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Floor Debate
March 23, 2016

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SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FORTY-EIGHTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN THIS MORNING IS SENATOR HILKEMANN. WOULD YOU PLEASE RISE.

SENATOR HILKEMANN: (PRAYER OFFERED.)

SPEAKER HADLEY: I CALL TO ORDER THE FORTY-EIGHTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

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

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

CLERK: I HAVE NO CORRECTIONS, MR. PRESIDENT.

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

CLERK: ENROLLMENT AND REVIEW REPORTS LB1083, LB742, LB837, LB465, AND LB465A TO SELECT FILE; SOME OF WHICH HAVE ENROLLMENT AND REVIEW AMENDMENTS ATTACHED. I HAVE A HEARING NOTICE FROM THE AGRICULTURE COMMITTEE, CONFIRMATION HEARING NOTICE, OFFERED BY SENATOR JOHNSON. AND, MR. PRESIDENT, AN ANNOUNCEMENT: THE PLANNING

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COMMITTEE WILL HAVE AN EXECUTIVE SESSION TODAY AT 10:30 IN ROOM 2022. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1179-1183.) [LB1083 LB742 LB837 LB465 LB465A]

SPEAKER HADLEY: THANK YOU, MR. CLERK. SENATOR KRIST FOR A POINT OF PERSONAL PRIVILEGE.

SENATOR KRIST: THANK YOU, MR. PRESIDENT; GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. ONE OF THE PLEASURES THAT I HAVE IN BEING THE CHAIR OF THE EXECUTIVE BOARD OF THE LEGISLATIVE COUNCIL IS TO ASSIST IN THE SELECTION OF OUR YOUNG PAGES EVERY YEAR, AND I CAN TELL YOU IT'S A TREAT. THIS YEAR, IF YOU ASK KITTY WHO HER FAVORITES ARE, SHE WILL TELL YOU THIS IS ONE OF HER FAVORITE CLASSES. SECOND-YEAR PAGES THAT WILL NOT BE COMING BACK WITH US NEXT YEAR ARE BROOKE CAMMARATA, ANNIE HIMES, JACOB KAWAMOTO, MARIAH KEECH, JAY LINTON, COLIN LOBERG, BRANDON METZLER, JULIA OESTMANN, LAURA OLSON, CAITLIN WELTY; THOSE THAT ARE GRADUATING--LAURA OLSON, ALSO, AND BRITTANY WAHL. BUT LET ME JUST TELL YOU HOW TALENTED THIS GROUP IS, AND I'M NOT GOING TO HIT ALL OF THE HIGHLIGHTS, BUT HERE ARE SOME AND CONGRATULATE THEM WHEN YOU GET A CHANCE TO TODAY. ALI COUFAL HAS BEEN SELECTED FOR OR IS RECOGNIZED AND SHE COULD ATTEND ANY ONE OF FOUR COLLEGES OR UNIVERSITIES FOR LAW SCHOOL. ANNIE HIMES, FULBRIGHT FINALIST TO RUSSIA. BRANDON METZLER, PLANS ON ATTENDING UNL LAW SCHOOL AND HAS BEEN SELECTED FOR LAW SCHOOL. JAY LINTON, UNL LAW SCHOOL LAW WITH A FULL SCHOLARSHIP. COLIN LOBERG PLANS ON ATTENDING NORTHWESTERN LAW SCHOOL. PAGES, PLEASE STAND AND BE RECOGNIZED BY YOUR NEBRASKA LEGISLATURE.

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR485, LR486, LR487 AND LR488. THE TREATS ARE BEING HANDED OUT TODAY TO HONOR SENATOR LINDSTROM'S BIRTHDAY. LET'S ALL WISH SENATOR LINDSTROM A HAPPY BIRTHDAY. MR. CLERK. [LR485 LR486 LR487 LR488]

CLERK: MR. PRESIDENT, THE FIRST ITEM OF BUSINESS THIS MORNING IS A CONFIRMATION REPORT BY THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE CHAIRED BY SENATOR SMITH. (LEGISLATIVE JOURNAL PAGE 1107.)

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SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED ON YOUR REPORT.

SENATOR SMITH: THANK YOU, MR. PRESIDENT; AND GOOD MORNING, COLLEAGUES. ON MARCH 18, THE TRANSPORTATION AND TELECOMMUNICATIONS COMMITTEE HELD A HEARING ON THE REAPPOINTMENT OF THREE INDIVIDUALS TO THE BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS. THE COMMITTEE VOTED UNANIMOUSLY TO ADVANCE ALL THREE REAPPOINTMENTS. DAROLD TAGGE WAS REAPPOINTED TO SERVE AS THE LAY CITIZEN FROM THE THIRD CONGRESSIONAL DISTRICT. MR. TAGGE RESIDES IN HOLDREGE AND SERVES AS THE STREET SUPERINTENDENT FOR LEXINGTON. HIS PAST EXPERIENCE INCLUDES WORK AS A LAND SURVEYOR AND SERVICE ON THE BOARD OF EXAMINERS FOR PROFESSIONAL SURVEYORS. LISA KRAMER WAS REAPPOINTED TO SERVE AS THE REPRESENTATIVE OF A COUNTY OF CLASS V OR HIGHER. MS. KRAMER LIVES IN WASHINGTON COUNTY AND SERVES ON THE WASHINGTON COUNTY BOARD OF SUPERVISORS. SHE OWNS A PHYSICAL THERAPY BUSINESS IN BENNINGTON AND HAS PREVIOUSLY WORKED IN LAW ENFORCEMENT IN DOUGLAS COUNTY. LeROY GERRARD WAS REAPPOINTED TO SERVE AS THE HIGHWAY SUPERINTENDENT REPRESENTATIVE. MR. GERRARD RESIDES IN STROMSBURG. HE SERVES AS A COUNTY COMMISSIONER FOR POLK COUNTY AND THE HIGHWAY SUPERINTENDENT AND SURVEYOR FOR POLK COUNTY, IN ADDITION TO BEING EMPLOYED AS A SURVEYOR FOR KIRKHAM MICHAEL. I APPRECIATE THESE THREE INDIVIDUALS' CONTINUED WILLINGNESS TO SERVE ON THE BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS. ALL THREE ARE ASSETS TO THEIR COMMUNITIES AND TO OUR STATE. PLEASE JOIN ME IN CONFIRMING THEIR REAPPOINTMENTS. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: THANK YOU, SENATOR SMITH. SEEING NO ONE IN THE QUEUE, SENATOR SMITH, YOU'RE RECOGNIZED TO CLOSE. SENATOR SMITH WAIVES CLOSING ON THE CONFIRMATION REPORT. THE QUESTION FOR THE BODY IS THE APPROVAL OF THE CONFIRMATION REPORT. ALL THOSE IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 1184.) 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE CONFIRMATION REPORT.

SPEAKER HADLEY: CONFIRMATION REPORT IS ADOPTED. MR. CLERK.

CLERK: MR. PRESIDENT, SENATOR WILLIAMS, GENERAL FILE, OFFERS LB1083A, (READ TITLE.) [LB1083A]

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SPEAKER HADLEY: SENATOR WILLIAMS, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB1083A]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT; AND WELCOME THIS MORNING, COLLEAGUES. YOU WILL REMEMBER THAT LB1083, WHICH WE MOVED LAST WEEK, IS THE NEXT GENERATION BUSINESS GROWTH ACT WHICH IS THE PIECE OF LEGISLATION THAT WOULD CONDUCT THE STATEWIDE STRATEGIC PLAN TO HELP US GROW ENTREPRENEURSHIP IN OUR STATE. THE A BILL IS BEFORE YOU. I WOULD DRAW YOUR ATTENTION TO THE SECOND PAGE OF THE GREEN SHEET ATTACHED TO YOUR DAILY AGENDA, ABOUT TWO-THIRDS OF THE WAY DOWN, IT SHOWS THE \$75,000 EXPENDITURE. I WOULD ALSO DRAW YOUR ATTENTION TO THE NEXT TO THE LAST LINE IN THE REVENUE SIDE WHERE IT SHOWS THE INCREASE IN REVENUE OF \$75,000, BECAUSE THE MONEY IS BEING TAKEN FROM THE COMMUNITY DEVELOPMENT ASSISTANCE ACT, THOSE TAX CREDITS THAT ARE APPLIED THERE. SO I WOULD REQUEST YOUR GREEN VOTE ON THE A BILL THAT ATTACHES WITH LB1083. THANK YOU, MR. PRESIDENT. [LB1083A LB1083]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB1083A]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, AND TO SENATOR WILLIAMS, WHAT I'M GOING TO MENTION HAS NOTHING TO DO WITH HIS BILL OR WHAT MIGHT OCCUR TODAY. BUT I HAD DISTRIBUTED ON YOUR DESK A HANDOUT. AND BECAUSE THE FIRST THING WE'LL DEAL WITH IS CONSENT CALENDAR, AND I DON'T WANT TO GIVE A WHISPER TOWARD ANYTHING ON CONSENT CALENDAR, I WANT IT TO JUST ZIP RIGHT THROUGH. BUT I HAD GOTTEN A MOUNTAIN LION PLATE BILL PASSED WITH THE ASSISTANCE OF THE MEMBERS OF THE LEGISLATURE. AND THEN I OFFERED SOME AMENDMENTS TO A PROPOSAL TO PUT "JUST CHOOSE LIFE" ON A PLATE; AND I GOT SOME FEEDBACK FROM PEOPLE SAYING THAT I HAD GOTTEN WHAT I WANTED AND NOW I'M GOING TO STOP OTHERS. SO WHAT I DID WAS PUT TOGETHER THIS HANDOUT, AND FOR THE RECORD IF ANYBODY WANTS TO KNOW, I'M READING FROM AN ARTICLE THAT APPEARED IN THE JANUARY 29, 2016, LINCOLN JOURNAL STAR WHEREIN I GAVE MY PHILOSOPHY OF LICENSE PLATES. AND NOBODY SHOULD BE SURPRISED AT WHAT I'M DOING. THESE ARE EXCERPTS: THE STATE APPEARS ON ITS WAY TO OFFERING LICENSE PLATES TO SUPPORT CONSERVATION OF MOUNTAIN LIONS. OMAHA SENATOR BOB KRIST SAID WHEN HE CAME TO THE LEGISLATURE HE WAS TOLD THAT IF HE WANTED TO PASS A BILL ON CUSTOM LICENSE PLATES, HE HAD TO DO IT WHEN CHAMBERS WAS NOT AROUND, QUOTE, BECAUSE ERNIE DIDN'T LIKE THOSE.

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WHAT CHANGED? KRIST ASKED. CHAMBERS SAID THAT IF THERE HAD NOT BEEN A PROLIFERATION OF SLOGANS AND GROUPS ON LICENSE PLATES, HE WOULD NOT HAVE ALTERED HIS POSITION. BUT NOW HE KNOWS HE HAS LOST THAT BATTLE OF KEEPING THE LICENSE PLATES FREE OF ANYTHING OTHER THAN THE IDENTIFYING NUMBERS OR INSIGNIA. SO HE HAS SAID HE WOULD NOT FIGHT ANY PROPOSAL THAT WAS WITHIN REASON, UNLESS HE HAD A PERSONAL OBJECTION TO IT. AND I THINK PEOPLE KNOW MY POSITION ON THE MATTER OF A WOMAN'S RIGHT TO CHOOSE TO HAVE AN ABORTION. CONTINUING AND WRAPPING UP THIS ARTICLE: SENATOR MIKE GROENE OF NORTH PLATTE ROSE TO SAY, THE REASON THE STATE HAS MOUNTAIN LIONS, FORMERLY EXTINCT IN THE STATE, IS BECAUSE OF CONSERVATION--THE GAME AND PARKS COMMISSION AND THE HUNTERS AND FISHERS WHO PAY THEIR FEES; AND HE UNDERSTOOD CHAMBERS' PREVIOUS POSITION. WHERE DOES THE STATE DRAW THE LINE ON SPECIALTY PLATES? TO WHAT CAUSE DOES IT FINALLY SAY NO? BUT HE JOINED THE MAJORITY IN SUPPORTING THE LICENSE PLATE THAT I WAS SEEKING. I MADE IT CLEAR THAT THERE WOULD BE PLATES, PERHAPS, TRYING TO PROJECT A MESSAGE WITH WHICH I DISAGREE, AND THAT I WOULD OPPOSE THOSE. AND THE AMENDMENT THAT I HAD OFFERED WAS ON THAT CHOOSE LIFE PLATE. AFTER "LIFE," EVERYWHERE IT APPEARS IN THAT BILL, THE WORDS TO INSERT WOULD BE "AND FREEDOM OF CHOICE." THEN ON ONE OF THE LINES THERE WOULD BE THE STRIKING THROUGH OF THE WORDS OR THE WORD "ABORTIONS." SO THIS IS NOT INCONSISTENT WITH MY PHILOSOPHICAL POSITION ON THE RIGHT OF A WOMAN TO MAKE A CHOICE AS TO WHETHER OR NOT SHE'LL CARRY A PREGNANCY TO TERM. AND IT IS IN LINE WITH WHAT I STATED ABOUT THE KIND OF PLATES THAT I WOULD HAVE NO OBJECTION TO AND WOULD NOT OPPOSE. [LB1083A]

SPEAKER HADLEY: ONE MINUTE. [LB1083A]

SENATOR CHAMBERS: THIS CHOOSE LIFE HAPPENS TO NOT BE ONE OF THOSE THAT I DO NOT OPPOSE, AND I WOULD DEFY ANY MEMBER ON THIS FLOOR TO STAND AND SAY HE OR SHE IS SURPRISED THAT I WOULD NOT SUPPORT THIS CHOOSE LIFE PLATE. HOWEVER, IN THE INTEREST OF OUR MOVING IN THE COLLEGIAL MANNER THAT SENATOR WILLIAMS ALWAYS BRINGS WHEN HE SPEAKS, I WILL NOT ASK FOR A SHOW OF HANDS. THANK YOU, MR. PRESIDENT. [LB1083A]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. (DOCTOR OF THE DAY AND VISITORS INTRODUCED.) SEEING NO ONE ELSE IN THE QUEUE, SENATOR WILLIAMS, YOU'RE RECOGNIZED TO CLOSE. SENATOR WILLIAMS WAIVES

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CLOSING. THE QUESTION IS THE ADVANCEMENT OF THE BILL TO E&R INITIAL. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1083A]

CLERK: 34 AYES, 0 NAYS ON THE ADVANCEMENT OF LB1083A. [LB1083A]

SPEAKER HADLEY: LB1083A ADVANCES. MR. CLERK. [LB1083A]

CLERK: MR. PRESIDENT, SELECT FILE CONSENT CALENDAR: SENATOR HANSEN, LB1101, I HAVE E&R AMENDMENTS, SENATOR. (ER203, LEGISLATIVE JOURNAL PAGE 1122.) [LB1101]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1101]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1101. [LB1101]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT...ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB1101]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB1101]

SPEAKER HADLEY: SENATOR HANSEN. [LB1101]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1101 TO E&R FOR ENGROSSING. [LB1101]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT TO E&R ENGROSSING. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES. MR. CLERK. [LB1101]

CLERK: LB1080, SENATOR; I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER204, LEGISLATIVE JOURNAL 1122.) [LB1080]

SPEAKER HADLEY: SENATOR HANSEN FOR ANNOUNCEMENT. [LB1080]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB1080. [LB1080]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE AMENDMENTS ARE ADOPTED. [LB1080]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB1080]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1080]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1080 TO E&R FOR ENGROSSING. [LB1080]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB1080. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1080 ADVANCES. MR. CLERK. [LB1080]

CLERK: LB899, SENATOR; I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER205, LEGISLATIVE JOURNAL PAGE 1122.) [LB899]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB899]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB899. [LB899]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THEY ARE ADOPTED. [LB899]

CLERK: I HAVE NOTHING FURTHER ON LB899, SENATOR. [LB899]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB899]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB899 TO E&R FOR ENGROSSING. [LB899]

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SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB899. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES. MR. CLERK. [LB899]

CLERK: SENATOR, LB895, I HAVE NO AMENDMENTS TO THE BILL. [LB895]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB895]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB895 TO E&R FOR ENGROSSING. [LB895]

SPEAKER HADLEY: THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB895. ALL IN FAVOR SAY AYE. OPPOSED, NAY. LB895 ADVANCES. MR. CLERK. [LB895]

CLERK: LB1039, SENATOR; I HAVE NO AMENDMENTS TO THE BILL. [LB1039]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1039]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1039 TO E&R FOR ENGROSSING. [LB1039]

SPEAKER HADLEY: THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB1039. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES. MR. CLERK. [LB1039]

CLERK: LB677, SENATOR; THERE ARE ENROLLMENT AND REVIEW AMENDMENTS. (ER216, LEGISLATIVE JOURNAL PAGE 1123.) [LB677]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB677]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB677. [LB677]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB677]

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CLERK: NOTHING FURTHER ON THAT BILL, MR. PRESIDENT. [LB677]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB677]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB677 TO E&R FOR ENGROSSING. [LB677]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB677. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB677 ADVANCES. MR. CLERK. [LB677]

CLERK: LB978, SENATOR; I HAVE NO AMENDMENTS TO THE BILL. [LB978]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB978]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB978 TO E&R FOR ENGROSSING. [LB978]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION FOR THE ADVANCEMENT. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB978 ADVANCES. MR. CLERK. [LB978]

CLERK: LB877, SENATOR, I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER211, LEGISLATIVE JOURNAL PAGE 1123.) [LB877]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB877]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB877. [LB877]

SPEAKER HADLEY: THE QUESTION FOR THE BODY IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB877]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB877]

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SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB877]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB877 TO E&R FOR ENGROSSING. [LB877]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB877. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE BILL ADVANCES. MR. CLERK. [LB877]

CLERK: MR. PRESIDENT, LB1050, NO E&Rs. SENATOR STINNER WOULD MOVE TO AMEND WITH AM2728. (LEGISLATIVE JOURNAL PAGE 1185.) [LB1050]

SPEAKER HADLEY: SENATOR STINNER, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB1050]

SENATOR STINNER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I WANT TO THANK SENATOR HARR FOR INTRODUCING LB1050 AND FOR WORKING WITH ME ON THIS AMENDMENT. MY AMENDMENT SIMPLY REQUIRES A DOMESTIC PARTNERSHIP CONVERTING TO A DOMESTIC LIMITED LIABILITY COMPANY OR FOREIGN LIMITED LIABILITY COMPANY OR A DOMESTIC LIMITED LIABILITY PARTNERSHIP CONVERTING TO A DOMESTIC LIMITED LIABILITY COMPANY OR FOREIGN LIMITED LIABILITY COMPANY TO PROVIDE NOTIFICATION WITHIN TEN BUSINESS DAYS TO ANY LIENHOLDER PRIOR TO THE CONVERSION. I WOULD APPRECIATE YOUR SUPPORT FOR THIS AMENDMENT AND THE UNDERLYING LB1050. [LB1050]

SPEAKER HADLEY: THANK YOU, SENATOR STINNER. SENATOR HARR, YOU'RE RECOGNIZED. [LB1050]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. GOOD MORNING. I, TOO, SUPPORT THIS AMENDMENT AND ASK FOR YOUR SUPPORT. THANK YOU. [LB1050]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, SENATOR STINNER, YOU'RE RECOGNIZED TO CLOSE. SENATOR STINNER WAIVES CLOSING ON HIS AMENDMENT. THE QUESTION FOR THE BODY IS THE ADOPTION OF AM2728. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1050]

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CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT ON THE ADOPTION OF SENATOR STINNER'S AMENDMENT. [LB1050]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. [LB1050]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB1050]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1050]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1050 TO E&R FOR ENGROSSING. [LB1050]

SPEAKER HADLEY: THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF THE BILL. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1050 ADVANCES. MR. CLERK. [LB1050]

CLERK: LB1075, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB1075]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1075]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1075 TO E&R FOR ENGROSSING. [LB1075]

SPEAKER HADLEY: THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB1075. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1075 ADVANCES. MR. CLERK. [LB1075]

CLERK: LB973, SENATOR, THERE ARE ENROLLMENT AND REVIEW AMENDMENTS. (ER214, LEGISLATIVE JOURNAL PAGE 1123.) [LB973]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB973]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB973. [LB973]

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SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB973]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, SENATOR. [LB973]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB973]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB973 TO E&R FOR ENGROSSING. [LB973]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB973. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB973 ADVANCES. MR. CLERK. [LB973]

CLERK: LB712, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB712]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB712]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB712 TO E&R FOR ENGROSSING. [LB712]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB712. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB712 ADVANCES. [LB712]

CLERK: MR. PRESIDENT, LB902, NO E&Rs. SENATOR KOLOWSKI WOULD MOVE TO AMEND WITH AM2671. (LEGISLATIVE JOURNAL PAGE 1118.) [LB902]

SPEAKER HADLEY: SENATOR KOLOWSKI, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB902]

SENATOR KOLOWSKI: THANK YOU, MR. CHAIRMAN. GOOD MORNING. AM2671 WAS SUGGESTED BY THE BILL DRAFTERS TO HARMONIZE THE LANGUAGE IN LB902 REGARDING THE ENERGY OFFICE'S AUTHORITY TO USE UP TO 10 PERCENT FOR ADMINISTRATIVE COST WITH THE BUDGET LANGUAGE WE PASSED IN LB957. THIS ELIMINATES ANY AMBIGUITY THAT MIGHT EXIST. THE AMENDMENT ALSO ELIMINATES TWO UNNECESSARY COMMAS. THANK YOU, MR. PRESIDENT. [LB902 LB957]

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SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON AM2671. SEEING NO ONE IN THE QUEUE, SENATOR KOLOWSKI, YOU'RE RECOGNIZED TO CLOSE. SENATOR KOLOWSKI WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2671. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB902]

CLERK: 32 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR KOLOWSKI'S AMENDMENT. [LB902]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. MR. CLERK. [LB902]

CLERK: I HAVE NOTHING FURTHER ON THE BILL, MR. PRESIDENT. [LB902]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB902]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB902 TO E&R FOR ENGROSSING. [LB902]

SPEAKER HADLEY: THE QUESTION FOR THE BODY IS THE ADVANCEMENT OF LB902. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB902 ADVANCES. MR. CLERK. [LB902]

CLERK: LB694, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB694]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB694]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB694 TO E&R FOR ENGROSSING. [LB694]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB694. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB694 ADVANCES. [LB694]

CLERK: LB908, MR. PRESIDENT. SENATOR HANSEN, I HAVE NO AMENDMENTS TO THE BILL. [LB908]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB908]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB908 TO E&R FOR ENGROSSING. [LB908]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADVANCE LB908. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB908 ADVANCES. MR. CLERK. [LB908]

CLERK: LB908A, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB908A]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB908A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB908A TO E&R FOR ENGROSSING. [LB908A]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADVANCE LB908A. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB908A ADVANCES. MR. CLERK. [LB908A]

CLERK: LB1010, MR. PRESIDENT. I HAVE NO AMENDMENTS TO THE BILL, SENATOR. [LB1010]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1010]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1010 TO E&R FOR ENGROSSING. [LB1010]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL IN FAVOR OF ADVANCING LB1010 SAY AYE. OPPOSED, NAY. LB1010 ADVANCES. MR. CLERK. [LB1010]

CLERK: LB913, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB913]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB913]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB913 TO E&R FOR ENGROSSING. [LB913]

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SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADVANCE LB913. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB913 ADVANCES. [LB913]

