKAY. MR. CLERK. [LB72]

ASSISTANT CLERK: MR. PRESIDENT, SOME ITEMS. NEW RESOLUTION: LR190 BY SENATOR DAVIS. AMENDMENTS TO BE PRINTED: SENATOR MORFELD TO LB67;

Floor Debate
April 15, 2015

SENATOR SCHILZ TO LB176 AS WELL AS TO LB329; SENATOR KINTNER TO LB268. THAT'S ALL I HAVE AT THIS TIME, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1195-1196.) [LR190 LB67 LB176 LB329 LB268]

SPEAKER HADLEY: WE WILL NOW GO TO WELCOME OUR SPECIAL GUESTS TO THE NEBRASKA LEGISLATURE, THOSE FORMER SENATORS WHO HAVE SPENT MANY HOURS IN THIS VERY CHAMBER CRAFTING LEGISLATION OVER THE YEARS AND HAVE COME BACK TO VISIT US AT THIS TIME. WE WILL ASK THEM ONE AT A TIME TO COME DOWN THE AISLE AND I HOPE EVERY SENATOR COMES TO THE MIDDLE TO CONGRATULATE THE SENATORS WHO ARE VISITING US TODAY AND WELCOME THEM BACK TO THEIR HOME. THE FIRST IS SENATOR GAIL KOPPLIN WHO SERVED FROM 2005 TO 2009. CAN GIVE EACH ONE OF THEM APPLAUSE. NEXT, SENATOR ELROY HEFNER, 1976 TO 1993. SENATOR ED SCHROCK, 1990 TO 1993; 1995 TO 2007. SENATOR JOEL JOHNSON, DISTRICT 37, 2002-2009. SENATOR MARK CHRISTENSEN, 2007 TO 2015. SENATOR TOM HANSEN, 2007-2015. SENATOR DIANNA SCHIMEK, 1989 TO 2009. SENATOR LEROY LOUDEN, 2003-2013. SENATOR JERRY SCHMITT, 1993 TO 2001. SENATOR TOM CARLSON, 2007 TO 2015. SENATOR DAVE PANKONIN, 2007 TO 2011. SENATOR BOB DICKEY, 1999 TO 2001. SENATOR JIM JENSEN, 1995 TO 2007. SENATOR JOHN HARMS, 2007-2015. SENATOR BILL BURROWS, 1975 TO 1983. SENATOR CARROLL BURLING, 2001 TO 2009. SENATOR DON WAGNER, 1979 TO 1985. SENATOR ROGER WEHRBEIN, 1987 TO 2007. SENATOR ELAINE STUHR, 1995 TO 2007. SENATOR WAYNE SCHREURS, 1969 TO 1971. SENATOR LEE RUPP, 1983 TO 1987. SENATOR JOHN WIGHTMAN, 2007 TO 2015. SENATOR VICKIE McDONALD, 2001 TO 2009. SENATOR DON PEDERSON, 1996 TO 2007. SENATOR JIM CUDABACK, 1991 TO 2007. SENATOR JIM JONES, 1993 TO 2005. SENATOR MARIAN PRICE, 1999 TO 2009. SENATOR MIKE AVERY, 1993 TO 1997. SENATOR JIM McFARLAND, 1986 TO 1991. SENATOR JOHN NELSON, 2007 TO 2015. SENATOR CAROL McBRIBE PIRSCH, 1979 TO 1997. SENATOR RAY AGUILAR, 1999 TO 2009. SENATOR ARNIE STUTHMAN, 2003 TO 2011. LAST BUT NOT LEAST, THE LAND BARON FROM CORTLAND, NEBRASKA, SENATOR NORM WALLMAN, 2007-2015. MR. CLERK, FOR A MOTION.

ASSISTANT CLERK: MR. PRESIDENT, I DO HAVE A PRIORITY MOTION. SENATOR MELLO WOULD MOVE TO ADJOURN UNTIL THURSDAY, APRIL 16 AT 9:00 A.M.

SPEAKER HADLEY: ALL THOSE CURRENT SENATORS PLEASE VOTE AYE. THOSE OPPOSED, NAY. MOTION CARRIES.