CLERK: LB1011, MR. PRESIDENT. SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB1011]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB1011]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB1011 TO E&R FOR ENGROSSING. [LB1011]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB1011. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB1011 ADVANCES. MR. CLERK. [LB1011]

CLERK: LR381, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LR381]

SPEAKER HADLEY: SENATOR HANSEN, YOU'RE RECOGNIZED FOR A MOTION. [LR381]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LR381 TO E&R FOR ENGROSSING. [LR381]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LR381. ALL IN FAVOR SIGNIFY BY SAYING AYE. I COULD NOT HEAR YOU. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LR381 ADVANCES. MR. CLERK. [LR381]

CLERK: LB783, SENATOR, THERE ARE ENROLLMENT AND REVIEW AMENDMENTS. (ER219, LEGISLATIVE JOURNAL PAGE 1145.) [LB783]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB783]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB783. [LB783]

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SPEAKER HADLEY: MOTION IS TO ADOPT THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB783]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB783]

SPEAKER HADLEY: SENATOR HANSEN. [LB783]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE TO LB783 TO E&R FOR ENGROSSING. [LB783]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB783. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB783 ADVANCES. [LB783]

CLERK: LB783A, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB783A]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB783A]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB783A TO E&R FOR ENGROSSING. [LB783A]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB783A. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB783A ADVANCES. MR. CLERK. [LB783A]

CLERK: LB842, THERE ARE ENROLLMENT AND REVIEW AMENDMENTS. (ER217, LEGISLATIVE JOURNAL PAGE 1146.) [LB842]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB842]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENT TO LB842. [LB842]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE ENROLLMENT AND REVIEW. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB842]

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CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB842]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB842]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB842 TO E&R FOR ENGROSSING. [LB842]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF LB842. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB842 ADVANCES. [LB842]

CLERK: LB750, SENATOR, THERE ARE E&R AMENDMENTS. (ER210, LEGISLATIVE JOURNAL PAGE 1146.) [LB750]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB750]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB750. [LB750]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB750]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL. [LB750]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB750]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB750 TO E&R FOR ENGROSSING. [LB750]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT LB750. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB750 ADVANCES. [LB750]

CLERK: LB816, SENATOR, I HAVE NO AMENDMENTS TO THE BILL. [LB816]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB816]

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SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB816 TO E&R FOR ENGROSSING. [LB816]

SPEAKER HADLEY: THE QUESTION IS THE ADVANCEMENT OF THE BILL. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB816 ADVANCES. [LB816]

CLERK: LB952, SENATOR, I HAVE ENROLLMENT AND REVIEW AMENDMENTS. (ER213, LEGISLATIVE JOURNAL PAGE 1146.) [LB952]

SPEAKER HADLEY: SENATOR HANSEN FOR AN AMENDMENT. [LB952]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB952. [LB952]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. ER213 IS ADOPTED. [LB952]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB952]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB952]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB952 TO E&R FOR ENGROSSING. [LB952]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF LB952. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB952 ADVANCES. [LB952]

CLERK: LB678, SENATOR, THERE ARE E&R AMENDMENTS. (ER212, LEGISLATIVE JOURNAL PAGE 1146.) [LB678]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB678]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADOPT THE E&R AMENDMENTS TO LB678. [LB678]

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SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF THE E&R AMENDMENTS. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. THE E&R AMENDMENTS ARE ADOPTED. [LB678]

CLERK: I HAVE NOTHING FURTHER ON THAT BILL, SENATOR. [LB678]

SPEAKER HADLEY: SENATOR HANSEN FOR A MOTION. [LB678]

SENATOR HANSEN: MR. PRESIDENT, I MOVE WE ADVANCE LB678 TO E&R FOR ENGROSSING. [LB678]

SPEAKER HADLEY: THE QUESTION IS THE ADOPTION OF LB678 ADVANCEMENT TO E&R ENGROSSING. ALL IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. LB678 ADVANCES. MR. CLERK. [LB678]

CLERK: MR. PRESIDENT, LB1110. SENATOR, I HAVE E&R AMENDMENTS. EXCUSE ME, I'M SORRY, GENERAL FILE. MY MISTAKE. MR. PRESIDENT, LB1110, A BILL BY SENATOR MELLO, WAS A BILL ORIGINALLY INTRODUCED ON JANUARY 20. (READ TITLE) THE BILL WAS REFERRED TO THE BUSINESS AND LABOR COMMITTEE FOR PUBLIC HEARING; ADVANCED TO GENERAL FILE. I DO HAVE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM2294, LEGISLATIVE JOURNAL PAGE 855.) [LB1110]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB1110. [LB1110]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I'D LIKE TO FIRST START OFF THANKING CHAIRMAN HARR AND THE BUSINESS AND LABOR COMMITTEE FOR PRIORITIZING LB1110, THE NEBRASKA WORKFORCE INNOVATION AND OPPORTUNITY ACT. THE NEBRASKA WORKFORCE INNOVATION AND OPPORTUNITY ACT WOULD ESTABLISH OVERARCHING PRINCIPLES AND DEFINITIONS TO GUIDE THE STATE'S WORKFORCE INVESTMENT SYSTEM IN CARRYING OUT REQUIREMENTS OF THE FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT WHICH WAS SIGNED INTO LAW ON JULY 22, 2014. FOLLOWING THE PASSAGE OF THE FEDERAL WIOA BILL, THE FIRST MAJOR FEDERAL REFORM OF THE PUBLIC WORKFORCE DEVELOPMENT SYSTEM IN MORE THAN 15 YEARS, STATES ACROSS THE COUNTRY HAVE CONSIDERED MORE THAN 130 BILLS ON WIOA IMPLEMENTATION. LAST SESSION, THIS LEGISLATURE

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PASSED LB334 TO REPEAL THE OUTDATED NEBRASKA WORKFORCE INVESTMENT ACT, AND I SUBSEQUENTLY INTRODUCED LR239, AN INTERIM STUDY TO EXAMINE ISSUES SURROUNDING THE IMPLEMENTATION OF THE FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT IN THE STATE OF NEBRASKA. I'D LIKE TO THANK THE DEPARTMENT OF LABOR COMMISSIONER, JOHN ALBIN; DEPARTMENT OF LABOR STAFF, AND THE GOVERNOR'S POLICY RESEARCH OFFICE FOR THEIR FEEDBACK AND INVOLVEMENT DURING THE DEVELOPMENT OF LB1110 THIS PAST FALL AND EARLIER THIS SESSION. AND ALSO, I'D LIKE TO THANK THE DEPARTMENT OF ECONOMIC DEVELOPMENT FOR THEIR INPUT OF THE SECTOR PARTNERSHIP PIECE OF THE WORKFORCE LEGISLATION. AS A MEMBER OF THE WORKFORCE DEVELOPMENT BOARD, AS A REPRESENTATIVE OF OUR LEGISLATIVE BRANCH, I BELIEVE LB1110 COMPLEMENTS THE STATE'S COMBINED STATE PLAN FOR WIOA BY ESTABLISHING A VERY VISIONARY FRAMEWORK. LB1110 CODIFIES LEGISLATIVE INTENT FOR THE FUTURE OF THE WORKFORCE DEVELOPMENT SYSTEM IN OUR STATE BY INCLUDING LANGUAGE SURROUNDING THE ELEMENTS OF CAREER AND TECHNICAL EDUCATION, ADDRESSING NEEDS IN THE GLOBAL ECONOMY, REGIONAL LABOR MARKETS, UPWARD MOBILITY AND TRENDS, TRAINING, UNION INVOLVEMENT, ADULT CAREER EDUCATION, APPRENTICESHIPS, COUNTY-BASED SOCIAL AND EMPLOYMENT SERVICES, SECTOR PARTNERSHIPS, ACCESSIBILITY, AND DATA-DRIVEN AND EVIDENCE- AND OUTCOME-BASED PROGRAMS. PUTTING THIS LANGUAGE IN STATUTE ALLOWS IT TO BE REFERENCED IN THE FUTURE FOR...OR POTENTIALLY MODIFIED IN RESPONSE TO GROWING WORKFORCE NEEDS. AS SENATOR HARR WILL OUTLINE DURING THE OPENING OF THE COMMITTEE AMENDMENT, A PIECE OF COMPANION LEGISLATION I INTRODUCED ESTABLISHING A SECTOR PARTNERSHIP PROGRAM IS INCORPORATED NOW INTO LB1110 WITH THE ADOPTION OF THE COMMITTEE AMENDMENT CREATING A WORKFORCE PACKAGE FOR THIS SESSION. SECTOR PARTNERSHIPS ARE A PROVEN STRATEGY FOR ENGAGING EMPLOYERS IN KEY INDUSTRIES HELPING WORKERS TRAIN FOR AND HAVE ACCESS TO GOOD-PAYING JOBS AND COORDINATE TRAINING, EDUCATION, AND WORKFORCE DEVELOPMENT ACTIVITIES IN RESPONSE TO INDUSTRY-SPECIFIC NEEDS. THE DEPARTMENT OF LABOR AND THE DEPARTMENT OF ECONOMIC DEVELOPMENT HAVE A HISTORY OF WORKING WITH DIFFERENT INDUSTRIES ACROSS NEBRASKA TO BUILD STRUCTURES AROUND SECTOR PARTNERSHIPS. FOLLOWING THE INTRODUCTION OF THE WORKFORCE COMPANION BILLS, WE INCORPORATED CHANGES BASED ON CONVERSATIONS WITH THE TWO DEPARTMENTS. THIS RESULTED IN A MODIFIED SECTOR PARTNERSHIP PROVISION BEFORE YOU TODAY INCLUDING A SUSTAINABLE PUBLICLY AVAILABLE DATA FOUNDATION TO SUPPORT SECTOR PARTNERSHIPS IN THE NEBRASKA'S OVERALL WORKFORCE DEVELOPMENT

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SYSTEM. I WANT TO AGAIN ACKNOWLEDGE THE DILIGENT WORK THAT WAS PUT IN TO THIS BILL, AS WELL AS HAS BEEN PUT INTO THE WIOA IMPLEMENTATION PROCESS ACROSS NEBRASKA. AND IT IS MY INTENT THAT LB1110 WILL BE A PIECE OF THIS MODERNIZATION OF OUR WORKFORCE DEVELOPMENT SYSTEM. THANK YOU, MR. PRESIDENT. AND I'D URGE THE BODY TO ADVANCE LB1110. [LB1110 LB334 LR239]

SPEAKER HADLEY: THANK YOU, SENATOR MELLO. AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR HARR, AS CHAIR OF THE BUSINESS AND LABOR COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB1110]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY; AND HAPPY BIRTHDAY, SENATOR LINDSTROM. THE COMMITTEE AMENDMENT BECOMES THE BILL. SECTIONS 1 THROUGH 5 OF AM2294 CONTAINS LB1110, SENATOR MELLO'S BILL RELATED TO THE FEDERAL WORKFORCE INNOVATION AND OPPORTUNITY ACT, OTHERWISE KNOWN AS WIOA. LAST SESSION WE REPLACED THE OUTDATED WORKFORCE INNOVATION ACT, AS SENATOR MELLO STATED, AND REPLACED IT WITH WIOA. THIS SUMMER, THE DEPARTMENT OF LABOR HAS WORKED EXTENSIVELY ON DEVELOPING THE DRAFT COMBINED STATE PLAN FOR ITS WORKFORCE SYSTEM. THE DRAFT PLAN REPRESENTS THE SIX CORE WORKFORCE DEVELOPMENT PROGRAMS COLLECTED PLANNING RESOURCES AND VISION IN ADDITION TO PUBLIC COMMENTS AND FOCUS GROUP MEETINGS HELD ACROSS NEBRASKA. LB1110 AND ITS COMMITTEE AMENDMENTS REPRESENT THE WORK PRODUCT OF SENATOR MELLO'S MEETING WITH THE DEPARTMENT OF LABOR DISCUSSING THIS IMPORTANT PIECE OF LEGISLATION. LB1110 AND ITS AMENDMENT PROVIDE A VISIONARY FRAMEWORK FOR THE DEPARTMENT TO CONSIDER AND IMPLEMENTING THE MORE TECHNICAL RULES AND REQUIREMENTS OF WIOA VIA THE STATE PLAN. SECTIONS 6 THROUGH 14 OF AM2294 INCORPORATE LB1029 AND ITS AMENDMENT. THIS PORTION OF THE AMENDMENT CREATES THE SECTOR PARTNERSHIP PROGRAM WHICH IS TO BE ADMINISTERED BY THE DEPARTMENT OF LABOR IN CONJUNCTION WITH THE DEPARTMENT OF ECONOMIC DEVELOPMENT. THESE TWO DEPARTMENTS HAVE WORKED HAND IN GLOVE WITH SENATOR MELLO ON DEVELOPING THIS LEGISLATION TO ESTABLISH A STUDY PROCESS TO CONDUCT LABOR AVAILABILITY AND SKILLS-GAP STUDIES RELATING TO WORKFORCE SHORTAGES ACROSS THIS GREAT STATE OF NEBRASKA. THIS WILL ENSURE THE STATE'S WORKFORCE AND ECONOMIC DEVELOPMENT ACTIVITIES WILL ALIGN WITH THE NEEDS OF OUR EMPLOYEES ACROSS THE STATE. IN WORKING WITH THE DEPARTMENTS OF LABOR AND

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ECONOMIC DEVELOPMENT ON LB1029, THE PARTIES FELT THE MOST SUSTAINABLE PROCESS TO SUPPORT SECTOR PARTNERSHIPS IS TO CONTRIBUTE FUNDS FROM THE JOB TRAINING CASH FUND AND THE NEBRASKA TRAINING AND SUPPORT CASH FUNDS. THEY CAN USE THESE FUNDS TO CONDUCT RESEARCH, STUDIES, AND PROVIDE GRANTS TO LOCAL SECTOR PARTNERSHIPS. WIOA AND THE SECTOR PARTNERSHIP PROGRAM WILL FUNCTION TO BETTER ADDRESS THE WORKFORCE NEEDS ACROSS OUR STATE. I'D LIKE TO THANK THE DEPARTMENT OF LABOR, DEPARTMENT OF ECONOMIC DEVELOPMENT, AND SENATOR MELLO FOR THEIR HARD WORK ON THIS BILL TO PROVIDE VISIONARY FRAMEWORK TO DEVELOP NEBRASKA'S WORKFORCE TO ITS FULLEST EXTENT SO THAT WE MAY MAKE SURE THAT OUR CITIZENS CAN HAVE A BETTER LIFE. LB1110 ADVANCED OUT OF COMMITTEE 6-0 WITH ONE MEMBER ABSENT. I'D ASK FOR YOUR SUPPORT ON AM2294, AND THE UNDERLYING LB1110, AND WOULD BE WILLING TO ENTERTAIN ANY QUESTIONS YOU MAY OR MAY NOT HAVE. THANK YOU, MR. SPEAKER. [LB1110 LB1029]

SPEAKER HADLEY: THANK YOU, SENATOR HARR. YOU'VE HEARD THE OPENING ON THE COMMITTEE AMENDMENT. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB1110]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT; AND GOOD MORNING, COLLEAGUES. I RISE IN SUPPORT OF AM2294 AND LB1110 AND I'D LIKE TO ECHO THE THANKS THAT SENATOR HARR HAS GIVEN TO THE DEPARTMENT OF LABOR AND TO SENATOR MELLO FOR THEIR HARD WORK ON ESTABLISHING THIS VERY IMPORTANT FRAMEWORK FOR BUILDING AND DEVELOPING THE FUTURE WORKFORCE IN OUR STATE. AS YOU GO AROUND THE STATE, I'M SURE, IN ANY DISTRICT, YOU FIND DISCUSSIONS ABOUT ECONOMIC CHALLENGES TO OUR STATE; AND ONE OF THE TOP TWO, I THINK YOU'LL HEAR, ARE WORKFORCE AND HOUSING. AND SO THIS IS A CRITICAL ISSUE IN GROWING AND DEVELOPING OUR STATE IS TO MAKE SURE THAT EVERYONE IS ABLE TO PARTICIPATE IN OUR WORKFORCE TO THE FULLEST EXTENT POSSIBLE AND TO MAKE SURE WE PROVIDE OPPORTUNITIES FOR PEOPLE TO GET THE SKILLS THAT THEY NEED AND MAKE SURE THAT WE ARE CREATING THE PUBLIC/PRIVATE PARTNERSHIPS TO BRING EVERYONE INTO OUR WORKFORCE AND MAKE SURE THAT WE HAVE A PRODUCTIVE WORKFORCE IN OUR STATE AND OPPORTUNITIES FOR PEOPLE TO PARTICIPATE IN THAT WORKFORCE. I WOULD JUST, AGAIN, LIKE TO THANK SENATOR MELLO FOR HIS HARD WORK ON THIS AND MANY OTHER WORKFORCE ISSUES IN HIS YEARS HERE IN THE LEGISLATURE. WE HAVE BETTER STATUTES ON OUR BOOKS AND PROGRAMS IN PLACE BECAUSE OF HIS HARD WORK TO HELP DEVELOP AND BUILD THE WORKFORCE IN OUR STATE, AND I THANK HIM

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FOR THAT. AND, AGAIN, ALSO THANK THE DEPARTMENT OF LABOR. I HAD THE PRIVILEGE OF ATTENDING ONE OF THEIR FOCUS GROUP SESSIONS. IT PULLED IN PEOPLE FROM ALL SECTORS OF THE ECONOMY AND TO HAVE PRODUCTIVE DISCUSSIONS OF WHAT WE NEED TO DO MOVING FORWARD. IT INCLUDED BUSINESSPEOPLE. IT INCLUDED PEOPLE IN EDUCATION AND PEOPLE WHO ARE HELPING THOSE WITH DISABILITIES TO GET GOOD JOBS. IT WAS A GREAT DISCUSSION THAT INVOLVED PEOPLE ACROSS THE STATE TRYING TO HELP DEVELOP...WORKING TOGETHER TO DEVELOP THIS FRAMEWORK. THIS FRAMEWORK ALSO INCLUDES OUR CAREER PATHWAYS, THAT YOU MAY HAVE HEARD SOME OF US TALK ABOUT BEFORE, WHICH IS REALLY A CRITICAL TOOL FOR US TO USE IN HELPING OUR STUDENTS, HELPING OUR ADULT LEARNERS, HELPING OUR INSTITUTIONS OF HIGHER LEARNING, AND HELPING OUR WORKFORCE PARTNERS TALK ABOUT AND HELP PEOPLE UNDERSTAND WAYS THAT THEY CAN CONTINUE TO IMPROVE THEIR SKILLS OVER THEIR LIFE SPAN TO CONTINUE TO BUILD AND GROW INTO HIGHER-PAYING JOBS. AND SO AGAIN, I URGE YOUR SUPPORT OF AM2294 AND LB1011 (SIC-1110). THANK YOU, MR. PRESIDENT. [LB1110]

SPEAKER HADLEY: THANK YOU, SENATOR CRAWFORD. SEEING NO ONE ELSE IN THE QUEUE, SENATOR HARR, YOU'RE RECOGNIZED TO CLOSE ON THE BUSINESS AND LABOR COMMITTEE AMENDMENT. SENATOR HARR, YOU'RE RECOGNIZED TO CLOSE ON THE COMMITTEE AMENDMENT. SENATOR HARR WAIVES CLOSING. THE QUESTION FOR THE BODY IS THE ADOPTION OF AM2294. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1110]

CLERK: 29 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB1110]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO ONE ELSE IN THE QUEUE. SENATOR MELLO, YOU'RE RECOGNIZED TO CLOSE ON LB1110. [LB1110]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I'LL BE BRIEF. ONCE AGAIN, I WANT TO THANK SENATOR HARR AND BUSINESS AND LABOR COMMITTEE FOR MAKING THIS A COMMITTEE PRIORITY THIS SESSION, AS WELL AS THANKING SENATOR CRAWFORD WHO INTRODUCED, I KNOW, ANOTHER PROPOSAL LOOKING AT CAREER PATHWAYS. SHE SPENT THE INTERIM WORKING WITH A NUMBER OF ORGANIZATIONS ACROSS THE STATE, BRINGING THE ISSUE OF CAREER PATHWAYS TO THE FOREFRONT AND CONNECTING CAREER EDUCATION WITH ADULT-BASIC

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EDUCATION. AND I THINK HER STRONG, INCREDIBLE WORK SHOULD NOT GO UNNOTICED WITH REGARDS TO WHAT WE HAVE IN FRONT OF US WITH LB1110. LASTLY, I'D LIKE TO THANK, ONCE AGAIN, THE ADMINISTRATION, PRIMARILY THE DEPARTMENT OF LABOR, COMMISSIONER ALBIN AND HIS STAFF, IN REGARDS TO THEIR STRONG WORK OF WORKING THROUGH LB1110 AND THE SECTOR PARTNERSHIP BILL. WE WOULDN'T BEEN ABLE TO GET, I THINK, THE PRODUCT WE HAVE IN FRONT OF US WITHOUT A STRONG, EXECUTIVE AND LEGISLATIVE COLLABORATION. WITH THAT, I WOULD URGE THE BODY TO ADVANCE LB1110. THANK YOU, MR. PRESIDENT. [LB1110]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON LB1110. ALL IN FAVOR OF ADVANCING LB1110 VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1110]

CLERK: 26 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB1110. [LB1110]

SPEAKER HADLEY: LB1110 ADVANCES. MR. CLERK. [LB1110]

CLERK: MR. PRESIDENT, NEXT BILL, LB1094, OFFERED BY THE JUDICIARY COMMITTEE, SIGNED BY ITS MEMBERS. (READ TITLE.) INTRODUCED ON JANUARY 20; REFERRED TO THE JUDICIARY COMMITTEE, ADVANCED TO GENERAL FILE. THERE ARE COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM2337, LEGISLATIVE JOURNAL PAGE 952.) [LB1094]

SPEAKER HADLEY: SENATOR SEILER, YOU'RE RECOGNIZED TO OPEN ON LB1094. [LB1094]

SENATOR SEILER: MR. SPEAKER, MEMBERS OF THE UNICAMERAL, IT IS MY PLEASURE TO BRING THIS CLEANUP BILL TO LB605 AND TO INTRODUCE IT ON BEHALF OF THE DIFFERENT COMMITTEES THAT WORKED ON THIS. THE BILL WAS COSPONSORED BY SENATOR MELLO, HADLEY, AND CAMPBELL AND MEMBERS OF THE JUSTICE REINVESTMENT OVERSIGHT COMMITTEE, ALONG WITH SENATOR KRIST AND MYSELF. AS YOU RECALL, WE PASSED LB605 LAST YEAR, WHICH WAS A SWEEPING CHANGE IN SENTENCING AND OF THE CRIMINAL LAW. THAT WAS WHAT I REFER TO AS PHASE ONE. WE DIDN'T...THE COMMITTEE DID NOT STOP WORKING AFTER WE PASSED THAT BILL. WE KNEW THERE WOULD BE A CLEANUP BILL. WE KNEW THAT WE WOULD GET INPUT FROM A NUMBER OF PEOPLE, AND I'D LIKE TO READ JUST PARTIALLY OF THE PEOPLE THAT HAD

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INPUT: THE OFFICE OF PROBATION ADMINISTRATION, THE DEPARTMENT OF CORRECTIONS, COUNTY ATTORNEYS, DEFENSE ATTORNEYS, THE ATTORNEY GENERAL, LIEUTENANT GOVERNOR, DISTRICT AND COUNTY JUDGES, AND THEN MY NOTES SAY--AND OTHERS. I THINK THE CAT NEXT DOOR MUST HAVE ALSO KICKED IN. COUNCIL OF STATE GOVERNMENTS HELPED COORDINATE THESE MEETINGS WITH THE SENTENCING TEAM TO DISCUSS THE FURTHER DRAFTS OF LB1094, WHICH YOU HAVE BEFORE YOU. THE PRIMARY PURPOSE OF LB1094 IS ASSIST WITH A SMOOTH IMPLEMENTATION OF THE JUSTICE REINVESTMENT INITIATIVE. THIS BILL, AS INTRODUCED AND AS AMENDED, IS NOT INTENDED TO MAKE ANY SUBSTANTIVE SHIFT IN THE COURSE OF THE POLICIES ADOPTED DURING THE LAST YEAR'S SESSION WITH THE PASSAGE OF LB605. [LB1094 LB605]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE COMMITTEE AMENDMENTS. SENATOR SEILER, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB1094]

SENATOR SEILER: MR. SPEAKER, MEMBERS OF THE UNICAMERAL, IT'S MY PLEASURE TO DISCUSS IN GENERAL WHAT SOME OF THESE...AND GIVE YOU SOME EXAMPLES OF THE AMENDMENTS THAT ARE BEING MADE. AM2337 ADVANCED FROM THE JUDICIARY COMMITTEE ON A 7-0 VOTE, WITH ONE MEMBER PRESENT BUT NOT VOTING. AS NOTED IN THE INTRODUCTION, LB1094, THERE ARE A FEW AREAS WHERE FURTHER CLEANUP WAS NECESSARY. COUNCIL OF STATE GOVERNMENTS AND A SENTENCING TEAM WORK GROUP MET WITH THE JUDICIARY COMMITTEE'S LEGAL COUNSEL AND DRAFTED AM2337 WHICH REPLACES THE GREEN COPY OF THE BILL. YOU ARE RECEIVING HANDOUTS THAT FURTHER CLARIFY A NUMBER OF THE ITEMS, ESPECIALLY WHO'S ON THESE COMMITTEES AND TEAMS SO YOU KNOW WHO HAD INPUT. CLARIFY THE PROCESS FOR RESPONDING TO PROBATION VIOLATIONS WHICH INCLUDE: CLARIFYING THE PROCEDURE FOR IMPOSING CUSTODIAL SANCTIONS FOR PROBATIONERS; DISTINGUISHING BETWEEN MISDEMEANOR AND FELONY PROBATION PROCESSES; DISTINGUISHING THE PROCESS FOR PROBATION REVOCATION HEARINGS FROM THE PROCESS OF CUSTODIAL SANCTION HEARINGS. AND THAT BECAME IMPORTANT BECAUSE THE ORIGINAL BILL TRIED TO PUSH THOSE TOGETHER, AND IT DIDN'T WORK. WE NEEDED TO SEPARATE THOSE SO EVERYBODY KNEW EXACTLY WHEN YOU'RE IN A CUSTODIAL SANCTION HEARING WHAT THE PROCESS WAS VERSUS IF YOU WERE IN A PROBATION VIOLATION HEARING YOU KNEW EXACTLY WHAT THE PROCEDURE WAS. AND CLARIFYING WHEN A HEARING IS REQUIRED BEFORE A CUSTODIAL SANCTION MAY BE IMPOSED. THE BILL WILL CLARIFY THE PROCEDURES FOR CUSTODIAL SANCTIONS FOR PAROLEES. ADDITIONALLY, THE BILL HAS A

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DISTINCTION BETWEEN PAROLE AND POST-RELEASE SUPERVISION AND ELIMINATING THE POSSIBILITY OF OVERLAP. NEXT, THE BILL WILL RESTORE THE POSSIBILITY OF JAIL TIME AS A CONDITION OF FELONY PROBATION IN LIMITED CIRCUMSTANCES AND CLARIFY THAT WORK RELEASE IS AN OPTION FOR INDIVIDUALS SERVING JAIL SANCTIONS. THAT WORK RELEASE IS VERY IMPORTANT. THE WHOLE PURPOSE OF THE OVERLYING PURPOSE OF THIS BILLS ARE TO GET NONVIOLENT PRISONERS BACK OUT ON THE WORK, GETTING THEM TO FOLLOW THE RULES AND REGULATIONS, SUPPORT THEIR FAMILIES WITH THE JOBS THEY HAVE, AND THESE WORK RELEASES ARE VERY, VERY IMPORTANT, ESPECIALLY FOR PRISONERS THAT ARE SPENDING ANY TIME IN COUNTY JAILS. FINALLY, THERE'S SEVERAL TECHNICAL CHANGES WHEREBY CLARIFYING THE CHANGES ARE INTENDED TO...WHICH CHANGES ARE INTENDED TO APPLY RETROACTIVE AND WHICH ARE NOT--CHANGING THE REPORTING DATES TO ALIGN WITH THE FISCAL YEAR. I ASK YOU TO SUPPORT AM2337 TO LB1094. THANK YOU VERY MUCH. [LB1094]

SPEAKER HADLEY: THANK YOU, SENATOR SEILER. YOU'VE HEARD THE OPENING ON THE COMMITTEE AMENDMENTS. MR. CLERK. [LB1094]

CLERK: MR. PRESIDENT, SENATOR BOLZ WOULD MOVE TO AMEND THE COMMITTEE AMENDMENTS WITH AM2721. (LEGISLATIVE JOURNAL PAGE 1174.) [LB1094]

SPEAKER HADLEY: SENATOR BOLZ, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB1094]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AM2721 CONTAINS THE NONCONTROVERSIAL COMPONENTS OF LB910, THREE ESSENTIAL PIECES. THE FIRST IS CONTINUING THE ROLE OF THE INSPECTOR GENERAL IN HIS OVERSIGHT CAPACITY OVER THE BOARD OF PAROLE AS IT TRANSITIONS TO AN INDEPENDENT ENTITY. THE SECOND IS CLARIFYING THE ROLE OF THE DIRECTOR OF THE BOARD OF PAROLE--THE ADMINISTRATOR OF THE BOARD OF PAROLE AND ARTICULATING IN MORE SPECIFICITY THAT PERSON'S SPECIFIC DUTIES. AND THE THIRD PIECE IS A REPORTING REQUIREMENT REGARDING THE NUMBER OF DAYS AND OTHER INFORMATION FOR INDIVIDUALS WHO ARE IN SOLITARY CONFINEMENT. SO THOSE ARE THE SIMPLE, STRAIGHTFORWARD, NONCONTROVERSIAL, TECHNICAL UPDATES AND CHANGES RELATED TO ENSURING THAT THE INDEPENDENCE OF THE PAROLE BOARD ADMINISTRATION

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MOVES FORWARD EFFECTIVELY AND EFFICIENTLY. AND I WOULD APPRECIATE YOUR SUPPORT ON AM2721. THANK YOU, MR. PRESIDENT. [LB1094 LB910]

SPEAKER HADLEY: THANK YOU, SENATOR BOLZ, FOR YOUR OPENING ON YOUR AMENDMENT. SENATOR KRIST, YOU ARE RECOGNIZED. SEEING NO ONE IN THE QUEUE, SENATOR BOLZ...OKAY, SENATOR KRIST IS HERE. [LB1094]

SENATOR KRIST: THANK YOU, MR. PRESIDENT; GOOD MORNING, NEBRASKA, GOOD MORNING, COLLEAGUES. I APOLOGIZE FOR MY ABSENCE. THIS IS TRULY A CLEANUP BILL FOR LB605 ACTIONS FROM LAST YEAR. ONE OF THE PROBLEMS THAT WE HAD EARLY ON KNOWING THAT LB605 WOULD HAVE TO BE TWEAKED WAS TRYING TO FILTER THE AMOUNT OF CHANGES THAT PEOPLE WERE ASKING FOR IN TERMS OF CONSISTENCY, CONTINUITY, AND FIDELITY TO THE SYSTEM ITSELF. THIS WAS NOT SUPPOSED TO BE WHOLESALE REWRITE, ALTHOUGH I WILL TELL YOU THAT MANY OF OUR STATUTES NEED TO BE PAID ATTENTION TO. THEY WERE ONLY THOSE ITEMS THAT WOULD HAVE BEEN AFFECTED BY OUR LEGISLATION LAST YEAR WITH LB605. THEY WERE FOCUSED; THEY WERE SURGICAL. AND I ASSURE YOU THAT EVERY MEMBER OF THE COMMITTEE AND EVERYONE WHO HAS BEEN INVOLVED WITH THE REWRITE IN LB1094, THE JUDICIARY AMENDMENT, AM2337, AND THEN SENATOR BOLZ'S AM2721 HAVE PUT INCREASED EMPHASIS ON THE FIDELITY TO THE SYSTEM IN TERMS OF JUST TWEAKING THOSE THINGS THAT WERE AFFECTED BY THE LB605 REWRITE. I CAN'T EMPHASIZE ENOUGH THE IMPORTANCE OF THESE TWEAKS. WE'RE LOOKING AT SOMEWHERE BETWEEN A THREE- TO FIVE-YEAR PROCESS THAT WILL RESULT IN THE MEASURED APPROACH THAT WE HAD DECIDED TO GO FOR, AND WE NEED TO GET THESE THINGS DONE AND MOVE THEM ON. THERE WERE SOME INADVERTENT CHALLENGES AND UNINTENDED CONSEQUENCES WITH SOME OF THE THINGS THAT WE DID DO. AND I KNOW THAT THE CHAIR, SENATOR SEILER, HAS ENUMERATED THE FACT THAT A NUMBER OF PEOPLE, NUMBER OF ORGANIZATIONS THAT HAVE COME FORWARD, AND I JUST WANT TO PERSONALLY THANK ALL THOSE WHO HAVE COME FORWARD AND HAVE UNDERSTOOD THAT OUR FOCUS WAS ON THE FIDELITY WITHIN THE PROCESS, AND THOSE THINGS HAVE COME OUT OF THE CSG PHASE ONE JUSTICE REINVESTMENT AND CONTINUE TO GO ON EVEN TODAY. SO I ASK FOR YOUR GREEN VOTE ON AM2721, AM2337, AND ESPECIALLY WHEN WE GET TO IT, LB1094. THANK YOU, MR. PRESIDENT. [LB1094 LB605]

SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR COASH, YOU ARE RECOGNIZED. [LB1094]

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SENATOR COASH: THANK YOU, MR. PRESIDENT. COLLEAGUES, I HAVE THAT FEELING THAT THIS BILL IS GOING TO MOVE FAIRLY QUICKLY THROUGH GENERAL FILE THIS MORNING. AND WHEN BILLS MOVE QUICKLY LIKE THIS, IT CAN BE PERCEIVED THAT IT'S NOT SUBSTANTIVE OR IT WAS A FAIRLY EASY PATH TO GET TO A BILL AND A COMMITTEE AMENDMENT. THAT IS NOT THE CASE WITH LB1094. LB1094 AND THE COMMITTEE AMENDMENT, WHICH BECOMES THE BILL, REPRESENTS ENORMOUS EFFORT ON THE PART OF THE JUDICIARY COMMITTEE LEGAL COUNSEL WHO WORKED TIRELESSLY TO PUT THIS TOGETHER. BUT ALSO THE STAKEHOLDERS WHO CONTINUED TO COME TO THE TABLE IN GOOD FAITH TO SAY...TO SEE WHAT THINGS WERE WORKING, TO TALK ABOUT THINGS THAT WERE NOT WORKING, AND TO FIND COMMON GROUND SO THAT THIS LAW AND THE CHANGES TO OUR CRIMINAL STATUTES WILL DO WHAT IT WAS ALWAYS INTENDED TO DO, WHICH WAS TO TRY TO MAKE A DELINEATION BETWEEN OFFENDERS THAT WE'RE MAD AT, AT OFFENDERS THAT WE'RE SCARED OF, TO ASSURE THAT THOSE OFFENDERS ARE RELEASED WITH THINGS AROUND THEM THAT GIVE THEM THE BEST CHANCE OF STAYING OUT OF PRISON, THAT THIS IS NOT JUST TOUGH ON CRIME, THAT THIS IS SMART ON CRIME. AND I DIDN'T WANT THIS TO MOVE FORWARD...I DO WANT THIS TO MOVE FORWARD, BUT I DIDN'T WANT IT TO MOVE FORWARD WITHOUT ACKNOWLEDGING THE ENORMOUS HARD WORK THAT WENT INTO THIS BECAUSE IT WAS A YEOMAN'S TASK TO BE SURE THAT WE GOT TO WHERE WE ARE TODAY WITH THIS PARTICULAR BILL AND THAT I AM CONFIDENT THAT ONCE THIS BECOMES LAW, THIS COMBINED WITH LB605 WILL BEGIN TO ADDRESS SOME SERIOUS OVERCROWDING ISSUES, SOME SERIOUS ISSUES WITH OFFENDERS EXITING OUR PRISON SYSTEM WITH NOTHING AROUND THEM THAT WOULD PREVENT THEM FROM COMING IN. AND THAT IS WHAT THIS LEGISLATURE IS CHARGED WITH DOING. THAT IS WHY I'M PROUD TO BE PART OF THIS COMMITTEE AND THIS BODY IN PASSING THIS BILL, AND WOULD ENCOURAGE YOUR SUPPORT AS WELL. THANK YOU, MR. PRESIDENT. [LB1094 LB605]

SPEAKER HADLEY: THANK YOU, SENATOR COASH. SEEING NO ONE ELSE IN THE QUEUE, SENATOR BOLZ, YOU'RE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. SENATOR BOLZ WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2721. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1094]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR BOLZ'S AMENDMENT. [LB1094]

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SPEAKER HADLEY: AM2721 IS ADOPTED. ANYONE WISHING TO SPEAK? SEEING NO ONE IN THE QUEUE, SENATOR SEILER WAIVES CLOSING ON AM2337. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB1094]

CLERK: 35 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE COMMITTEE AMENDMENTS. [LB1094]

SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB1094]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. LB1094 IS MOVING FORWARD, IT'S A GOOD BILL. AND I DID NOT WANT TO BURDEN IT OR CAUSE TOO MUCH DISCUSSION THIS MORNING WITH THE ISSUE OF SOLITARY CONFINEMENT. THAT ISSUE IS THE SCRUTINY OF TWO LEGISLATIVE COMMITTEES. AND THAT ISSUE THAT WE HAD TO DO SOMETHING OR SHOULD DO SOMETHING WITH IT WAS SIGNED BY ALL MEMBERS OF THE COMMITTEE REGARDING THAT WE NEED TO DO SOMETHING WITH SOLITARY CONFINEMENT. I WAS INFORMED THIS MORNING BY THE INSPECTOR GENERAL THAT I PROBABLY MISSPOKE WITH REGARD TO THE NUMBER OF PEOPLE IN SOLITARY CONFINEMENT YESTERDAY. I THINK I INDICATED THERE WAS SOMEWHERE AROUND 300. HE TELLS ME HE BELIEVES THAT NUMBER DID NOT INCLUDE PEOPLE THERE OTHER...WHO ARE IN SOLITARY CONFINEMENT WITHOUT...FOR OTHER THAN BEHAVIORAL, HARD-TO-MANAGE DECISIONS OF PEOPLE THERE FOR MENTAL HEALTH DECISIONS, PEOPLE THERE FOR SELF-PROTECTION, THAT THE NUMBER MAY, INDEED, BE 500 OR 600 PEOPLE THAT WE ARE HOUSING UNDER THOSE CONDITIONS. I THINK THAT THIS IS STILL AN URGENT ISSUE FOR THE LEGISLATURE AND IT IS AN ISSUE THAT WE OUGHT TO ADDRESS THIS SESSION. WE HAVE MADE OUR DESIRES KNOWN. AND WE ARE SEEING, MAYBE TO NO ONE'S FAULT, THE USUAL BUREAUCRATIC SLUGGISHNESS AND RESPONSE. AND SO I WILL DO WHAT I CAN YET THIS SESSION TO SEE IF WE CAN'T ENFORCE WHAT HAS BEEN THE CLEAR WILL OF TWO LEGISLATIVE COMMITTEES AND THE CLEAR ARTICULATION OF THIS BODY THAT WE NEED TO PUT AN END TO DISCRETIONARY--AND THAT'S WHAT IT IS, AND WILL REMAIN UNDER THESE NEW PROPOSED REGULATION--DISCRETIONARY SOLITARY CONFINEMENT IN OUR SYSTEM WITH UNLIMITED NUMBER OF DAYS OR YEARS IN SOLITARY CONFINEMENT. WHAT WE'RE DOING IS WRONG. WHAT WE'RE DOING IS IMMORAL. AND WHAT WE'RE DOING, WE HAVE AN OBLIGATION TO CHANGE. THANK YOU. [LB1094]

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SPEAKER HADLEY: THANK YOU, SENATOR SCHUMACHER. (VISITORS INTRODUCED.) SENATOR KINTNER, YOU'RE RECOGNIZED. [LB1094]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, YESTERDAY WAS A TOUGH DAY WITH SOME CONTENTIOUS BILLS. WE'RE GOING TO HAVE SOME CONTENTIOUS BILLS COMING UP LATER TODAY AND THIS WEEK AND NEXT WEEK AS WE CLOSE THIS OUT. BUT YOU KNOW WHAT, WE PASS BILLS LIKE THIS BECAUSE THERE ARE THINGS WE HAVE TO DO. AND THIS BODY, FOR ALL THE ARGUMENTS WE HAVE, FOR ALL THE PASSIONATE DEBATE ON ISSUES, WE COME TOGETHER AND WE HAVE TO. IF YOU'VE LOOKED AT THIS SESSION, WE CAN PASS A BUDGET; WE CAN MAKE SURE THOSE ROADS ARE PAVED; WE ALWAYS GET THE SCHOOLS FUNDED; AND WE LOCK UP THE BAD GUYS WHEN WE HAVE TO. AND THOSE ARE THE ESSENTIALS OF GOVERNMENT. THE OTHER STUFF WE DO IS VERY CONTENTIOUS. BUT WE DO COME TOGETHER TO GET THE THINGS THAT HAVE TO BE DONE DONE; AND SOMEHOW WE ALWAYS SEEM TO DO THAT. AND THAT'S...NO MATTER WHAT, WE CAN ALWAYS PAT OURSELVES ON THE BACK ON THAT ONE. THANK YOU, MR. PRESIDENT. [LB1094]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. (VISITORS INTRODUCED.) SENATOR SEILER, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. [LB1094]

SENATOR SEILER: THANK YOU VERY MUCH, MR. SPEAKER, MEMBERS OF THE UNICAMERAL. THANK YOU FOR YOUR GREEN VOTES ON THE TWO AMENDMENTS AND I ASK FOR YOUR GREEN VOTE ON LB1094. THANK YOU. [LB1094]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON LB1094. THE QUESTION IS THE ADOPTION OF LB1094. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB1094]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB1094. [LB1094]

SPEAKER HADLEY: LB1094 IS ADOPTED. MR. CLERK. [LB1094]

CLERK: MR. PRESIDENT, IF I MIGHT BEFORE WE PROCEED, ONE ITEM FOR THE RECORD, NEW A BILL, SENATOR MELLO OFFERS LB1093A. (READ LB1093A BY TITLE FOR THE FIRST TIME, LEGISLATIVE JOURNAL PAGE 1188.) [LB1093A]

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MR. PRESIDENT, THE NEXT BILL ON GENERAL FILE THIS MORNING, LB586, A BILL ORIGINALLY INTRODUCED BY SENATOR MORFELD. (READ TITLE.) BILL WAS INTRODUCED IN JANUARY OF LAST YEAR, REFERRED TO THE JUDICIARY COMMITTEE, CONSIDERED LAST YEAR, MR. PRESIDENT, MID-MAY. I DO HAVE AMENDMENTS PENDING. (AM289, LEGISLATIVE JOURNAL PAGE 521, FIRST SESSION, 2016.) [LB586]

SPEAKER HADLEY: SENATOR MORFELD, YOU ARE RECOGNIZED TO OPEN ON LB586. [LB586]

SENATOR MORFELD: THANK YOU, MR. SPEAKER. COLLEAGUES, WE HAVE A PROBLEM. IN NEBRASKA SOMEONE CAN BE FIRED OR NOT HIRED FOR SIMPLY BEING GAY. LB586 WOULD PROHIBIT FIRING SOMEONE BECAUSE THEY ARE GAY OR TRANSGENDERED. SINCE LAST SESSION, I'VE TAKEN MANY OF YOUR CONCERNS AND SENATOR COASH'S CONCERNS AND AGREED TO A COMPROMISE AMENDMENT HE DRAFTED WHICH HE WILL INTRODUCE AND EXPLAIN MORE. OVERWHELMINGLY, BUSINESS, FAITH, AND OTHER LEADERS HAVE COME OUT IN SUPPORT OF THESE PROTECTIONS THAT ENSURE A LEVEL PLAYING FIELD AND DIGNITY FOR ALL HARDWORKING NEBRASKANS. THIS LEGISLATION HAS BEEN STRONGLY SUPPORTED BY THE OMAHA AND LINCOLN CHAMBERS OF COMMERCE BECAUSE PROTECTING LGBT NEBRASKANS FROM DISCRIMINATION IS NOT ONLY THE RIGHT THING, IT IS ALSO GOOD FOR BUSINESS AND MAKES US MORE COMPETITIVE WHEN RECRUITING TALENT FROM ACROSS THE COUNTRY AND WORLD. THIS IS AN ISSUE WE CANNOT AFFORD TO ACT PROVINCIAL ON. NO ONE SHOULD BE FIRED FOR HOW THEIR CREATOR MADE THEM OR WHO THEY LOVE. RATHER, THEY SHOULD BE JUDGED ON THE QUALITY OF THEIR WORK. THESE ARE INCREASINGLY COMMONPLACE PROTECTIONS THAT ENSURE NEBRASKA REMAINS COMPETITIVE IN A NATIONAL, GLOBAL MARKETPLACE, AND THAT ALL NEBRASKANS ARE PROVIDED EQUAL PROTECTION UNDER THE LAW. JUST AS WE DO NOT ALLOW PEOPLE TO BE FIRED ON THE BASIS OF THEIR RACE, SEX, OR MARITAL STATUS, NOR SHOULD WE ALLOW PEOPLE TO BE FIRED BECAUSE OF WHO THEY LOVE. FOR TOO MANY YEARS I HAVE WATCHED TALENTED NEBRASKANS, MANY OF THEM MY GOOD FRIENDS, LEAVE THE STATE BECAUSE OF A LACK OF FUNDAMENTAL PROTECTIONS COMMONPLACE IN OTHER STATES, TOO AFRAID TO START A FAMILY IN A STATE WHERE THEY COULD BE FIRED IF THEIR WORKPLACE FOUND OUT WHO THEY LOVE. MANY OF THESE FORMER NEBRASKANS ARE DOCTORS, ATTORNEYS, CAPTAINS OF INDUSTRY, NEBRASKANS WHO LIKELY OTHERWISE WOULD BE HERE RAISING THEIR FAMILIES, INVESTING IN OUR STATE, AND BUILDING COMMERCE AND INDUSTRY. NO ONE SHOULD HAVE TO HIDE THEIR FAMILY AND LOVED ONES FOR

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FEAR OF LOSING THEIR LIVELIHOOD. OUR BUSINESS COMMUNITY AGREES, WHICH IS WHY OUR TWO LARGEST CITY CHAMBERS OF COMMERCE HAVE COME OUT IN STRONG SUPPORT OF LB586, ALONG WITH MANY OF OUR LARGEST EMPLOYERS IN THE STATE, INCLUDING UNION PACIFIC, CONAGRA, NELNET, HUDL, AND MANY OTHERS. FURTHER, MANY RELIGIOUS CLERGY FROM ACROSS THE STATE HAVE ALSO COME OUT IN SUPPORT OF LB586. SUCH PROTECTIONS HAVE BEEN IN PLACE IN OMAHA FOR FIVE YEARS NOW, AND THE CITY OF OMAHA'S ECONOMY AND RELIGIOUS COMMUNITIES ARE THRIVING. I DON'T THINK ANYBODY CAN DISPUTE THAT. THE WORLD HAS NOT COLLAPSED, NO BUSINESSES HAVE CLOSED, AND OMAHA IS PROOF THAT THESE PROTECTIONS WILL NOT INHIBIT RELIGIOUS FREEDOM OR PROGRESS IN COMMERCE BUT, RATHER, FOSTER IT. HOWEVER, WE SHOULD NOT ENACT LB586 SIMPLY BECAUSE IT WILL ENSURE FINANCIAL OPPORTUNITY AND SUCCESS FOR OUR STATE, AND IT WILL, OR BECAUSE IT PROTECTS THE DIGNITY AND EQUAL RIGHTS OF ALL NEBRASKANS, WHICH IT DOES, BUT BECAUSE IT IS JUST AND RIGHT. IT'S IMPORTANT TO RECOGNIZE THAT ATTITUDES AND PERCEPTIONS ON THIS ISSUE ARE RAPIDLY CHANGING. IN AN INDEPENDENT POLL, 1,600 INDIVIDUAL REPRESENTATIVE SAMPLE SIZE POLL, CONDUCTED BY THE UNIVERSITY OF NEBRASKA FOUND THAT 74 PERCENT OF NEBRASKANS OVERALL SUPPORT WORKPLACE PROTECTIONS FOR GAYS AND LESBIANS; 69 PERCENT OF RURAL NEBRASKANS STRONGLY SUPPORT THESE PROTECTIONS; AND 80 PERCENT OF URBAN NEBRASKANS SUPPORTED THESE PROTECTIONS. THE HUMAN RIGHTS CAMPAIGN ALSO DID A POLL IN NEBRASKA TWO YEARS AGO AND SHOWED SIMILAR FINDINGS. I WANT TO NOTE THAT THE RELIGIOUS EXEMPTION FOR THOSE WHO ARE MINISTERS THAT TEACH THE FAITH, THAT HAS EXISTED FOR OTHER PROTECTED CLASSES AND HAS BEEN IN EXISTENCE SINCE 1965, STILL EXISTS IN LB586. ORGANIZATIONS THAT HAVE MADE RELIGIOUS ARGUMENTS AGAINST LB586 HAVE NOTED THAT THEY RESPECT THE DIGNITY OF ALL NEBRASKANS, INCLUDING LGBT NEBRASKANS, AND THEY HAD STATED THAT DISCRIMINATION AGAINST THEM FOR BEING LGBT WOULD BE WRONG BUT YET HAVE FAILED OR REFUSED TO PROVIDE ANY EXAMPLES OF WHEN SUCH DISCRIMINATION WOULD BE ACCEPTABLE. IT IS IMPORTANT TO NOTE THAT THIS LAW DOES NOT PROVIDE ADDITIONAL PROTECTIONS BUT, RATHER, EQUAL PROTECTION. CURRENTLY, IT IS UNLAWFUL NOT TO HIRE OR FIRE SOMEONE BECAUSE THEY ARE MALE, OVER THE AGE OF 40, BASED ON THEIR RACE. BASING EMPLOYMENT DECISIONS ON THESE CHARACTERISTICS IS UNLAWFUL BECAUSE THESE CHARACTERISTICS ARE INHERENT IN WHO THEY ARE AND THEY CANNOT CHANGE THEM. THE SAME IS TRUE WITH LGBT NEBRASKANS. IT'S INHERENTLY WHO THEY ARE AND, THUS, EQUAL PROTECTION MUST BE PROVIDED. AS I NOTED IN THE BEGINNING OF MY OPENING, SINCE WE HAVE DEBATED THE

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LEGISLATION LAST SESSION, I'VE TAKEN CAREFUL NOTE OF THE CONCERNS RAISED AND WORKED HARD WITH OTHERS TO CRAFT A COMPROMISE AMENDMENT THAT AFFIRMS THE EMPLOYERS' RIGHT TO TERMINATE EMPLOYEES FOR A HOST OF REASONS AND ALSO MAKES SOME DEFINITIONAL LANGUAGE MORE CLEAR AND IT SHOULD BE POSTED ON-LINE. COLLEAGUES, PLEASE REMEMBER THAT THESE PROTECTIONS HAVE BEEN IN PLACE FOR OMAHA FOR FIVE YEARS AND BUSINESS AND RELIGIOUS ORGANIZATIONS ARE DOING JUST FINE AND THRIVE THERE. STUDY AFTER STUDY, POLL AFTER POLL HAS SHOWN THAT AN OVERWHELMING SUPPORT FOR THIS TYPE OF PROTECTION EXISTS STATEWIDE. AND NOT ONLY DO CIVIL RIGHTS AND MANY RELIGIOUS ORGANIZATIONS STRONGLY SUPPORT LB586, BUT SO DO THE OMAHA AND LINCOLN CHAMBERS OF COMMERCE. IT'S TIME TO MAKE NEBRASKA EVEN MORE COMPETITIVE IN THE TWENTY-FIRST CENTURY WORK FORCE AND DEMONSTRATE WITH OUR ACTIONS THAT NEBRASKA IS TRULY OPEN FOR BUSINESS. AND, MR. SPEAKER, I WOULD LIKE TO YIELD THE REMAINING OF MY OPENING TIME TO SENATOR COASH. [LB586]

SPEAKER HADLEY: SENATOR COASH, YOU'RE YIELDED 4:15. [LB586]

SENATOR COASH: WELL, THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR MORFELD. I DO HAVE AN AMENDMENT THAT WILL BE COMING UP. SO IF I'M NOT ABLE TO COMPLETE MY COMMENTS ON SENATOR MORFELD'S TIME, I'LL DO IT AT THAT TIME. IF YOU LOOK AT THE LEGISLATIVE HISTORY ON THIS PARTICULAR BILL, YOU WILL SEE THAT I HAVE NOT BEEN ON RECORD AS SUPPORTING OR OPPOSING THIS BILL. TWO TIMES I'VE SAT THROUGH COMMITTEE HEARINGS ON THIS, DIDN'T SAY MUCH, SPENT MOST OF MY TIME LISTENING, LISTENED TO BOTH SIDES. FOLLOWING THOSE HEARINGS, I'VE HAD INDIVIDUAL MEETINGS WITH PEOPLE ON BOTH SIDES AND I'VE COME TO A FEW CONCLUSIONS, WHICH I'LL SHARE WITH YOU. ONE CONCLUSION I CAME TO IS THAT THE FAITH COMMUNITY IS NOT OF ONE MIND ON THIS PARTICULAR ISSUE, NOR IS THE BUSINESS COMMUNITY. BUT I PUT THIS ISSUE TO THOUGHT, STUDY. AND AFTER ALL OF THE THOUGHT, STUDY, PRAYER ON THIS PARTICULAR ISSUE, I WALKED AWAY FAIRLY UNCONVINCED ON EITHER SIDE OF THIS ISSUE. OPPONENTS DID NOT CONVINC ME THAT LB586 PAINTED THEM IN A CORNER, FORCING A CHOICE THAT MIGHT CAUSE THEM TO CLOSE THEIR DOORS TO THEIR BUSINESSES. SIMILARLY, PROPONENTS DID NOT CONVINC ME THAT LB586 WAS NEEDED BECAUSE I FOUND VERY LITTLE EVIDENCE OF WIDESPREAD OR PERVASIVE DISCRIMINATION BASED ON THIS ISSUE. BUT IN MY DISCUSSIONS WITH BUSINESS LEADERS, I CONTINUE TO HEAR THIS RECURRING CALL THAT THIS PROTECTION OR LACK OF WAS A BARRIER TO THEIR WORK FORCE AND

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FRANKLY, COLLEAGUES, I DIDN'T BELIEVE THEM. I THOUGHT, HOW COULD THIS...THIS IS SUCH A SMALL THING, HOW COULD THIS REALLY BE A BARRIER? BUT I PERSISTED AND I WENT TO SOME OF THOSE BUSINESSES, TALKED TO THOSE CEOs AND I ASKED THEM VERY...I WAS VERY STRAIGHTFORWARD WITH MY QUESTIONING. AND I SAID, YOU'VE GOT TO CONVINC ME THAT YOU'RE NOT ABLE TO FIND A WORKER BECAUSE THIS IS NOT A PROTECTION IN YOUR...IN OUR STATE LAW. YOU CAN PUT THIS IN YOUR POLICY. WOULDN'T THAT DO IT? WHAT THEY SHARED WITH ME WAS THAT THESE BUSINESSES ARE COMPETING IN A GLOBAL ECONOMY, THEY'RE COMPETING FOR A WORK FORCE THAT IS CHANGING, AND THEY'RE COMPETING FOR A WORK FORCE THAT, FOR THEM, THIS PROTECTION IS IMPORTANT. AND WHEN A BIG EMPLOYER IS RECRUITING A WORK FORCE, THEY'RE NOT JUST RECRUITING FOR THE POSITION TO FILL A JOB. WHAT THEY'RE RECRUITING FOR OR ON THE...THEY'RE ALSO RECRUITING ON...FOR THEIR COMMUNITIES AND THEY'RE RECRUITING FOR THEIR STATE. [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR COASH: AND WHAT THEY SHARED WITH ME IS THAT THIS TRULY MATTERS TO THOSE WORKERS, THAT THEY ARE LOSING WORKERS BASED ON THIS ISSUE. AND I ALSO SPOKE TO THE WORKERS, POTENTIAL WORKERS, PEOPLE WHO ARE GETTING READY TO ENTER THE WORK FORCE. AND I ASKED THEM A SIMILAR QUESTION. I SAID, YOU GOT TO TELL ME THAT YOU'RE REALLY LOOKING AT A DIFFERENT STATE TO WORK IN BASED ON THIS PARTICULAR ISSUE? AND THEY LOOK ME IN THE EYE AND THEY SAY, YES, THIS IS IMPORTANT TO ME AS I LOOK TO DECIDE WHERE I BEGIN MY CAREER. AND I HAVE TO TAKE BOTH OF THOSE, BOTH THOSE EMPLOYERS AND THOSE INDIVIDUAL WORKERS, AT THEIR WORD THAT THIS IS TRULY... [LB586]

SPEAKER HADLEY: TIME, SENATOR. [LB586]

SENATOR COASH: THANK YOU, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR MORFELD AND SENATOR COASH. (VISITORS INTRODUCED.) MR. CLERK. [LB586]

CLERK: MR. PRESIDENT, LAST YEAR, THE COMMITTEE AMENDMENTS WERE PRESENTED BY SENATOR SEILER, WAS THEN OFFERED AN AMENDMENT BY SENATOR CAMPBELL THAT FAILED. SENATOR HANSEN AT THAT TIME MOVED TO

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RECONSIDER. SENATOR, I HAVE A NOTE THAT YOU WISH TO WITHDRAW YOUR RECONSIDERATION AT THIS TIME. [LB586]

SPEAKER HADLEY: SO ORDERED WITHOUT OBJECTION. [LB586]

CLERK: THANK YOU, MR. PRESIDENT. SENATOR MORFELD, AM2639, A SIMILAR NOTE TO WITHDRAW, SENATOR, OR DO DID YOU WANT TO...? [LB586]

SENATOR MORFELD: I WANTED TO SUBSTITUTE THAT WITH SENATOR COASH'S AMENDMENT. [LB586]

CLERK: IT DID FOLLOW, SO WE'LL BE RIGHT THERE, SENATOR. [LB586]

SENATOR MORFELD: OKAY. [LB586]

CLERK: OKAY. MR. PRESIDENT, SENATOR COASH WOULD MOVE TO AMEND WITH AM2550. (LEGISLATIVE JOURNAL PAGE 1188.) [LB586]

SPEAKER HADLEY: SENATOR COASH, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB586]

SENATOR COASH: THANK YOU, MR. PRESIDENT. SO IN THE TIME THAT SENATOR MORFELD GRANTED, I WASN'T ABLE TO TALK ABOUT THE AMENDMENT, BUT NOW I'M GOING TO TALK ABOUT AM2550. IN MY CONVERSATIONS WITH BUSINESS LEADERS...AND I WENT BACK. ONE OF THE THINGS THAT I DID--AND IF YOU HAVE THE INCLINATION TO DO SO, I'D ENCOURAGE YOU TO DO IT AS WELL-- IS I REVIEWED THE TRANSCRIPT FROM NOT ONLY THIS ISSUE FROM A COUPLE OF YEARS AGO, BUT LB586. AND IT WAS HELPFUL FOR ME TO DO THAT BECAUSE I GOT TO REACQUAINT MYSELF WITH SOME OF THE CONCERNS OF THE BUSINESS COMMUNITY. AND ONE OF THE...SOME OF THE THINGS THAT I HEARD FROM THE BUSINESS COMMUNITY WAS, LOOK, WE DON'T HAVE A PROBLEM WITH LB586, WE DON'T HAVE A PROBLEM WITH EXTENDING THIS PROTECTION, BUT WE DO WANT TO MAKE SURE THAT WE AS BUSINESS OWNERS ARE ABLE TO HAVE PROTECTIONS FOR US THAT ALLOW US TO REGULATE OUR BUSINESS IN THE WAY THAT WE FEEL OUR BUSINESS SHOULD BE RUN. AND I LISTENED TO THAT AND AS A RESULT OF THAT I BEGAN TO CRAFT AM2550, WHICH I VIEW AS A PRO BUSINESS AMENDMENT. SO LET ME RUN THROUGH THAT WITH YOU. THERE ARE THREE SUBSTANTIVE CHANGES THAT ARE PART OF AM2550. THE FIRST CHANGE

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IS REINSTATEMENT OF THE STRICKEN LANGUAGE, "CREED." AND I DON'T SEE THAT AS A VERY SIGNIFICANT CHANGE. THE BILL DRAFTERS INDICATED THAT CREED AND RELIGION ARE FAIRLY SYNONYMOUS. BUT SOME PEOPLE PREFER TO SAY THEY HAVE A RELIGION, OTHERS SAY THEY HAVE A CREED, AND I WANTED TO REINSTATE THAT. THE SECOND CHANGE WAS AN ADDITION TO THE LANGUAGE, WHICH I'M GOING TO READ NOW FOR THE RECORD. AND IT STATES THAT, "NOTHING CONTAINED IN THE NEBRASKA FAIR EMPLOYMENT PRACTICE ACT SHALL BE DEEMED TO AFFECT THE ABILITY OF AN EMPLOYER TO TAKE ACTION AGAINST AN EMPLOYEE IF SUCH ACTION IS OTHERWISE LAWFUL UNDER LOCAL, STATE, AND FEDERAL LAW, INCLUDING, BUT NOT LIMITED TO, ACTIONS TAKEN IN RESPONSE TO AN EMPLOYEE'S MISCONDUCT, INCOMPETENCY, BEHAVIOR, VIOLATION OF WORKPLACE POLICY, NEGLIGENCE OF DUTY, UNPROFESSIONAL CONDUCT, OR INSUBORDINATION." AND I FELT THAT THAT LANGUAGE WAS IMPORTANT BECAUSE I WANTED BUSINESS OWNERS TO HAVE IT CLEAR IN THE LAW THAT THEY GET TO SAY HOW THEIR EMPLOYEES BEHAVE IN THEIR WORK FORCE. THEY GET TO WRITE POLICIES THAT DICTATE ANYTHING THAT IS IMPORTANT FOR THEM, SUCH AS DRESS CODE, FOR EXAMPLE; THAT IF YOU ARE INCOMPETENT, YOU ARE OUT OF THERE; THAT IF YOU NEGLECT YOUR DUTY, IF YOU BEHAVE UNPROFESSIONALLY, THAT THOSE ARE GROUNDS FOR TERMINATION. GOOD EMPLOYERS ARE DOING THIS ALREADY. THEY'RE MAKING IT CLEAR TO THEIR EMPLOYEES, THIS IS THE EXPECTATION IF YOU WORK HERE, YOU WILL BEHAVE IN THIS WAY, YOU WILL CONDUCT YOURSELF IN THIS WAY, AND YOU WILL PARTICIPATE AS AN EMPLOYEE OF THIS COMPANY UNDER VERY SPECIFIC REQUIREMENTS. AND I THINK THAT'S AN IMPORTANT THING FOR EMPLOYERS TO HAVE. AND THAT'S WHERE THAT...THAT'S THE REASON FOR THAT LANGUAGE. THE THIRD CHANGE, AND THIS IS AN AMENDMENT TO THE COMMITTEE AMENDMENT, STRIKES A WORD WHICH I STRUGGLED WITH AND I JUST COULDN'T UNDERSTAND WHY IT WAS IN THE BILL. AND IT STRIKES TWO WORDS, WHICH ARE "OR PERCEIVED." I FELT IT WAS IMPORTANT THAT WE BE CLEAR HERE THAT WE ARE TALKING ABOUT WHAT YOU ARE, NOT WHO YOU PERCEIVE YOURSELF TO BE. OKAY? I FELT THAT WITH THAT "PERCEIVED" LANGUAGE IN THERE, IT MIGHT BE OPEN TO INTERPRETATION THAT WOULD CONFUSE THE WATERS AND NOT CLARIFY THEM AND I FELT THAT THE MORE CLEAR WE CAN MAKE THIS PARTICULAR BILL, SHOULD IT BECOME LAW, THE BETTER OFF WE WOULD BE. SO THAT'S WHERE AM2550 CAME FROM. I'M JUST GOING TO BACK UP A LITTLE BIT A MINUTE AND FINISH SOME OF MY COMMENTS ABOUT WHAT I LEARNED FROM TALKING TO BUSINESS LEADERS. AGAIN, WHEN I TALKED TO SOME OF THESE CEOs OF PRETTY LARGE EMPLOYERS RIGHT HERE IN MY COMMUNITY, I PUT THE BURDEN ON THEM. AND I SAID, YOU HAVE TO CONVINC ME THAT THE LACK OF LB586 IS A BARRIER TO YOU FILLING

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OUT YOUR WORK FORCE. SO THEY BROUGHT IN SOME OTHER WORKERS, THEY BROUGHT IN SOME PEOPLE WHO WERE ABLE TO SHARE WITH ME HOW IMPORTANT THIS WAS FOR THEM IN DECIDING WHERE THEY WORK. SO AT THE END OF THE DAY, I STARTED TO LOOK AT LB586 NOT AS A PROTECTION BILL BUT AS A WORK FORCE ISSUE BILL. AND IF IT'S GOING BE A WORK FORCE ISSUE BILL, WE OUGHT THE LOOK AT THE RELATIONSHIP BETWEEN THE EMPLOYER AND THE EMPLOYEE AND MAKE SURE THAT THEY BOTH HAVE THINGS IN PLACE THAT ALLOW THEM TO DO THE WORK THEY'VE BEEN ASKED TO DO, TO GET A PAYCHECK FOR IT, AND TO MOVE ON WITH THEIR LIFE. AND I BELIEVE THAT'S WHAT AM2550 DOES AND I WOULD ENCOURAGE YOUR ADOPTION OF THAT AMENDMENT. THANK YOU, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR COASH. SENATOR MELLO, YOU ARE RECOGNIZED. [LB586]

SENATOR MELLO: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I RISE IN SUPPORT OF SENATOR COASH'S AM2550 THAT CHANGES, I THINK, THE BILL TO ADDRESS A NUMBER OF CONCERNS THAT MEMBERS HAD RAISED LAST YEAR ON THIS ISSUE, AS WELL AS CONCERNS THAT I'VE HEARD FROM CONSTITUENTS AND OTHERS IN REGARDS TO HOW WE TREAT EACH OTHER AS NEBRASKANS IN THE WORKPLACE. AND WITHOUT REPEATING COMMENTS I'VE MADE ON THIS FLOOR BEFORE, BOTH LAST YEAR AS WELL AS IN 2014 WHEN THE BILL WAS IN FRONT OF US, I LOOK AT THIS ISSUE SIMILAR TO WHAT YOU HEARD FROM SENATOR MORFELD AND SENATOR COASH: AS AN ISSUE REGARDING ECONOMIC DEVELOPMENT, WHAT IT DOES TO OUR BUSINESS CLIMATE TO ENSURE NEBRASKA IS AN INCLUSIVE STATE FOR BUSINESS, TO TRY TO IMPROVE WHAT WE KNOW IS AN ONGOING CHALLENGE WE FACE AS A STATE, WHICH IS RECRUITING TALENTED INDIVIDUALS, REGARDLESS OF WHO THEY ARE, TO COME LIVE, WORK, AND CONTRIBUTE TO OUR STATE. BUT ALSO I THINK, AS A FATHER OF TWO YOUNG CHILDREN, I ALSO TAKE, I THINK, A MUCH MORE HUMANISTIC PERSPECTIVE ON THIS ISSUE AS I'VE BECOME MORE FAMILIAR WITH IT IN MY TIME IN THE LEGISLATURE THAT, TO SOME EXTENT, I LOOK AT THIS THROUGH A VERY SIMPLE RULE THAT I WAS TAUGHT AS A CHILD THAT I NO DOUBT TRY TO TEACH MY CHILDREN, WHICH IS THE GOLDEN RULE, THAT WE WANT TO TREAT PEOPLE THE WAY WE WANT TO BE TREATED. IT CUTS ACROSS MY CATHOLICISM, IT GOES ACROSS TO PRESBYTERIANS, NONDENOMINATIONAL CHRISTIANS, PROTESTANTS, METHODISTS, YOU NAME IT. A VERY SIMPLE RULE, COLLEAGUES, OF HOW WE WANT TO TREAT PEOPLE IS THE SAME WAY WE WOULD WANT TO BE TREATED. AND I THINK THAT GOES TO WHAT THE CORE OF THIS BILL IS ABOUT. YES, I KNOW GOOD PEOPLE OF THIS BODY CAN DISAGREE

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ON AN ISSUE LIKE THIS, BECAUSE I KNOW MANY OF US ARE GUIDED BY OUR FAITH AND OUR FAITH REALLY DOES TRY TO DIRECT US OF WHERE WE THINK WE NEED TO BE ON THIS ISSUE. AND I'M NOT GOING TO DEMONIZE ANYONE WHO DISAGREES WITH ME ON THIS ISSUE BECAUSE I THINK THIS REALLY IS FOR ME A VERY PERSONAL ISSUE. I THINK A LOT OF US AGREE THIS IS A VERY PERSONAL ISSUE. MY HOPE IS THAT THE DEBATE TODAY ON THIS BILL REMAINS CIVIL. WE CAN TALK FROM WHERE WE COME FROM AS INDIVIDUALS, WHETHER OR NOT MY GENERATION MAYBE TAKES A DIFFERENT PERSPECTIVE THAN OTHER GENERATIONS. THOSE ARE DEBATES WE CAN HAVE, BUT WE NEED TO DO IT, COLLEAGUES, IN A WAY THAT'S RESPECTFUL, BECAUSE NAME CALLING, TRYING TO DISRESPECT EACH OTHER REGARDS TO VIEWS THAT WE MAY HAVE THAT ARE DEEPLY HELD, IS NOT GOING TO MAKE THIS ISSUE ANY BETTER AND IT'S NOT GOING TO SOLVE THE ISSUE OR MAKE IT GO AWAY. BUT I APPRECIATE THE WORK SENATOR MORFELD, SENATOR COASH HAS DONE TO TRY TO ADDRESS CONCERNS ON THIS ISSUE OF PROTECTING BUSINESS OWNERS' RIGHTS IN REGARDS TO HOW THEY CONDUCT THEIR BUSINESS, HOW THEY DEAL WITH THEIR EMPLOYEES. BUT I LOOK AT THIS MORE AND MORE EVERY YEAR IT COMES IN FRONT OF ME AS GUIDED BY THE GOLDEN RULE AND I CAN'T LOOK AT IT ANY OTHER WAY, COLLEAGUES, BECAUSE WHEN MY CHILDREN GROW UP I WANT THEM TO TREAT PEOPLE THE WAY THEY WANT TO BE TREATED. AND I THINK I WANT TO BE ABLE TO TREAT AND WANT THEM TO TREAT GAY AND LESBIANS IN OUR STATE THE SAME WAY I WOULD WANT TO BE TREATED. WITH THAT, MR. PRESIDENT, I'D YIELD THE REST OF MY TIME TO SENATOR WILLIAMS. [LB586]

SPEAKER HADLEY: SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB586]

SENATOR WILLIAMS: THANK YOU, MR. CHAIRMAN. [LB586]

SPEAKER HADLEY: 1:45. [LB586]

SENATOR WILLIAMS: THANK YOU, MR. CHAIRMAN. AND THANK YOU, SENATOR MELLO, FOR YIELDING ME A LITTLE BIT OF TIME. SENATOR MELLO AND I CERTAINLY AGREE ON SOME THINGS AND WE DISAGREE ON SOME THINGS. I AM OPPOSED TO LB586 AND I THINK THAT'S THE POSITION I'VE BEEN IN FROM THE BEGINNING WHEN THIS BILL CAME TO THE FLOOR. BUT WHAT I WANT TO EMPHASIZE IN A VERY SHORT ORDER HERE WITH THE LITTLE OVER A MINUTE OF TIME IS WHAT SENATOR MELLO AND I DO AGREE ON AND HIS COMMENTS ON HOW THIS DEBATE SHOULD AND CAN BE CONDUCTED. WE HAVE HEARD MANY

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TIMES IN HERE THAT WORDS ARE IMPORTANT AND GENERALLY WE'RE TALKING ABOUT THE WRITTEN WORD. [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR WILLIAMS: TODAY I WOULD TELL YOU THE SPOKEN WORD IS ALSO IMPORTANT. I BELIEVE THAT WE, EACH ONE OF US, CAN BE HELD AND SHOULD BE HELD TO A HIGH PROFESSIONAL STANDARD IN HOW WE PROFESSIONALLY ADVOCATE FOR THE ISSUES THAT WE BELIEVE IN. THERE IS A POTENTIAL THAT THIS ISSUE IS VERY EMOTIONAL FOR SOME, AND IT SHOULD BE, VERY PERSONAL FOR SOME, AND IT SHOULD BE. BUT WE ARE HERE TODAY AS PUBLIC SERVANTS AND POLICYMAKERS. AND I WOULD REQUEST THAT WE ALL, AS MY MOTHER USED TO SAY, TAKE A DEEP BREATH, COUNT TO TEN, THINK BEFORE YOU SPEAK, AND BE CAREFUL WITH THOSE WORDS WE CHOOSE THAT COULD BE HURTFUL. TODAY IS A DAY THAT WE CAN CELEBRATE BECAUSE OF HOW WE CONDUCT OURSELVES IN THIS BODY. [LB586]

SPEAKER HADLEY: TIME, SENATOR. [LB586]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR MELLO AND SENATOR WILLIAMS. THOSE IN THE QUEUE ARE SENATORS KRIST, KINTNER, CRAWFORD, CAMPBELL, McCOY, CHAMBERS. MR. CLERK. [LB586]

CLERK: MR. PRESIDENT, VERY QUICKLY, PLANNING COMMITTEE IS MEETING IN ROOM 2022, PLANNING COMMITTEE, 2022, NOW. THANK YOU. [LB586]

SPEAKER HADLEY: SENATOR KRIST, YOU ARE RECOGNIZED. [LB586]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. GOOD MORNING, NEBRASKA. FIRST OF ALL, I'M GOING TO START OFF WITH AN APOLOGY. I BROKE MY NUMBER-ONE RULE FOR DEALING WITH PEOPLE IN THIS BODY YESTERDAY AND TODAY. I TOOK CARE OF ONE OF THOSE SITUATIONS YESTERDAY WITH SENATOR HUGHES. AND NOW I'M GOING TO FORMALLY APOLOGIZE TO SENATOR MORFELD FOR PUTTING A BRACKET MOTION ON THIS BILL THAT WOULD HAVE COME UP RIGHT AFTER HIS INTRODUCTION WITHOUT TALKING TO HIM FIRST. IT WILL NOT BE OFFERED AS A BRACKET MOTION UNTIL

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I PUT IT ON AGAIN OR UNTIL SOMEONE ELSE PUTS IT ON AGAIN. BUT FOR NOT SPEAKING TO SENATOR MORFELD BEFORE I DECIDED TO DO IT, AND TO SENATOR HUGHES, I APOLOGIZE. NOW TO THE SUBJECT MATTER AT HAND: I VOTED OUT LB586 BECAUSE I THOUGHT IT WOULD GIVE US AN OPPORTUNITY TO DISCUSS THE ISSUE. WE DID. WE DID. WE DISCUSSED IT LAST YEAR. IT DIDN'T HAVE CLOTURE VOTES THEN. IT DOES NOT HAVE CLOTURE VOTES NOW. IT IS NOT A SUBJECT MATTER AT THIS POINT THAT I THINK DESERVES AN UP OR DOWN VOTE. THAT'S MY OPINION. SO CIVILLY I WILL JUST TELL YOU, I'M A NO VOTE ON AM2550, AM289, AND LB586, NOT PRINCIPALLY BECAUSE OF MY RELIGION, ALTHOUGH, AS SENATOR MELLO HAS ALREADY DESCRIBED, AS A ROMAN CATHOLIC, I DO HAVE SOME CONCERNS ABOUT RELIGIOUS FREEDOMS AND GUARANTEES AS WELL AS CIVIL GUARANTEES, BUT MORE SO IN THE FACT THAT I DON'T FIND A COMPELLING REASON TO PASS LB586. SENATOR COASH TALKED ABOUT THE PEOPLE THAT HE SPOKE TO. I'LL SPARE YOU THE CONVERSATIONS THAT I'VE HAD WITH FOLKS IN THE OMAHA AREA WHO ARE ON BOTH SIDES OF THE FENCE, MAJOR EMPLOYERS, MAJOR CORPORATE EMPLOYERS WHO ARE ON BOTH SIDES OF THE FENCE, MAJOR, HUGE RELIGIOUS LEADERS THAT ARE ON BOTH SIDES OF THE FENCE, MY FAMILY. I'M NOT GOING TO TUG AT YOUR HEART STRINGS AND TELL YOU THAT I HAVE MEMBERS OF MY FAMILY THAT ARE ALSO NONHETEROSEXUAL. BUT I DO AND I WILL TELL YOU I'VE HAD DISCUSSIONS WITH THEM AS WELL. I CANNOT SUPPORT LB586. I CANNOT SUPPORT ANYTHING THAT MAKES IT MORE PALATABLE AT THIS POINT PRINCIPALLY BECAUSE I THINK ALREADY IN STATE STATUTE THERE ARE THOSE GUARANTEES, ALREADY IN POLICIES AND PROCEDURES AND COMPANY HANDBOOKS THESE THINGS ARE ALREADY BEING DONE. THERE IS NO COMPELLING REASON TO PUT ANOTHER THING ON THE BOOKS THAT POTENTIALLY WILL DEVELOP ANOTHER PROTECTED CLASS. NOW THERE ARE MANY OF YOU THAT WILL DISAGREE AND YOU WILL STAND UP AND GIVE US YOUR OPINION AS WELL. BUT MY FIVE MINUTES ON THE MIKE REGARDING THIS WILL BE THE LAST TIME I SPEAK ON IT UNTIL, IF IT'S NOT BROUGHT UP AGAIN, THERE'S A BRACKET MOTION OR IT DOES NOT GET CLOTURE VOTES. AGAIN, MY INITIAL INTRODUCTION WAS TO APOLOGIZE TO THE MEMBERS OF THIS BODY FOR BREAKING MY OWN GOLDEN RULE, WHICH I HOPE YOU WILL HAVE AND ADOPT: DON'T DO TO ANYONE WHAT YOU WOULD NOT BE DONE TO YOURSELF, AS SENATOR MELLO SAID. TALK TO THE PERSON BEFORE YOU PUT A BRACKET MOTION OR ANY OTHER MOTION ADVERSE TO A BILL BECAUSE I THINK YOU'D BE SURPRISED AT THE OUTCOME. PLEASE CONSIDER VOTING NO ON AM2550, AM289, AND THE UNDERLYING LB586. THANK YOU, MR. PRESIDENT. [LB586]

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SPEAKER HADLEY: THANK YOU, SENATOR KRIST. SENATOR KINTNER, YOU ARE RECOGNIZED. [LB586]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I REMEMBER THE GOLDEN RULE. SO FOR THE 50-SOME YEARS OF MY LIFE, I'VE LIVED THAT GOLDEN RULE. IT WAS A LESSON WELL TAUGHT BY MY PARENTS AND EMBRACED BY ME, SOMETIMES FORCEFULLY WHEN I WAS YOUNG BUT I EMBRACED IT MYSELF WHEN I WAS OLDER. IT'S SERVED THIS COUNTRY AND SERVED PEOPLE I KNOW VERY WELL. NOW I'M TOLD WE NEED TO TAKE THAT AND CODIFY IT IN THE LAW, ALTHOUGH I'M NOT SURE THIS BILL DOES THAT. AND I THINK THERE'S SOME COMMONSENSE THINGS WE HAVE TO REMEMBER. YOU KNOW, I WAS TALKING WITH SOMEONE JUST A COUPLE OF MINUTES AGO ON THE SIDE AND SHE REMINDED ME THAT, YOU KNOW, THERE'S PEOPLE--AND WE'VE ALL GOTTEN THESE LETTERS--THAT SAY, YOU KNOW, I'M FROM NEBRASKA AND I'LL COME BACK, I WANT TO COME BACK, BUT WE DON'T HAVE A GAY RIGHTS BILL AND I'M NOT GOING...AND I DON'T WANT TO COME BACK UNTIL WE GET A GAY RIGHTS BILL OR AN LGBT BILL, I'M JUST NOT COMFORTABLE THERE. WELL, YOU KNOW WHAT? THERE ARE PLACES IN AMERICA THAT I'M NOT COMFORTABLE. WHEN I GO TO SAN FRANCISCO, SOMETIMES I'VE SEEN SOME PRETTY WEIRD THINGS THERE AND I'M NOT THAT COMFORTABLE IN SAN FRANCISCO. BUT YOU KNOW THE DIFFERENCE BETWEEN CONSERVATIVES AND MY FRIENDS ON THE LEFT? WHEN I'M NOT COMFORTABLE SOMEPLACE, I LEAVE. I GO TO SOMEWHERE I AM COMFORTABLE. I MOVE TO THE STATE I'M COMFORTABLE, I LIKE IT. NOW, IF I HAD THE MENTALITY OF MY FRIENDS ON THE LEFT, I WOULD DEMAND THAT THEY PASS A LAW TO MAKE SAN FRANCISCO MORE LIKE ME SO MAYBE I CAN MOVE THERE AND BE COMFORTABLE. FOLKS, THAT'S NOT HOW WE DO THINGS. THAT'S NOT HOW A CONSERVATIVE DOES THINGS. IF WE DON'T LIKE SOMETHING, WE LEAVE. AND, YOU KNOW, WE TALK ABOUT WORK FORCE DEVELOPMENT, THIS IS A BARRIER TO WORK FORCE DEVELOPMENT. WELL, SOMEONE FORGOT TO TELL TEXAS THAT. FROM 2001 TO 2015, THEY CREATED ONE-THIRD OF ALL OF THE JOBS IN AMERICA. THEY DO NOT HAVE A GAY RIGHTS BILL AND THEY'RE A LOT LESS LIKELY THAN WE ARE TO EVER GET ONE. PEOPLE SEEM TO FORGET THAT WHEN YOU HAVE A GOOD JOB AND IT'S A GOOD PLACE TO LIVE AND TAXES ARE LOW, LIFE IS PRETTY GOOD. WE DON'T HAVE THE LOW TAX PART, BUT WE'VE GOT THE REST OF IT. NOW LET ME TELL YOU HOW THE FREE MARKET WOULD SOLVE THIS. SOMEONE SAYS, YOU KNOW WHAT, I DON'T WANT TO GO WORK FOR THAT COMPANY BECAUSE THEY DON'T HAVE A NONDISCRIMINATION LAW IN THAT STATE. WELL, IF I'M THE COMPANY, I'D HAVE TO PAY MORE. I'D HAVE TO PAY ENOUGH UNTIL SOMEONE SAID, SCREW IT, I'M GOING TO GO TAKE THAT JOB, IT'S

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WORTH IT. THAT'S CALLED THE FREE MARKET. IF SOMEONE DOESN'T WANT TO COME WORK FOR YOUR COMPANY, YOU OFFER THEM THE MONEY UNTIL THEY DO COME WORK FOR YOUR COMPANY. NOW I KNOW WE HAVE A LOT OF BIG BUSINESSES AND THEY ALL HAVE THEIR OWN DISCRIMINATION RULES AND PROTECTING GAYS AND STUFF AND THAT'S FINE. THEY'VE ALL GOT IT. SO NOW THEY WANT TO IMPOSE IT ON ALL OF THE OTHER BUSINESSES. NO, THEY'VE DONE IT FOR THEMSELVES. WHY DO THEY NEED THE OTHER BUSINESSES TO DO IT? I JUST DON'T SEE THE NEED. THE FREE MARKET SOLVES THIS STUFF. IF YOU DISCRIMINATE AND YOU'RE NOT A GOOD PLACE, PEOPLE WON'T COME THERE. I THINK PEOPLE ARE COMING HERE. AND WHEN THEY DON'T COME HERE, IF YOU'VE GOT A JOB YOU CAN'T FILL, YOU'LL PAY ENOUGH MONEY UNTIL THEY DO COME HERE. THIS IS NOT A JOB FOR GOVERNMENT TO ENSURE THAT EVERYONE FEELS COMFORTABLE AND EVERYONE IS HAPPY. IF WE HAVE A PROBLEM WITH DISCRIMINATION, LET ME KNOW. BUT WE DON'T HAVE A PROBLEM RIGHT NOW. WE JUST HAVE PEOPLE THAT AREN'T COMFORTABLE. AND MY JOB AS A SENATOR IS NOT TO PASS LAWS TO ENSURE YOUR COMFORT. [LB586]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB586]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: ONE MINUTE CALL, SENATOR KINTNER. [LB586]

SENATOR KINTNER: I'M FINE. [LB586]

SPEAKER HADLEY: SENATOR KINTNER IS DONE. THANK YOU, SENATOR KINTNER. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB586]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT AND COLLEAGUES. I RISE IN SUPPORT OF LB586 AND THE AMENDMENTS. AND I WANT TO THANK SENATOR COASH FOR HIS TIME AND EFFORT TALKING TO BUSINESS LEADERS AND COMING UP WITH COMMONSENSE CLARIFICATION TO MAKE SURE THAT WE ARE ATTENTIVE TO THEIR CONCERN ABOUT ADDED LIABILITY RISK. AND I THINK THAT COASH'S AMENDMENT REALLY IS A GOOD AMENDMENT IN TERMS OF ADDRESSING THAT CONCERN THAT GETS...THAT HAS BEEN RAISED. WE ALSO KNOW THOUGH FROM EXPERIENCE IN OMAHA THAT THAT THREAT, THAT CONCERN THAT LEGISLATION LIKE THIS WOULD LEAD TO A RASH OF LAWSUITS HAS NOT HAPPENED. SO WE ALSO HAVE THAT EXPERIENCE TO ALLAY THOSE

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CONCERNS AS WELL. LB586 PROTECTS AN IMPORTANT CIVIL RIGHT IN OUR STATE: THE RIGHT TO NOT FACE DISCRIMINATION IN EMPLOYMENT. THERE HAVE BEEN SOME WHO HAVE RAISED THE QUESTION OF WHETHER LB586 POSES A THREAT TO RELIGIOUS LIBERTY. I WILL USE THIS SPEAKING TURN TO ESTABLISH ARGUMENTS ON THE RECORD THAT THIS BILL DOES NOT VIOLATE FREE EXERCISE OF RELIGION RIGHTS. PREVENTING EMPLOYMENT DISCRIMINATION IS A COMPELLING STATE INTEREST. BOB JONES UNIVERSITY v. UNITED STATES ESTABLISHES THAT THE GOVERNMENT HAS A COMPELLING STATE INTEREST IN PREVENTING RACIAL DISCRIMINATION DESPITE A RELIGIOUS ARGUMENT AGAINST IT. SO WE HAVE CLEARLY ESTABLISHED THAT IF A PERSON ARGUED RELIGIOUS REASONS WHY HE OR SHE MUST DISCRIMINATE BASED UPON RACE, THE STATE INTEREST IN PREVENTING DISCRIMINATION OUTWEIGHS THE RELIGIOUS EXERCISE RIGHT THERE. WE HAVE A LONGSTANDING LEGAL HISTORY OF PROTECTING THE RELIGIOUS RIGHTS OF EMPLOYEES WHO WOULD BE DISCRIMINATED AGAINST. I REACHED OUT TO A FIRST AMENDMENT SCHOLAR COLLEAGUE OF MINE AT CREIGHTON TO SEE IF THERE ARE ANY CASES THAT SUPPORT FREE EXERCISE RELIGIOUS RIGHTS TO DISCRIMINATE IN HIRING. WE COULD NOT COME UP WITH ANY FIRST AMENDMENT PRECEDENT IN WHICH AN INDIVIDUAL ACTOR HAS SUCCEEDED IN CLAIMING A RELIGIOUS FREE EXERCISE RIGHT TO DISCRIMINATE IN HIRING WITH THE POSSIBLE EXCEPTION OF NARROW PROTECTIONS FOR RELIGIOUS ORGANIZATIONS. ON THAT FRONT I WANT TO CLARIFY FOR THE RECORD THE PROTECTIONS WE HAVE IN OUR FAIR EMPLOYMENT PRACTICE ACT ALREADY. AND THAT STATES THAT THE NEBRASKA FAIR EMPLOYMENT PRACTICE ACT SHALL NOT APPLY TO A RELIGIOUS CORPORATION, ASSOCIATION, OR SOCIETY WITH RESPECT TO THE EMPLOYMENT OF INDIVIDUALS OF A PARTICULAR RELIGION TO PERFORM WORK CONNECTED WITH THE CARRYING OUT BY SUCH CORPORATION, ASSOCIATION, OR SOCIETY OF ITS RELIGIOUS ACTIVITIES. SO OUR NEBRASKA FAIR EMPLOYMENT PRACTICE ACT HAS A PROTECTION FOR RELIGIOUS ORGANIZATIONS CARRYING OUT THEIR RELIGIOUS WORK AND LB586 DOES NOT VIOLATE THAT. THOSE PROTECTIONS EXIST. AGAIN, THE PROTECTIONS OF RELIGIOUS FREEDOM ARE ON THE SIDE OF THE EMPLOYEE WHO WOULD BE DISCRIMINATED AGAINST BECAUSE OF THEIR RELIGIOUS BELIEFS. FIRST AMENDMENT RIGHTS ARE NOT ABSOLUTE. CURRENT LEGAL PRECEDENTS ESTABLISH THAT LB586 DOES NOT VIOLATE FREE EXERCISE RIGHTS. EVEN BEYOND THE COMPELLING ARGUMENTS OF THESE PRECEDENTS, THE ISSUE AT HAND IS A BALANCE BETWEEN THE STATE INTEREST IN PREVENTING DISCRIMINATION VERSUS A RELIGIOUS FREE EXERCISE ARGUMENT FOR ALLOWING DISCRIMINATION IN EMPLOYMENT FOR THE PURPOSES OF PRACTICING ONE'S RELIGIOUS CONVICTIONS. AGAIN, THE STATE'S INTEREST IN

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PREVENTING DISCRIMINATION IN EMPLOYMENT BUSINESS PRACTICES HAS BEEN ESTABLISHED OVER THE YEARS IN COURT CASES WHILE THE FREE EXERCISE RIGHT TO DISCRIMINATE HAS NOT. THE ARGUMENT FOR A FREE EXERCISE CLAIM ON THE PART OF AN EMPLOYER GETS EVEN WEAKER WHEN YOU CONSIDER THE RELIGIOUS BASIS FOR AN ARGUMENT FOR DISCRIMINATION IN HIRING... [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT...AS AN EXPRESSION OF ONE'S RELIGION. JUST USING THE CHRISTIAN FAITH AS AN EXAMPLE, I USED A SCRIPTURAL SEARCH TOOL TO IDENTIFY ANY SCRIPTURE ABOUT HIRING IN THE SCRIPTURE. COLLEAGUES, THE ONLY VERSES ABOUT HIRING ARE ABOUT PAYING A WORKERS A JUST WAGE IN A TIMELY MANNER. CHRISTIAN HIRING PRACTICES ARE MORE RELEVANT TO BILLS ON THE MINIMUM WAGE AND OTHER WORKPLACE PROTECTIONS THAN LB586. SO IT IS ALSO THE CASE THAT CATHOLIC SOCIAL TEACHING ARGUES, AND I'LL QUOTE, THAT THOSE PEOPLE WHO HAVE...WHO DO NOT HAVE A HETEROSEXUAL ORIENTATION MUST BE ACCEPTED WITH RESPECT, COMPASSION, AND SENSITIVITY, AND THAT EVERY SIGN OF UNJUST DISCRIMINATION IN THEIR REGARD SHOULD BE AVOIDED. WE HAVE A COMPELLING STATE INTEREST TO PREVENT EMPLOYMENT DISCRIMINATION BASED ON BIOLOGY OR BELIEF. WE HAVE ALREADY ESTABLISHED THIS. LB586 CLARIFIES THAT THIS APPLIES TO SEXUAL ORIENTATION AND GENDER IDENTITY. [LB586]

SPEAKER HADLEY: TIME, SENATOR. [LB586]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR CRAWFORD. THOSE IN THE QUEUE: SENATOR CAMPBELL, McCOY, CHAMBERS, BURKE HARR, MORFELD, BRASCH, AND OTHERS. SENATOR CAMPBELL, YOU'RE RECOGNIZED. [LB586]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I TOOK TIME, AS I'M SURE A NUMBER OF YOU DID, ON THE FLOOR TODAY TO LOOK OVER THE LETTER FROM THE OMAHA AND LINCOLN CHAMBERS. AND ONE OF THE STATEMENTS IN THE VERY LAST PARAGRAPH STRUCK ME AS PROBABLY THE CRITICAL ISSUE THAT WE LOOK AT IN LOOKING AT LB586. AND THEY SAID OUR GREATEST ASSET AS A STATE IS OUR PEOPLE. AND HOW OFTEN HAVEN'T WE ON THE FLOOR OF THE

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LEGISLATURE ARTICULATED THAT STATEMENT IN ONE WAY OR THE OTHER? ONE OF THE MOST IMPORTANT ISSUES FACING ALMOST EVERY COMMITTEE IN THE LEGISLATURE, I KNOW WE TALK ABOUT IT A GREAT DEAL IN THE HEALTH AND HUMAN SERVICES COMMITTEE, AND THAT IS WORK FORCE. WE NEED MORE PHYSICIANS. WE NEED MORE PHYSICAL THERAPISTS. WE NEED MORE...AND YOU FILL IN THE BLANK. ALL ACROSS THIS STATE PEOPLE ARE SAYING THIS IS A WORK FORCE ISSUE. WE NEED TO BE ABLE TO BRING THE BEST AND THE BRIGHTEST OR TO KEEP THE BEST AND THE BRIGHTEST IN OUR STATE. THEY CERTAINLY DRAW OUT THE POINT FROM THE TWO CHAMBERS IS THAT WE WANT TO BE COMPETITIVE AS A STATE. WE WANT TO BE SEEN AS HAVING AN INCLUSIVE BUSINESS CLIMATE AND WE WANT TO MAKE SURE WE CAN RECRUIT TALENT TO THE STATE, THAT THERE ISN'T A DETERRENT FOR ANY POTENTIAL. AS I PREPARED FOR THIS DEBATE TODAY, I WENT BACK AND STARTED READING THE LETTERS, BOTH FOR AND AGAINST THE BILL, AND I WANT TO SHARE WITH YOU A LETTER THAT I RECEIVED FROM A CONSTITUENT JUST A WEEK OR SO AGO: JUST WRITING TO LET YOU KNOW THAT I AM IN YOUR DISTRICT AND I'M IN FAVOR OF LB586. I'M A YOUNG PROFESSIONAL IN LINCOLN AND HOPE YOU WILL SUPPORT THIS BILL TO END DISCRIMINATION OF THE LGBT COMMUNITY. FEAR OF BEING LET GO BECAUSE OF MY HOME LIFE SHOULD NEVER BE AN ISSUE IN THE WORKPLACE. I'M EDUCATED, QUALIFIED, AND HOPE THAT THESE ARE THE MERITS FOR WHICH I AM JUDGED IN MY WORK. I HAVE PLENTY OF PATIENTS WHO REQUEST ME AND ENJOY SEEING ME. I FEEL THIS SUPPORT WOULD...I FEEL THIS SHOULD BE NO OTHER ISSUE. CAN THEY DO THE JOB? MOST OFTEN, EVERY YEAR THAT I'VE SUPPORTED THIS BILL, I'VE TALKED ABOUT MY FATHER-IN-LAW, WHO IN THE '70s, AS INTERVIEWING LANDSCAPE DESIGNERS FOR OUR FIRM, HAD A YOUNG GAY MAN APPLY. AND MY FATHER-IN-LAW AND MY HUSBAND DISCUSSED IT. AND FOR BOB CAMPBELL, AT THE END IT WAS, CAN HE DO THE WORK? WILL HE TAKE CARE OF OUR CUSTOMERS? AND WHEN DICK SAID DEFINITELY TO BOTH, BOB CAMPBELL SAID, THEN THAT'S REALLY ALL THAT COUNTS, AND WE HIRED HIM. THAT'S EXACTLY WHAT WE SHOULD DO. IT'S THE MERIT OF YOUR WORK. COLLEAGUES, I WOULD APPRECIATE A YES VOTE ON LB586 AND THE UNDERLYING AMENDMENTS. OUR WORK FORCE DEVELOPMENT IN NEBRASKA NEEDS IT. THANK YOU, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR CAMPBELL. SENATOR McCOY, YOU'RE RECOGNIZED. [LB586]

SENATOR McCOY: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, MEMBERS. BEFORE I START MY COMMENTS, I WANT TO ENGAGE SENATOR COASH IN A QUESTION IF I COULD, PLEASE? [LB586]

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SPEAKER HADLEY: SENATOR COASH, WILL YOU YIELD TO A QUESTION? [LB586]

SENATOR COASH: YES, I WILL. [LB586]

SENATOR McCOY: THANK YOU, SENATOR. AS A COURTESY, I WANT TO GIVE YOU THE OPPORTUNITY, IF YOU COULD, TO CLARIFY SOMETHING THAT WAS SAID EARLIER ON THE MICROPHONE IF YOU WOULD, PLEASE. [LB586]

SENATOR COASH: THANK YOU, SENATOR McCOY. I APPRECIATE THE QUESTION. AND I'LL BE QUICK BECAUSE IT'S YOUR TIME. DURING ONE OF MY TIMES SPEAKING, I SAID I HADN'T WEIGHED IN ON THIS ISSUE AND WHAT YOU POINTED OUT TO ME IS THAT THERE HAVE BEEN THREE OPPORTUNITIES THAT I HAVE HAD TO VOTE ON THIS ISSUE, TWO ON ADVANCING THIS BILL FROM COMMITTEE, OF WHICH THOSE TWO TIMES I DID NOT VOTE YES OR NO. AND THE THIRD WAS A CLOTURE VOTE ON SENATOR CONRAD'S BILL, LB485, OF WHICH I DID VOTE FOR CLOTURE AT THAT TIME. SO TO THE EXTENT THAT VOTING FOR CLOTURE IS WEIGHING IN ON THE BILL, I STAND CORRECTED, I DID WEIGH IN ON THAT PARTICULAR BILL AT THAT TIME. THANK YOU, SENATOR McCOY. [LB586]

SENATOR McCOY: THANK YOU, SENATOR COASH. I APPRECIATE THE SETTING THAT STRAIGHT FOR THE RECORD. MEMBERS, BEFORE I GO ON WITH REMARKS, I WANT TO OFFER ON MY FIRST TIME ON THE MICROPHONE THIS MORNING, I WANT TO DIRECT YOUR ATTENTION TO A HANDOUT THAT I HAD DISTRIBUTED. WE OFTENTIMES IN OUR GREAT STATE OF NEBRASKA TALK ABOUT STATISTICS, ESPECIALLY THOSE THAT HAVE TO DO WITH THE TAX CLIMATE, BUSINESS CLIMATE, AND WORK FORCE DEVELOPMENT. I THINK WE ALL--REPUBLICAN, DEMOCRAT, INDEPENDENT ALIKE, AND OF COURSE WE ARE A NONPARTISAN BODY--WILL AGREE THAT WORK FORCE DEVELOPMENT IN NEBRASKA IS OF CRITICAL IMPORTANCE, PARTICULARLY IN THE FUTURE. I THINK WHAT YOU'LL SEE IN THIS HANDOUT--AND, BY THE WAY, I DON'T THINK THAT FORBES OR CHIEFEXECUTIVE.NET OR CNBC ARE CONSIDERED RIGHT-LEANING, PER SE, ORGANIZATIONS. I THINK THEY'RE GENERALLY WIDELY RESPECTED FROM A BUSINESS STANDPOINT. THESE ARE ALL STATISTICS AND DATA THAT YOU CAN CHECK FOR YOURSELVES. WHAT YOU'LL FIND IS THAT I DON'T THINK THAT THE STATISTICS BEAR OUT THE NEED FOR LB586 IN NEBRASKA AT THIS TIME. I THINK WHAT YOU'LL SEE FROM THIS DATA THAT WAS DISTRIBUTED IS THAT WORK FORCE DEVELOPMENT, RETENTION, AND RECRUITMENT OF TOP TALENT ACROSS OUR COUNTRY PROBABLY HAS A LOT MORE TO DO WITH JUST WORK FORCE DISCRIMINATION LAWS OR BILLS THAT HAVE BEEN PASSED IN RESPECTIVE

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STATES ACROSS THE COUNTRY. I HOPE YOU REALLY TAKE THE TIME TO LOOK THROUGH THAT DATA. I OFFER THIS DATA AS A WAY TO DRAW ATTENTION TO THE FACT THAT I THINK A LOT OF NEBRASKANS, AND I WOULD AGREE WITH SENATOR KRIST IN THIS RESPECT, I THINK A LOT OF NEBRASKANS BELIEVE THAT WE SHOULD TREAT NEBRASKANS AS WE WANT TO BE TREATED. AND I THINK WE DO. I DON'T SEE THE NEED FOR THIS LEGISLATION. BUT ALONG WITH THAT, I WANT TO ENGAGE SENATOR COASH, IF I COULD, PLEASE, IN A FEW QUESTIONS ACTUALLY ON THE AMENDMENT, BECAUSE WE HAVEN'T ACTUALLY GOTTEN TO DISCUSSION OF AM2550. IF SENATOR COASH... [LB586]

SPEAKER HADLEY: SENATOR COASH,... [LB586]

SENATOR McCOY: I APOLOGIZE, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: SENATOR COASH, WILL YOU YIELD TO A QUESTION? [LB586]

SENATOR COASH: YES, I WILL. [LB586]

SENATOR McCOY: THANK YOU, SENATOR COASH. THANK YOU, MR. PRESIDENT, DIDN'T MEAN TO JUMP AHEAD OF YOU THERE. IF I COULD, SENATOR COASH...AND IT'S DELIGHTFUL TO ACTUALLY GET A CHANCE TO SEE THE AMENDMENT THIS MORNING. WE HAD HEARD ABOUT THIS FORTHCOMING AMENDMENT THE LAST FEW DAYS, HADN'T HAD A CHANCE TO REVIEW IT UNTIL A FEW MOMENTS AGO. [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR McCOY: BUT I HAVE HAD THE CHANCE. I'M SURE THIS IS GOING TO REQUIRE MORE THAN ONE TIME ON THE MICROPHONE. BUT ONE OF THE THINGS THAT I WANTED TO ADDRESS WITH YOU, YOUR AMENDMENT TALKS ABOUT-- AND ACTUALLY IT WOULD BE LINE 9 OF YOUR AMENDMENT--TALK ABOUT "ACTIONS TAKEN IN RESPONSE TO EMPLOYEE'S MISCONDUCT, INCOMPETENCY, BEHAVIOR," ETCETERA. CAN YOU EXPLAIN TO ME HOW THAT IS ABLE TO COEXIST, SENATOR COASH, WITH THE DEFINITION OF GENDER IDENTITY, WHICH INCLUDES BEHAVIOR, WHICH IS IN THE UNDERLYING COMPONENT OF THE BILL IN SECTION 20? [LB586]

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SENATOR COASH: SENATOR McCOY, I'LL HAVE TO TAKE A LOOK AT THE GENDER IDENTITY PROVISION. WITH REGARD TO MY AMENDMENT THOUGH I WANTED TO MAKE SURE THAT AN EMPLOYER COULD SAY, FOR EXAMPLE, WHEN YOU TALK TO CUSTOMERS, I WANT YOU TO TALK TO THEM IN THIS MANNER. THAT, TO ME, IS BEHAVIOR. [LB586]

SPEAKER HADLEY: TIME, SENATORS. [LB586]

SENATOR COASH: THANK YOU. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR McCOY. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB586]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, OTHER THAN SENATOR COOK, NOT ONE OF YOU ON THIS FLOOR HAS EVER BEEN DENIED PERSONHOOD, RESPECT, OR YOUR HUMANITY ON THE BASIS OF WHAT YOU ARE, NOT ONE OF YOU. SENATOR McCOY JUST SPOKE. HE'S GOING TO BE A RICH MAN WHEN HE LEAVES HERE. HE'S ON HIS WAY THERE NOW. I CAN SEE WHY HE CAN TALK AS THOUGH THIS IS NO BIG THING. SENATOR KINTNER MADE A STATEMENT WHICH IS PATENTLY UNTRUE. HE SAID CONSERVATIVES GO SOMEPLACE AND IF THEY DON'T LIKE IT THERE, THEY LEAVE. HE HAS MADE IT CLEAR IN HIS WRITINGS AND HIS STATEMENTS ON THE FLOOR THAT HE DOESN'T LIKE WHAT GOES ON IN THE LEGISLATURE. WHY DOESN'T HE FOLLOW WHAT HE SAID? BECAUSE HE DOESN'T TELL THE TRUTH. HE DOES NOT THINK. HE GIVES THESE CLICHES. HE SPOUTS THESE SLOGANS. AND I HEAR IT ALL THE TIME. BUT INSTEAD OF LETTING THE BITTERNESS THAT I OFTEN FEEL, BECAUSE OF THE WAY BLACK PEOPLE, LATINOS, NATIVE AMERICANS, PACIFIC RIM, AND WE HAVE ALL OF THESE OTHER DESIGNATIONS WHICH CAN BE LUMPED INTO THE ONE TERM, NONWHITE OR MINORITY GROUP PERSONS, WILL EXPERIENCE BECAUSE OF WHAT THEY ARE, THE WAY WE WERE BORN. YOU ALL ARE THE ONES WHO TALK ABOUT GOD, NOT ME. AND IN THE BOOK THAT TALKS ABOUT YOUR GOD, IT SAYS, OF ONE BLOOD GOD MADE ALL THE NATIONS OF THE WORLD. BUT YOU DON'T BELIEVE THAT. I KNOW THAT I COULD NOT CHANGE ANYBODY'S MIND IN HERE ON AN ISSUE LIKE THIS. I WON'T WASTE MY TIME DOING THAT. BUT I WILL LET PEOPLE KNOW THAT WHEN, BECAUSE OF WHAT THEY ARE, THEY ARE REJECTED, THEY ARE SCORNE, THEY'RE PUSHED OUTSIDE THE PALE...AND BECAUSE PEOPLE USE THAT TERM, "PALE" IS A PIECE OF LAND SURROUNDED BY A FENCE. IF YOU'RE PUSHED OFF THAT LAND OUTSIDE THE FENCE, YOU ARE OUTSIDE THE PALE. IT MEANS YOU ARE IRRETRIEVABLY REJECTED WHEN THEY

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PUT YOU OUTSIDE THE PALE. AND THE THINGS THAT I'VE GONE THROUGH PERSONALLY, THE THINGS MY FAMILY MEMBERS HAVE GONE THROUGH, THE THINGS THAT ANYBODY WHO LOOKS LIKE ME HAS GONE THROUGH, WILL NOT PUT ME IN A POSITION LIKE IT DOES SO MANY WHITE PEOPLE WHERE THE RESULT IS ANYBODY WHO LOOKS LIKE ONE OF THOSE WHO DID SOMETHING TO ME, I'M GOING TO BURN THEIR HOUSE DOWN, I'LL BLOW UP THEIR CHURCH, I'LL KILL THEIR LITTLE CHILDREN. THAT WE'VE BEEN THROUGH. YOU KNOW WHAT HAS HAPPENED WITH ME? BECAUSE I'M AWARE OF HOW THESE HORRIBLE THINGS AFFECT ME, I DON'T WANT TO SEE ANYBODY GO THROUGH THE SAME KIND OF EXPERIENCE. WHEN I WAS HUMILIATED AT LOTHROP SCHOOL AS THE ONLY BLACK CHILD AND THE TEACHER READ LITTLE BLACK SAMBO AND LET THOSE LITTLE WHITE KIDS LAUGH AT ME, I DIDN'T HATE THE LITTLE WHITE KIDS. I WAS UPSET AT THE TEACHER. SOME LITTLE WHITE BOY LIVED IN WHAT'S CALLED EAST OMAHA. AND WHITE PEOPLE CALL THOSE PEOPLE "RIVER RATS" BECAUSE THEY'RE VERY POOR WHITE PEOPLE. HE CAME TO SCHOOL AND HE HAD A PAIR OF BIB OVERALLS AND SOME SHINY NEW SHOES BECAUSE IT WAS HIS BIRTHDAY, AND THE WHITE KIDS LAUGHED AT HIM BECAUSE HE THOUGHT HE WAS SHARP. AND I TOOK UP FOR THAT LITTLE WHITE BOY AND I'LL TELL YOU WHY. HE WAS NOT MADE TO FEEL BAD BECAUSE OF HIS RACE, BUT THE RIDICULE, THE GANGING UP ON HIM CAUSED HIM... [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR CHAMBERS: ...TO HAVE THE SAME FEELING THAT I HAD. AND I DIDN'T WANT HIM TO FEEL ALONE. SO I TOLD THOSE WHITE KIDS, IF YOU PICK ON HIM, THERE ARE TWO OF US THAT YOU HAVE TO PICK ON TODAY. AND THEY LEFT HIM ALONE. IF I DID TO WHITE PEOPLE WHAT THEY DO TO US, YOU WOULDN'T HAVE SOMEBODY ON THE FLOOR OF THIS LEGISLATURE STOPPING TRASH LEGISLATION, DEMONSTRATING HOW TO BE THE VOICE OF THOSE WHO HAVE NO VOICE, THE FRIEND OF THOSE WHO HAVE NO FRIEND. YOU'D HAVE SOMEBODY WHO WOULD SHOW YOU AND TEACH YOU SOMETHING, BECAUSE I KNOW YOU, I KNOW ABOUT YOU, AND I THINK AND YOU DON'T. THEY WOULDN'T CHANGE THIS IF ONE CAME BACK FROM THE DEAD. AND JESUS TOLD ME THAT: THEY WON'T BELIEVE YOU, THOUGH ONE COMES BACK FROM THE DEAD--AND I'M GOING TO PROVE IT BY COMING BACK FROM THE DEAD AND THEY WON'T BELIEVE ME, BECAUSE AFTER HE CAME BACK HE SAID, YOU ARE YOUR BROTHER AND SISTER'S KEEPER. [LB586]

SPEAKER HADLEY: TIME, SENATOR. [LB586]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. THOSE IN THE QUEUE: SENATORS BURKE HARR, MORFELD, BRASCH, PANSING BROOKS, HANSEN, SCHNOOR, AND OTHERS. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB586]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. I, TOO, RISE IN SUPPORT OF LGBT AND LB586. AND LET ME EXPLAIN A LITTLE BIT WHY. I COME FROM IT FROM TWO POINTS OF VIEW. THE FIRST IS, PURE AND SIMPLE, AN ECONOMIC POINT OF VIEW. AND I WENT BACK AND I READ THE TRANSCRIPTS FROM THE COMMITTEE HEARING ON LB586 AND I FOUND THAT THE THEN-PRESIDENT OF...OR CHAIRMAN OF THE GREATER OMAHA CHAMBER OF COMMERCE, MR. LAURITZEN, GOT UP AND SPOKE. AND HE SAID SOME VERY, I THOUGHT, IMPORTANT WORDS. HE IS AN EMPLOYER, ONE OF THE LARGEST EMPLOYERS NOT JUST IN OMAHA BUT ACROSS THE STATE AND HIS BUSINESS IS ACROSS THE STATE, NOT JUST OMAHA. AND HE STATED "TALENTED EMPLOYEES WANT TO WORK IN AN ENVIRONMENT THAT IS OPEN, WELCOMING, AND NONDISCRIMINATORY...IT IS NOT JUST EMPLOYEES WHO FOCUS ON THIS ISSUE BUT ALSO EMPLOYERS WHO MAKE CHOICES EVERY DAY AS TO WHERE THEY WILL LOCATE THEIR BUSINESSES...WE SHOULD ALL WORK TOGETHER TO REMOVE BARRIERS TO ECONOMIC AND WORK FORCE DEVELOPMENT, AND PASSING THIS BILL WOULD ABSOLUTELY MOVE US IN THAT DIRECTION AS A STATE... SINCE OMAHA PASSED A SIMILAR LAW IN 2012, THERE HAVE BEEN VERY FEW CLAIMS OR COST TO BUSINESSES AS A RESULT. ALSO, MANY OF THE COMPANIES WHO OPERATE IN NEBRASKA ALREADY HAVE POLICIES ALIGNED WITH THIS BILL, SO WE DO NOT SEE ANY MEANINGFUL CLAIMS OR COST AS A RESULT OF THESE POLICIES. INSTEAD, WHAT WE DO SEE EVERY DAY ARE TALENTED, HARDWORKING, AND ENGAGED EMPLOYEES WHO LOVE WORKING SOMEWHERE WHERE THEY CAN USE THEIR TALENTS FULLY, WITHOUT FEAR OF LAWFUL DISCRIMINATION...IT IS WORTH NOTING THAT OUR NEIGHBORING STATES OF IOWA AND COLORADO PROHIBIT SUCH DISCRIMINATION, AS DO," AND THIS IS MY OWN, FELLOW MEMBERS OF THE BIG TEN, "MINNESOTA, WISCONSIN, AND ILLINOIS. IN AN ERA WHERE LABOR IS INCREASINGLY MOBILE, WE CANNOT AFFORD TO GIVE GOOD PEOPLE A REASON TO LEAVE OUR STATE OR CHOOSE ANOTHER STATE OVER OURS...WE SHOULD HELP EMPLOYERS ATTRACT AND RETAIN THAT TALENT WHILE ALSO DOING THE RIGHT THING FOR THE CITIZENS OF NEBRASKA. NEBRASKA IS A WONDERFUL STATE. OUR GREATEST ASSET AS A STATE IS OUR PEOPLE." HE THEN GOES ON AND ASKS FOR THE SUPPORT OF LB586. I THINK THAT'S VERY IMPORTANT. WE NEED TO RETAIN THESE INDIVIDUALS AND WE NEED TO CREATE A CULTURE OF INCLUSIVENESS. IT MAY

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OFFEND YOU. THERE ARE A LOT OF THINGS THAT GO ON IN THIS STATE THAT DO OFFEND ME. BUT I THINK WE NEED TO PROVIDE A RIGHT TO THOSE INDIVIDUALS, A PROTECTION TO MAKE SURE THAT WE JUDGE THEM ON THE CONTENT OF THEIR CHARACTER AND NOT FOR WHOM THEY LOVE. SO THAT'S THE ECONOMIC POINT. AND THEN OTHER POINT IS THE MORAL. WE GO TO TREAT OUR PEOPLE FAIRLY. THIS IS HOLY WEEK, AFTER ALL, AND SENATOR HILKEMANN MADE A VERY GOOD COMMENT EARLIER ABOUT PROTECTING THOSE WHO ARE SCORNE. WE ARE SOMETIMES SCORNE, AS ARE OTHERS, AND WE NEED TO PROTECT THOSE THAT ARE SCORNE. IN THE BIBLE THERE WAS A PROSTITUTE. SHE WASN'T GRANTED IMMUNITY--AND THAT'S A JOKE--AND THEY WERE GOING TO STONE HER. AND WHO STOOD UP FOR HER? IT WASN'T THE CHURCH. IT WAS JESUS. AND WHILE HE MAY NOT HAVE APPRECIATED WHAT SHE DID OR HER ACT OR WHAT SHE DID SEXUALLY, HE STOOD UP FOR HER AND SAID THOSE WITHOUT SIN SHOULD... [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR CHAMBERS: THANK YOU...STARTED DRAWING ALL THE SINS OUT THERE, AND PEOPLE SLOWLY WALKED AWAY. RIGHT? FOLKS, WE NEED TO LOOK OUT FOR THOSE. WE HAVE A "DEFENDER OF THE DOWNTRODDEN" IN THE LEGISLATURE, BUT WE CAN BE DEFENDERS OF A DOWNTRODDEN OUTSIDE THE LEGISLATURE. WE NEED TO PROTECT THOSE WHO ARE DISCRIMINATED FOR AN ACT THAT YOU MAY NOT AGREE WITH. I GET THAT. BUT DOES IT REALLY HARM YOU? DOES IT MAKE OUR STATE BETTER TO DISCRIMINATE? OR DOES IT MAKE OUR STATE BETTER TO SAY WE DO NOT DISCRIMINATE? THANK YOU, MR. SPEAKER. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR HARR. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB586]

SENATOR MORFELD: THANK YOU, MR. SPEAKER. I JUST WANT TO RESPOND TO A FEW OF THE COMMENTS. AND I JUST FIRST WANT TO SAY I DO APPRECIATE THE RESPECTFUL DEBATE AND SENATOR WILLIAMS' AND SENATOR MELLO'S COMMENTS ABOUT THAT. I THINK THAT THIS IS AN ISSUE THAT WE ALL CAN HAVE REASONABLE DEBATE AND MANY OF US CAN PROBABLY HAVE REASONABLE DIFFERENCES OF OPINION ON IT. THAT BEING SAID, I'VE HEARD FROM ONE INDIVIDUAL ON THE FLOOR AND THEN ALSO FROM THE GOVERNOR THAT WE ALREADY HAVE PROTECTIONS IN PLACE FOR THIS. AND I'M NOT QUITE SURE HOW I EVEN RESPOND TO THAT BECAUSE WE DON'T HAVE PROTECTIONS

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FOR THIS. THIS IS NOT PROTECTED RIGHT NOW UNDER OUR CURRENT STATUTE. I CERTAINLY WOULDN'T BE WORKING ON THIS FOR THE LAST TWO YEARS AND MY PREDECESSOR, DANIELLE CONRAD, WOULDN'T HAVE WORKED ON IT FOR TWO YEARS BEFORE ME. AND THEN I THINK SENATOR CHAMBERS ALSO INTRODUCED A BILL IN THE 2000s. IF THESE PROTECTIONS EXIST...THESE PROTECTIONS CURRENTLY DO NOT EXIST AND THAT'S WHY WE'RE HERE TODAY. WHEN PEOPLE ARE LOOKING AT A PLACE TO LIVE, YES, IT'S TRUE THERE MAY BE A COMPANY AND THERE ARE MANY COMPANIES THAT HAVE THIS IN THEIR EMPLOYMENT POLICIES. THAT BEING SAID, THEY'RE USUALLY BRINGING SOMEBODY ELSE ALONG WITH THEM--IT MIGHT BE A HUSBAND, A SPOUSE, A WIFE--AND THEY'RE GOING TO WANT TO FIND A JOB TOO. AND WHEN PEOPLE LOOK AT WHERE THEY'RE MOVING, PARTICULARLY PEOPLE WHO HAVE BEEN TRADITIONALLY DISCRIMINATED AGAINST, AND GAY PEOPLE HAVE AND WE HAVE STORIES OF THAT WHICH WE'LL SHARE TODAY, WHEN THOSE PEOPLE ARE LOOKING AT A PLACE TO MOVE, THEY LOOK AT A MAP AND THEY LOOK AT WHICH STATES HAVE PROTECTIONS FOR THEM AND THEIR FAMILY AND WHICH ONES DON'T. MY PRIORITY BILL LAST YEAR IS A GREAT CASE IN POINT. MY PRIORITY BILL LAST YEAR, WHICH WAS NOT NEARLY AS DEBATED ON THIS...OR AS MUCH AS THIS BILL, WOULD MAKE IT SO THAT WE ACCEPT CREDENTIALING, CIVILIAN LICENSURE OF MILITARY VETERANS WHEN THEY GET OUT OF THE MILITARY AND WANT TO HAVE THE CIVILIAN LICENSING AND THEN CHOOSE SOMEWHERE TO LIVE IN THE UNITED STATES. AND THE DEPARTMENT OF HEALTH AND HUMAN SERVICES INITIALLY SAID, WELL, WE DON'T FULLY UNDERSTAND WHY WE NEED THIS, NOBODY IS COMPLAINING TO US THAT THEY'RE NOT GETTING LICENSURE. AND EVENTUALLY, MUCH TO THE ADMINISTRATION'S CREDIT, THEY CAME OUT IN STRONG SUPPORT AND SUPPORTED THE BILL, WHICH I APPRECIATED. BUT INITIALLY THEY SAID, WE HAVEN'T RECEIVED ANY COMPLAINTS ABOUT THIS BEING A PROBLEM AND MILITARY VETERANS NOT GETTING LICENSURE FOR THEIR MILITARY FIELD IN THE CIVILIAN FIELD THAT THEY WANT TO WORK IN. AND THE THING THAT I REMINDED THEM THAT, AS SOMEBODY WHO COMES FROM A MILITARY FAMILY AND SOMETHING THAT MY FATHER, YOU KNOW, HAS DISCUSSED WITH ME AT LENGTH, IS THAT VETERANS ARE PRETTY SMART. THEY LOOK AT A MAP. AND NEBRASKA WAS THE ONLY STATE AT THE TIME THAT DIDN'T GUARANTEE LICENSURE FOR THE MILITARY SKILLS. AND SO, NUMBER ONE, IT'S A PRACTICAL PROBLEM BECAUSE, IF THEY DO APPLY FOR IT AND THEY DON'T HAVE GUARANTEED LICENSURE, THEN, YES, THEY WOULDN'T GET LICENSURE. BUT NUMBER TWO, IT'S ALSO A PERCEPTION PROBLEM AS WELL. SO IT'S NOT ONLY JUST PERCEPTION, BUT IT'S ALSO PRACTICAL BECAUSE THEY MAY NOT GET IT, BUT IT'S ALSO PERCEPTION. IF YOU DON'T HAVE PROTECTIONS IN PLACE, YOU'RE

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NOT GOING TO KNOW ABOUT PEOPLE HAVING A PROBLEM BECAUSE, NUMBER ONE, THEY'RE EITHER NOT GOING TO COME HERE, BUT, NUMBER TWO, THERE'S NOTHING TO COMPLAIN ABOUT BECAUSE THEY HAVE NO PROTECTIONS. WHERE WOULD THEY GO FILE THEIR COMPLAINT? WHEN SOMEBODY IS FIRED FROM THEIR JOB FOR BEING GAY--AND IT HAS HAPPENED AND WE WILL READ SOME OF THOSE STORIES TODAY AND SOME OF THOSE INDIVIDUALS--WE DON'T HEAR ABOUT IT BECAUSE...OFTENTIMES WE DON'T HEAR ABOUT IT BECAUSE THERE'S NOWHERE TO GO COMPLAIN ABOUT IT BECAUSE IT'S NOT AGAINST THE LAW. [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR MORFELD: SO THAT'S THE NUMBER-ONE PROBLEM WHEN PEOPLE SAY, WELL, LISTEN, WE DON'T KNOW IF THERE'S ACTUALLY A PROBLEM, THERE HASN'T BEEN THAT MANY COMPLAINTS. THERE HAVE BEEN SOME COMPLAINTS IN OMAHA BUT, AGAIN, IT HAS NOT BEEN WIDESPREAD. AND OMAHA BUSINESSES HAVE TALKED ABOUT HOW THEIR ORDINANCE IN PARTICULAR IS GOOD FOR RECRUITMENT. WE NEED TO CREATE AN ENVIRONMENT, COLLEAGUES, THAT PROTECTS PEOPLE AND WHO THEY ARE, BUT ALSO SENDS A MESSAGE THAT NEBRASKA HAS MODERN HUMAN RIGHTS PROTECTIONS AND WE'RE OPEN FOR BUSINESS. THANK YOU, MR. SPEAKER. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR MORFELD. SENATOR BRASCH, YOU'RE RECOGNIZED. [LB586]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES, AND FOR THOSE WHO ARE WATCHING TODAY. I STAND IN OPPOSITION TO LB586 AND AM2550, THE AMENDMENTS. AND THE REASON I STAND IN OPPOSITION IS NOT THAT I AM GOING TO BE ONE TO JUDGE A PERSON'S BELIEFS. I WILL BE JUDGED. SOMEDAY I WILL BE JUDGED. BUT I DO KNOW, WHEN YOU'RE TALKING ABOUT YOUR FAITH...AND WE HEARD THAT A LOT ON THE FLOOR WITH THE DEATH PENALTY. YOU KNOW, MANY FELT VERY FIRM IN THEIR FAITH THAT THEY COULD NOT SUPPORT THE DEATH PENALTY. AND I'M HOPING THAT THOSE SAME PEOPLE AREN'T JUST PICKING AND CHOOSING THINGS OUT OF THEIR FAITH, THAT THEY STAND SOLID WITH THEIR CHURCH IF THAT'S WHAT THEY'RE CHOOSING TO DO. AND THAT'S FINE. WHEN WE TALK ABOUT BUSINESS AND BUSINESS POLICIES AND GUIDELINES, NOT ONLY DO I FARM WITH MY HUSBAND, BUT I CONSULT AND I'VE WORKED WITH FOUR COMPANIES, NOT BASED IN NEBRASKA. TWO OF THEM ARE

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INTERNATIONAL. THE FIRST THING THEY WANT TO KNOW ABOUT BUSINESS HERE...THEY KNOW OUR ETHICS ARE GREAT. THEY KNOW WE WORK HARD. THEY KNOW THAT WE DON'T WATCH THE CLOCK. THEY KNOW WE SHOW UP. THEY KNOW WE'RE GREAT, SOLID WORKERS WITH A LOT OF WILLINGNESS TO PUT IN SWEAT EQUITY. BUT THEY WANT TO KNOW ABOUT THE INFRASTRUCTURE, AND NOT HIGHWAYS, BUT MOSTLY IT'S WHERE'S THE AIRPORT, HOW CAN I GET THROUGH/ACROSS NEBRASKA, HOW CAN I GET BACK TO CALIFORNIA OR NEW YORK OR ATLANTA, WHEREVER THESE BUSINESSES ARE. THAT'S IMPORTANT TO THEM. TECHNOLOGY IS IMPORTANT TO THEM. THEY WANT TO KNOW...AND WE DID LOSE--WAS IT FACEBOOK OR GOOGLE?--TO IOWA BECAUSE THEY WERE KEYPAD READY AND THEY WERE ALSO RENEWABLES. YOU KNOW, RIGHT OR WRONG, WHATEVER YOUR POSITION IS ON THAT, SOME BUSINESSES JUST WANT TO DO EARTH-FRIENDLY BUSINESS AND SOME OF THEM, I'VE READ THEM ON THE FLOOR BEFORE, THAT'S WHY WE NEED TO LOOK AT ENERGY. THEY'VE ALSO HAD QUESTIONS BEFORE ABOUT AVAILABILITY OF WORKERS. WE'RE NOT ONE OF THE MOST POPULATED STATES, YOU KNOW, OF 50 STATES THAT WE, YOU KNOW, HAVE, THAT THEY WANT TO KNOW, CAN THEY FIND PEOPLE TO WORK HERE? AND WE ARE A STATE, WHEN IT COMES TO BUSINESS, WE HAVE OUR TAX ADVANTAGE PLAN, WHICH IS PERFORMANCE BASED. WE HAVE REQUIREMENTS FOR THEM TO COME HERE TO PRODUCE SO MANY JOBS. BUT THOSE EMPLOYERS THAT COME HERE, THEY ALSO HAVE PERFORMANCE EXPECTATIONS FROM US. YOU KNOW, ARE WE GOOD WORKERS? YOU KNOW, ARE WE MEETING THE JOBS? ARE WE MEETING THE TIME LINES, THE CLOCKING IN, CLOCKING OUT, WHATEVER IS...ARE WE GIVING BACK TO THE BUSINESS THAT IS PROVIDING A LIVING FOR US? THEIR QUESTIONS AREN'T ABOUT SEXUALITY. YOU KNOW, MANY OF YOU, I HAVE NO IDEA HERE, YOU KNOW, AND NOR DO I WANT TO HAVE AN IDEA. THAT'S UP TO YOU. THAT'S WHAT YOU GO HOME TO. WHEN WE'RE HERE, WE WORK AND DO THE BUSINESS OF THE DAY, AND I THINK MANY EMPLOYERS EXPECT THAT, ESPECIALLY WHEN WE HAVE A STATE WHERE, YOU KNOW, WE WOULD WELCOME MORE WORKERS. AND PEOPLE NOT CHOOSING TO LIVE HERE? WE'RE ABOUT TO HAVE OUR, GOSH, I DON'T KNOW HOW MANY YEARS' REUNION NOW AT LINCOLN HIGH SCHOOL. MY CLASSMATES HAVE LEFT BECAUSE (A) THEY LOVE TO CLIMB MOUNTAINS, THEY LIVE BY THE MOUNTAINS. NOT ALL HAVE LEFT. SOME OF THEM HAVE TO LIVE BY THE OCEAN. THEY'RE...THE OCEAN IS MEANINGFUL. SEVERAL OF THEM ARE NOT WINTER PEOPLE. I'VE HEARD THAT SO MANY TIMES AS THEY... [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

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SENATOR BRASCH: ...HAVE MOVED TO TEXAS, CALIFORNIA, FLORIDA. SO THIS IS NOT ABOUT SIN AND SCORN. THIS IS ABOUT DOING BUSINESS. AND WE HAVE FEDERAL PROTECTIONS. WE HAVE A CIVIL RIGHTS ACT. WE HAVE MANY, MANY THINGS IN PLACE. AND AS FAR AS THE CHAMBER IS CONCERNED AND OTHER BUSINESSES, THEY HAVE A LOT OF LAWYERS. THEY'RE BIG COMPANIES WHO CAN AFFORD TO TACKLE LAWSUITS ON, YOU KNOW, AN ADDED ITEM FOR THEM TO ADD TO THEIR BUSINESSES, WHETHER IT'S FOR VARIOUS REASONS. THANK YOU, MR. PRESIDENT, MR. SPEAKER, AND THANK YOU, COLLEAGUES. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB586]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I APPRECIATE SENATOR WILLIAMS' COMMENTS ABOUT KEEPING THIS REASONED AND HE DID POINT OUT THAT MANY OF US HAVE SOME PERSONAL REASONS THAT WE CARE ABOUT THIS A LOT. BUT FIRST I WANT TO TALK ABOUT THE FACT THAT LAST SUMMER I MET WITH A NUMBER OF LINCOLN START-UPS PURSUANT TO AN INTERIM STUDY. YOU KNOW, WE'RE CALLED THE "SILICON PRAIRIE." SO I MET WITH THEM AND ASKED THEM WHAT IS IT THAT YOU NEED? WHAT WILL HELP THE START-UPS THRIVE AND GROW AND CONTINUE TO MAKE THE "SILICON PRAIRIE" A PLAYER IN OUR NATION? AND WITHOUT EVEN MENTIONING IT TO THE PERSON THEY SAID, WE'VE GOT TO HAVE BETTER LAWS, WE HAVE TO MAKE SURE THAT WE CAN ATTRACT PEOPLE, WE ARE NOT ABLE TO ATTRACT PEOPLE BECAUSE OF THE LGBT LAWS. IT'S QUITE CLEAR TO PEOPLE. AND YOU CAN...WE CAN PUT OUR HEADS IN THE SAND AND SAY, OH, IT REALLY DOESN'T MATTER, IT DOESN'T AFFECT ANYTHING THAT'S GOING ON IN BUSINESS. THAT'S JUST NOT TRUE. THE CHAMBERS WOULD NOT COME IN ON THIS IF IT REALLY DIDN'T MAKE A DIFFERENCE. MY COLLEAGUE SENATOR BRASCH JUST SAID THAT WE CAN USE THE CIVIL RIGHTS ACT TO PROTECT THEIR RIGHTS. WELL, THE CIVIL RIGHTS ACT DOES NOT APPLY IN THIS CASE. AND THERE WERE CONSTANT OPINIONS. WE...I HAVE SO MANY LETTERS THAT I WILL READ AS TIME GOES FORWARD FROM PEOPLE ABOUT HOW THEY ARE AFFECTED. AND PEOPLE CAN SAY, WELL, THEY WEREN'T FIRED, WE DON'T HAVE ANY CLAIMS. THE PROBLEM IS THAT THESE PEOPLE ARE REQUIRED TO KEEP THEIR IDENTITY HIDDEN FOR FEAR OF NEGATIVE REPERCUSSIONS. THE LEGAL PROTECTIONS WOULD MAKE A SAFER SPACE FOR LGBT PEOPLE AND OUR FRIENDS AND FAMILY TO BE ABLE TO BE WHO THEY ARE AND LOVE WHOM THEY CHOOSE TO LOVE. ALMOST EVERY LGBT PERSON I HAVE MET HAS MENTIONED WANTING TO LEAVE NEBRASKA BECAUSE OF THE LAWS. LAWS THAT PROMOTE INCLUSIVITY ENCOURAGE PEOPLE TO STAY HERE IN NEBRASKA. MY FRIENDS, WE ALL KNOW THAT LAWS

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CANNOT CHANGE OR OPEN HEARTS, WE KNOW THAT'S CLEAR TIME AND AGAIN, BUT THEY CAN CLOSE OR SHUT MOUTHS. NOW YOU CAN GO AHEAD AND HARBOR AS MUCH EVIL IN YOUR HEART REGARDING RACE, BUT IT'S NOT ACCEPTED IN SPEECH OR IN COMMUNITY DISCOURSE. THAT'S WHAT I'M HOPING FOR. WITH LGBT, YOU CAN STILL HARBOR AS MUCH EVIL AND HATRED AND LACK OF COMPASSION FOR THESE FRIENDS AND NEIGHBORS AND FAMILY MEMBERS, OR THINK THEY'RE AS SINFUL AS YOU MAY, AND YOU CAN SPEAK CRUELLY TO THEM AND STILL FIRE THEM. WE'VE HAD...WE'VE CREATED PROTECTIONS FOR THE CHURCH BECAUSE LONG AGO PEOPLE WERE DISCRIMINATING AGAINST CHURCH MEMBERS, DEPENDING ON WHICH CHURCH THEY WERE IN. SO WE MADE SURE THAT THE CIVIL RIGHTS ACT INCLUDED RELIGION. SO NOW THAT THE RELIGIONS ARE PROTECTED, THAT THEY HAVE CIVIL RIGHTS PROTECTIONS TO NOT...WE HAVE THE RIGHT NOT TO BE FIRED BECAUSE OF OUR FAITH. YOU CANNOT FIRE ME BECAUSE I HAVE A STRONG FAITH AND I GO TO THE UCC CHURCH. WE CANNOT FIRE OUR FRIENDS FOR BEING JEWISH AND GOING TO THE TEMPLE. BUT WE CAN CONTINUE TO FIRE... [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR PANSING BROOKS: ...BECAUSE OF HOW...WHAT SOMEBODY LOVE...WHO THE PERSON SOMEBODY LOVES. MY FAITH TEACHES ME THAT JESUS WAS THE PERFECTION OF LOVE AND I BELIEVE RIGHT NOW WE HAVE A RELIGIOUS PERVERSION OF THE UNDERSTANDING OF CHRISTIAN LOVE AND COMPASSION. THOSE ARE STRONG WORDS, BUT I DO THINK IT'S A PERVERSION. OUR SOCIETY, EVERYTHING WE'VE LEARNED IN CHURCH I KNOW IS TO TALK ABOUT LOVE AND COMPASSION AND REACHING OUT AND EMBRACING OTHERS. SINCE WE LAST MET, THE SUPREME COURT RULED THAT GAY MARRIAGE IS LEGAL UNDER OBERGEFELL, RENDERING OUR CONSTITUTIONAL AMENDMENT UNCONSTITUTIONAL, GRATEFULLY. WE CAN CONTINUE TO BE ON THE WRONG SIDE OF HISTORY. WE CAN CONTINUE TO BE ON THE WRONG SIDE OF ECONOMIC DEVELOPMENT. [LB586]

SPEAKER HADLEY: TIME, SENATOR. [LB586]

SENATOR PANSING BROOKS: WE CAN CONTINUE TO BE ON THE WRONG SIDE OF LOVE. THANK YOU, MR. PRESIDENT. [LB586]

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SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. THOSE IN THE QUEUE ARE SENATORS HANSEN, SCHNOOR, BOLZ, SMITH, McCOLLISTER, GLOOR, AND OTHERS. SENATOR HANSEN, YOU ARE RECOGNIZED. [LB586]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. COLLEAGUES, I RISE TODAY IN SUPPORT OF LB586. I'VE ACTUALLY BEEN VERY HAPPY WITH THE OVERALL TONE OF THE DEBATE TODAY AND I WOULD ENCOURAGE US TO KEEP GOING IN SUCH A CIVIL WAY. I DID WANT TO ADDRESS, THERE'S BEEN SOME TALK ABOUT ECONOMICS AND STATE RANKINGS AND WHO HAS WHAT AND WHO DOESN'T HAVE WHAT. YOU KNOW, I THINK WHEN BUSINESSES COMMUNITIES COME OUT AS STRONGLY AS THEY HAVE IN FAVOR OF THIS BILL, FROM CHAMBERS OF COMMERCE TO EMPLOYERS LARGE AND SMALL, THAT'S SOMETHING TO TAKE NOTE OF. YOU KNOW, WE'VE HAD A HANDOUT AND A COUPLE PEOPLE HAVE REFERENCED IT, YOU KNOW, VARIOUS STATE RANKINGS ON BUSINESS CLIMATES OR WHATNOT. YOU KNOW, I'M NOT GOING TO PRETEND HERE AND SAY THIS IS THE BILL, THIS IS THE BILL THAT IF WE PASS IT, YOU KNOW, NEBRASKA IS GOING TO SAIL TO NUMBER ONE IN EVERY RANKING. I'M NOT GOING TO PRETEND THAT. I DO THINK IT MATTERS. I DO THINK IT HELPS. ONE THING TO CONSIDER WHEN COMPARING AND CONTRASTING IS WE'RE LOOKING AT A LOT OF THESE LISTS OR A LOT OF THESE COMPARISONS, PEOPLE ARE LOOKING AT STATE LAWS. TEXAS GOT CITED SPECIFICALLY EARLIER AS A LAW THAT...AS AN ECONOMY THAT IS GROWING BUT DOESN'T HAVE THESE PROTECTIONS. WELL, IT'S TRUE THEY DON'T HAVE THEM, UNFORTUNATELY, AT THE STATE LEVEL, BUT THEY DO HAVE THEM ON THE COUNTY AND THE CITY LEVEL. BASED ON MY QUICK RESEARCH, IN TEXAS, DALLAS COUNTY, AS WELL AS THE CITIES OF AUSTIN, BROWNSVILLE, DALLAS, EL PASO, FORT WORTH, PLANO, AND SAN ANTONIO DO HAVE EMPLOYMENT PROTECTIONS FOR LGBT AND GENDER IDENTITY. RIGHT THERE, THAT'S MILLIONS UPON MILLIONS OF CITIZENS IN TEXAS, TEXANS, THAT DO HAVE THESE PROTECTIONS. SO WHEN WE'RE COMPARING, CONTRASTING, SAYING TEXAS GETS BY JUST FINE, GOT TO KEEP IN MIND THAT TEXAS ISN'T ALL IN ONE CATEGORY OR THE OTHER AT THE MOMENT. WE'RE GOING AD HOC. WE'RE HAVING A LOT OF MUNICIPAL AND CITY AND COUNTY LEADERS STEP UP AND BE STRONG ADVOCATES ON THIS ISSUE. SO IF TEXAS' GROWTH, AND I DON'T HAVE A GOOD CHART OF IT, BUT IF TEXAS' GROWTH IS BASED IN SOME OF THOSE CITIES, YOU COULD MAYBE CHANGE YOUR TUNE ON HOW THIS HAS IMPACTED THEIR STATE GROWTH. I THINK THE ECONOMIC ISSUES ARE IMPORTANT OF IT. I'M ALWAYS THANKFUL WHEN BUSINESS LEADERS CAN BE INSIGHTFUL ON THE NEEDS OF THE COMMUNITY, THE NEEDS OF INDIVIDUALS. BUT, YOU KNOW, FUNDAMENTALLY, I THINK THERE'S ALSO A STRONG MORAL COMPONENT OF THIS BECAUSE HERE WE HAVE, AND FOR A LONG TIME IN THIS COUNTRY,

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PROTECTED PEOPLE ON VERY INTRINSIC CATEGORIES OF WHO THEY ARE, YOU KNOW, THEIR AGE, THEIR GENDER, THEIR RACE. WE'VE DECIDED THESE ARE THINGS THAT WE DON'T WANT PEOPLE TO BE JUDGED UPON, THESE ARE THINGS WE'RE GOING TO SAY WE WANT YOU TO BE JUDGED ON YOUR MERITS, NOT ON YOUR SKIN COLOR, NOT ON YOUR AGE, NOT ON YOUR GENDER, NOT ON YOUR SEX. I THINK LGBT STATUS, I THINK GENDER IDENTITY IS THE SAME. IT'S SOMETHING THAT DOESN'T CHANGE. IT'S SOMETHING THAT'S AN INNATE PORTION OF WHO YOU ARE. SO I RISE FOR IT. I THINK THE ECONOMIC BENEFITS OF IT ARE GREAT. BUT I RISE FOR IT BECAUSE I THINK INTRINSICALLY WE NEED TO MAKE SURE WE SUPPORT OUR NEBRASKANS AND PROVIDE PROTECTION THE SAME WAY WE DO WITH ANY OTHER CATEGORY OF A PERSON'S BEING. I JUST THINK THIS IS A SIMPLE EXTENSION OF THAT, WOULD ENCOURAGE MY COLLEAGUES TO SUPPORT IT. THANK YOU, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR HANSEN. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB586]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. WE'VE TALKED A LOT ABOUT HOW THIS IS AFFECTING OMAHA AND LINCOLN, AND HOW OMAHA AND LINCOLN IS LOSING EMPLOYEES, BUT YET OMAHA AND LINCOLN IS GROWING BY LEAPS AND BOUNDS AND IT'S DOING IT WITHOUT THESE LAWS IN PLACE. IT WAS MENTIONED THAT BUSINESSES WON'T COME HERE BECAUSE OF THIS. WELL, THERE'S A BUSINESS LOOKING TO COME TO DODGE COUNTY. IT IS BRINGING A \$1.3 BILLION INDUSTRY. AND NOT ONCE IN THE MEETINGS THAT I ATTENDED WAS THIS MENTIONED. A \$1.3 BILLION INDUSTRY, GOING TO EMPLOY 1,100 PEOPLE, AND IT'S DOING IT WITHOUT ANY OF THESE LAWS IN PLACE. SO I, TOO, FEEL THAT THIS IS UNNECESSARY. IS THERE DISCRIMINATION TAKING PLACE? I'M SURE THERE IS. WE CAN PUT LAWS ON THE BOOKS FOR EVERYTHING AND THERE WILL STILL BE DISCRIMINATION. THAT'S SAD, BUT IT'S A SAD REALITY OF THE SINFUL WORLD WE LIVE IN. BUT TO SAY THAT OUR STATE IS DWINDLING BECAUSE WE DON'T HAVE THIS IN PLACE, I JUST COMPLETELY DISAGREE WITH. AND I'VE GIVEN YOU THE FACTS, AT LEAST FOR MY DISTRICT, THAT THIS IS NOT TRUE. SO OBVIOUSLY, WE'LL BE DEBATING FOR A LENGTHY AMOUNT OF TIME. SO WITH THAT, I YIELD THE REST OF MY TIME TO SENATOR KINTNER. [LB586]

SPEAKER HADLEY: SENATOR KINTNER, YOU'RE YIELDED 2:12. [LB586]

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SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, I GOT TO TELL YOU, THIS HAS BEEN A PRETTY RESPECTFUL DEBATE OTHER THAN SENATOR CHAMBERS, BUT IT'S BEEN A PRETTY RESPECTFUL DEBATE. I MEAN PEOPLE HAVE STATED THEIR CASE. THEY'VE NOT ATTACKED ANYONE. THEY'VE ATTACKED SOME IDEAS THEY DON'T BELIEVE. I THINK THAT'S THE WAY THAT WE SHOULD DO THINGS HERE. YOU KNOW, WHAT I LOOK AT IS THAT WE NEED TO GUARANTEE THE RIGHTS AND FREEDOMS OF ALL PEOPLE. WE KEEP TALKING ABOUT A DISCRIMINATED CLASS OF PEOPLE, ALMOST DOWNTRODDEN IF I HEARD SOME OF MY COLLEAGUES RIGHT, OF PEOPLE THAT ARE JUST...THERE'S...I THINK SOME OF MY COLLEAGUES SEE A DISCRIMINATING, HATEFUL PERSON BEHIND EVERY TREE, BEHIND EVERY CROSS. THEY SEE A CHURCHGOER AND THEY THINK IT'S A HATEFUL PERSON. I'M EXTRAPOLATING. NO ONE SAID THAT. BUT IT SEEMS TO BE THEY THINK THERE'S A LOT OF HATE OUT THERE. AND I JUST DON'T SEE IT. I SEE PEOPLE THAT WANT TO LIVE AND LET LIVE IN OUR STATE. BUT I THINK THAT ONE OF THE KEYS HERE IS, YOU KNOW, EVERY AMERICAN SHOULD BE FREE TO WORK, LIVE ACCORDING TO THEIR FAITH... [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR KINTNER: ...WITHOUT FEAR OF PUNISHMENT BY GOVERNMENT. YOU KNOW, I DON'T THINK ANY AMERICAN SHOULD BE FORCED TO CONFORM TO A GOVERNMENT-MANDATED MORAL CODE IN ORDER TO AVOID FINES, IN ORDER TO AVOID THE GOVERNMENT. THE RIGHT TO CONSCIENCE, THE RIGHT TO OBJECT ARE FUNDAMENTAL RIGHTS GUARANTEED BY OUR BILL OF RIGHTS, AND I THINK THIS COULD POSSIBLY INFRINGE ON IT. WE'VE SEEN IT INFRINGED ON IN OTHER PLACES. I CERTAINLY DON'T BELIEVE THAT'S THE PURPOSE OF SENATOR MORFELD'S BILL, BUT THAT COULD VERY WELL BE THE RESULT OF IT. AND WITH THAT, THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR SCHNOOR. [LB586]

SPEAKER HADLEY: SENATOR SCHNOOR AND SENATOR KINTNER, THANK YOU. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB586]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I BELIEVE IN THE NEBRASKA WORK ETHIC. I'M PROUD OF OUR COMMITMENT TO WORKING HARD TO ACHIEVE OUR GOALS AND DREAMS. NEBRASKA RANKS NUMBER TWO IN TERMS OF WORK FORCE PARTICIPATION, NUMBER THREE IN TERMS OF INDIVIDUALS WHO WORK MORE THAN ONE JOB, AND FOURTH IN UNEMPLOYMENT RATE. COLLEAGUES, TO

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ME, THIS IS A PIECE OF LEGISLATION THAT ENSURES THAT ANYONE WHO WANTS TO WORK HARD CAN WORK HARD TO SUPPORT THEMSELVES AND THEIR FAMILIES. I SUPPORT THIS BILL. I SUPPORT OUR LGBT NEBRASKANS. I SUPPORT THEIR ABILITY TO WORK AND SUCCEED AND CONTRIBUTE TO OUR STATE. I DON'T WANT TO SPEAK LONG THIS MORNING, BUT I DO THINK IT'S IMPORTANT TO RISE AND ADD MY VOICE AND HELP THE PEOPLE OF OUR STATE UNDERSTAND THAT PEOPLE IN THIS BODY CARE, WE SUPPORT YOU, WE WANT YOU HERE CONTRIBUTING TO OUR ECONOMY AND HELPING OUR STATE SUCCEED. THANK YOU, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR BOLZ. SENATOR SMITH, YOU'RE RECOGNIZED. [LB586]

SENATOR SMITH: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES, AGAIN. I STAND IN OPPOSITION TO LB586 AND AM289 AND AM2550. EVERYONE HERE KNOWS I'M A SMALL BUSINESS OWNER. AND I'VE COMMENTED BEFORE ON PREFERENCES, SET-ASIDES, NONDISCRIMINATION, AND OTHER SIMILAR LEGISLATION THAT I BELIEVE DIRECTLY OR INDIRECTLY BURDENS SMALL BUSINESSES IN OUR STATE. THERE'S CERTAINLY NOT A PLACE FOR DISCRIMINATION OF ANY TYPE IN OUR STATE, BUT DOES IT EXIST? MOST CERTAINLY, AND IT EXISTS BECAUSE WE LIVE IN AN IMPERFECT WORLD. BUT TO WHAT EXTENT? AND DOES LEGISLATIVE ACTION SUCH AS THIS JUSTIFY THE NEGATIVE IMPACTS AND THE RISKS THAT WE WILL CREATE TO SMALL BUSINESSES IN OUR STATE, THE JOB CREATORS? SENATOR COASH WAS CORRECT IN HIS OPENING COMMENTS WHEN HE STATED THAT GOOD COMPANIES, SUCCESSFUL COMPANIES COMPLY AND THEY AVOID DISCRIMINATION OF ANY TYPE. THAT'S HOW THEY BECOME GREAT COMPANIES, SUCCESSFUL COMPANIES. THE LARGE BUSINESSES THAT YOU'VE HEARD THAT HAVE COMMON SUPPORT OF THIS LEGISLATION AND THOSE THAT SUPPORT ADDITIONAL COMPLIANCE LAWS, THEY HAVE HR DEPARTMENTS. BUT SMALL BUSINESSES DON'T HAVE SUCH RESOURCES. IT'S USUALLY A MOM AND A POP, IT'S A SMALL GROUP THAT RUN THAT BUSINESS, AND THEY RELY ON BEING BURDENED DOWN WITH EMPLOYMENT PRACTICE INSURANCE TO MAKE CERTAIN THAT THEY DON'T UNINTENTIONALLY GET CAUGHT UP IN SOME TYPE OF A LITIGATION. I HAVE STOOD IN OPPOSITION TO LEGISLATION IN THE PAST THAT WOULD GIVE PREFERENCES TO CERTAIN CLASSES, EVEN TO VETERANS, FOR SIMILAR REASONS, THAT SMALL BUSINESSES ARE HEAVILY BURDENED AND THEY SIMPLY WANT LESS GOVERNMENT SO THEY CAN GO ABOUT THEIR BUSINESS OF CREATING JOBS. I UNDERSTAND SENATOR MORFELD'S INTENT. I HAVE A GREAT DEAL OF RESPECT FOR SENATOR MORFELD AND I CERTAINLY HAVE A GREAT

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DEAL OF RESPECT FOR SENATOR COASH WITH HIS ATTEMPT TO FIND MIDDLE GROUND AND SOME COMPROMISE. BUT THE MAJORITY OF EMPLOYERS AND EMPLOYEES ARE REPRESENTED BY SMALL BUSINESSES IN OUR STATE, YET THEIR VOICE IS RARELY HEARD. WE HEAR A LOT FROM AGRICULTURE, WE HEAR A LOT FROM BIG BUSINESS, BUT WE HEAR VERY LITTLE FROM SMALL BUSINESS, THE VOICE OF SMALL BUSINESS IN THIS LEGISLATURE. AND THIS IS A TYPE OF LEGISLATION THAT IS BURDENSOME TO SMALL BUSINESS AND THEY WILL SUFFER. SO WHILE I UNDERSTAND THE INTENT OF THE BILL, I UNDERSTAND SENATOR MORFELD, I HAVE GREAT RESPECT FOR SENATOR MORFELD, I'VE LISTENED VERY CLOSELY TO THE REMARKS BY SENATOR PANSING BROOKS, I HAVE A GREAT DEAL OF RESPECT FOR SENATOR PANSING BROOKS, I SIMPLY CAN'T PUT OUR SMALL BUSINESSES WHICH DON'T HAVE ADEQUATE REPRESENTATION AT ANY MORE RISK THAN THEY ARE TODAY. AND THAT'S WHY I RISE IN OPPOSITION TO THIS BILL AND THE AMENDMENTS. THANK YOU, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR SMITH. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LB586]

SENATOR McCOLLISTER: THANK YOU, MR. SPEAKER. GOOD MORNING, COLLEAGUES. I SUPPORTED LB586 LAST YEAR AND I INTEND TO SUPPORT IT THIS YEAR WITH THE AMENDMENTS. I APPROACH THIS ISSUE FROM THE VANTAGE POINT AS A SMALL EMPLOYER. UNTIL TEN YEARS AGO, WE EMPLOYED ABOUT 75 PEOPLE, SO WE WOULD BE CONSIDERED TO BE A SMALL BUSINESS. EEOC DEFINES DISCRIMINATION BY TYPE AND THAT INCLUDES AGE, SEX, RACE, DISABILITY, PREGNANCY, AND RELIGION. I'M NOT SURE THAT INCLUDING SEXUAL ORIENTATION AND GENDER IDENTITY IS REALLY THAT MUCH OF A BURDEN FOR SMALL BUSINESS. WE HAVE TO COMPLY WITH THOSE OTHER ISSUES ALREADY, NO MATTER WHAT BUSINESS SIZE YOU ARE. I'D ASK SENATOR MURANTE A QUESTION OR TWO IF HE'D RESPOND. [LB586]

SPEAKER HADLEY: SENATOR MURANTE, WILL YOU YIELD TO A QUESTION? [LB586]

SENATOR MURANTE: YES. [LB586]

SENATOR McCOLLISTER: THANK YOU, SENATOR MURANTE. HOW MANY EMPLOYEES DO YOU HAVE AT BIG FRED'S? [LB586]

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SENATOR MURANTE: A LITTLE LESS THAN 90. [LB586]

SENATOR McCOLLISTER: AND IN TERMS OF EMPLOYMENT PRACTICES, DO YOU HAVE DEFINED INTERVIEW QUESTIONS THAT YOU ASK AND ARE CAREFUL TO NOT INFRINGE UPON THE RIGHTS OF PROSPECTIVE EMPLOYEE WHEN YOU ASK THOSE QUESTIONS? [LB586]

SENATOR MURANTE: YES. [LB586]

SENATOR McCOLLISTER: HOW ABOUT DO YOU HAVE JOB DESCRIPTIONS? [LB586]

SENATOR MURANTE: YES. [LB586]

SENATOR McCOLLISTER: HOW ABOUT ANNUAL EMPLOYEE REVIEWS? [LB586]

SENATOR MURANTE: YES. [LB586]

SENATOR McCOLLISTER: DO YOU HAVE DISCIPLINE PROCEDURES IF SOMEONE, IN FACT, IS ON PROBATION OR SUCH PRACTICES? [LB586]

SENATOR MURANTE: YES. WE DON'T HAVE A PROBATIONARY PROCESS, BUT WE DO HAVE A DISCIPLINARY PROCESS, I'LL PUT IT THAT WAY. [LB586]

SENATOR McCOLLISTER: WELL, EVEN MY COMPANY, WHEN WE RAN THAT COMPANY, AND BIG FRED'S PIZZA, AS SMALL BUSINESS WE COMPLY WITH THESE ISSUES. AND ESTABLISHING ANOTHER PROTECTED CLASS I DON'T FIND TO BE BURDENSOME. THE FACT THAT THE TWO CHAMBERS OF COMMERCE, LINCOLN AND OMAHA, HAVE SUPPORTED THIS BILL I THINK IS TELLING. YOU KNOW, IF IT WAS, IN FACT, A PROBLEM FOR A BUSINESS OF ANY SIZE, LARGE, SMALL, MEDIUM, WHATEVER, I THINK WE'D HAVE A PROBLEM. BUT I DON'T FIND THIS TO BE BURDENSOME AND I WOULD ASK YOUR SUPPORT OF LB586. THANK YOU, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR McCOLLISTER. THOSE IN THE QUEUE ARE SENATORS GLOOR, KINTNER, McCOY, CHAMBERS, MORFELD, BRASCH, AND OTHERS. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB586]

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SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS. MY COMMENTS ARE A REPRISÉ OF MY COMMENTS WHEN SENATOR CONRAD'S BILL WAS REFERENCED AND CONSIDERED, DEBATED A COUPLE OF YEARS AGO, AS WELL AS THIS BILL LAST YEAR AND THEY FIT INTO THE SAME CATEGORY I BELIEVE AS SENATOR CAMPBELL'S STORY WHICH, AS AN EMPLOYER, ONCE UPON A TIME WHEN I HELD THAT RESPONSIBILITY, IS A PERSPECTIVE I'D LIKE TO BRING FORWARD IN THE STORY ALONG WITH IT--AGAIN, SAME STORY I'VE SHARED SEVERAL TIMES IN THE PAST. WE HAD A LOT OF EMPLOYEES. BY THE TIME I LEFT, I THINK WE HAD 1,300. WE DIDN'T KNOW NOR DID WE SPECIFICALLY CARE ABOUT SEXUAL ORIENTATION OR A LOT OF OTHER COMPONENTS THAT WEREN'T PART OF THE INTERVIEW PROCESS, AS SENATOR McCOLLISTER BRINGS FORWARD. AND I REMEMBER A DISCUSSION I HAD WITH A COUPLE OF THE VICE PRESIDENTS. I NO LONGER REMEMBER HOW WE GOT INTO THE DIALOGUE, BUT IT HAD TO DO WITH A COUPLE OF LONG-TERM EMPLOYEES WHO WORKED IN THE SAME DEPARTMENT WHO, IT TURNS OUT, HAD A RELATIONSHIP, SAME SEX, AND HAD, IN FACT, HAD THIS RELATIONSHIP WHEN I CAME TO WORK AT THE INSTITUTION IN 1980, HAD HAD THAT RELATIONSHIP WHEN I SHOWED UP THERE. AND THEN HERE WE WERE, AS I RECALL, ALMOST 20 YEARS LATER I'M FINDING OUT THEY HAD HAD THIS RELATIONSHIP AND KEPT IT SECRET AS BEST THEY COULD FOR THAT ENTIRE PERIOD OF TIME. AND I WAS A BIT EMBARRASSED AND CONCERNED--EMBARASSED FROM THE FACT THAT IT REALLY MADE NO DIFFERENCE TO ME, ALTHOUGH WE WERE A RELIGIOUSLY AFFILIATED INSTITUTION. I'M SURE THAT PLAYED INTO IT MORE THAN THEIR CONCERN ABOUT MY REACTION PERSONALLY, EXCEPT THEY HAD NO WAY TO KNOW WHAT MY REACTION WOULD BE PERSONALLY AS THE CEO OF THE ORGANIZATION. AND MY CONCERN WENT FURTHER THAN THAT AND IS THE REASON I THINK THAT THE BODY SHOULD HEAR, MY CONSTITUENTS SHOULD HEAR, THOSE INTERESTED SHOULD HEAR WHY I'M SUPPORTIVE OF THE BILL AND THE AMENDMENT, AND THAT IS, I WONDER THE EXTENT TO WHICH THEY TRIED TO KEEP THIS SECRET, AS PRIVATE AS THEY COULD, COMPROMISE THEIR JOBS. AND, FOLKS, THEIR JOBS WERE TAKING CARE OF PATIENTS. AND THEY WOULDN'T HAVE DONE THIS INTENTIONALLY, BUT IT'S HARD FOR ME TO IMAGINE OVER THE PERIOD OF TIME THEY WORKED THERE THAT IN SOME WAY THEY WOULDN'T HAVE HAD TO COMPROMISE SOME OF THEIR DECISION MAKING TO MAINTAIN THIS DEGREE OF SECRECY ABOUT THEIR RELATIONSHIP, A RELATIONSHIP I DON'T THINK ANYBODY CARED ABOUT. AND YET THEY OPERATED WITH THE UNKNOWN AND THE FEAR THAT THEIR DISCOVERY COULD RESULT IN A TERMINATION OF THEIR WORKING RELATIONSHIP. I'D LIKE TO GET AWAY WITH THAT. IT MAKES NO DIFFERENCE TO ME. I DON'T THINK IT MADE ANY DIFFERENCE TO THE VAST, VAST MAJORITY OF EMPLOYEES WHO WORKED

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THERE OR THE PATIENTS WHO RECEIVED EXCELLENT CARE FROM THEM, BY THE WAY. THEY WERE GREAT EMPLOYEES. I ALSO COME AT THIS AS A PARENT WITH A SON AND A DAUGHTER AND, AS WE ALL DO, WE WORRY ABOUT THEM WHEN THEY GO OUT IN THE WORLD AND WE REALLY DON'T KNOW WHAT THEIR ORIENTATION MAY BE. AND I WORRIED ABOUT THE FACT THAT, IN FACT, THEY WOULD PURSUE AN ALTERNATE LIFESTYLE AND I DID NOT WORRY ABOUT IT BECAUSE I HAVE A PROBLEM WITH THAT CHOICE. MY CONCERN IS THAT LIFE IS HARD ENOUGH WITHOUT BEING IN A CLASS OF PEOPLE THAT IN MANY CASES ARE OSTRACIZED AND DECISIONS ARE MADE BASED UPON THAT ORIENTATION. LIFE IS HARD ENOUGH WITHOUT HAVING TO LIVE WITH THAT OVER YOUR HEAD. GOD BLESS THEM IF THEY HAD MADE THAT DECISION--AND WHO KNOWS, THEY MAY YET, ALTHOUGH MY DAUGHTER IS NINE MONTHS PREGNANT, SO I'M THINKING MAYBE THAT'S NOT GOING TO BE THE CASE. BUT WHO KNOWS?
[LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR GLOOR: NO, I TAKE THAT BACK. SHE'S SEVEN MONTHS PREGNANT. I'M JUST WISHFUL THINKING HERE. THE REMOVAL OF FEAR I THINK IS A GOOD THING AND WHAT THIS PUTS IN STATUTE IS HOW THE VAST MAJORITY OF EMPLOYERS THINK ANYWAY. I DO NOT--I AGREE WITH SENATOR McCOLLISTER--SEE THIS OVERLY BURDENSOME IN ANY WAY, SHAPE, OR FORM, OR OVERLY LIMITING IN ANY WAY, SHAPE, OR FORM. GOOD PEOPLE MAKE GOOD DECISIONS AND THE PEOPLE THAT WE'RE TALKING ABOUT HERE THAT WE'RE TRYING TO REMOVE FROM THE UMBRELLA OF INAPPROPRIATE DISCRIMINATION ARE ALSO GOOD PEOPLE WHO WANT TO DO GOOD JOBS FOR US. LET'S REMOVE THAT SHADOW OF DOUBT THAT SEEMS TO BE OUT THERE. THIS IS GOOD LEGISLATION AND I ALSO THINK COMMONSENSE LEGISLATION, AND I PLAN TO SUPPORT IT. THANK YOU. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR GLOOR. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB586]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, ONE OF MY COLLEAGUES JUST SAID THAT...TALKED ABOUT THE CHAMBER OF COMMERCE IN LINCOLN AND OMAHA. BUT YOU KNOW WHAT, LIBA, LINCOLN INDEPENDENT BUSINESS ASSOCIATION, DID NOT ENDORSE THIS. YOU KNOW, WHEN...AND THEY'RE NOT DOMINATED BY BIG BUSINESSES. ALL THEIR MEMBERS ARE ON EQUAL FOOTING THERE. THEY'VE GOT A LOT OF SMALL BUSINESSES THAT SEE

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THAT THERE'S A PROBLEM WITH THIS AND THEY DID NOT ENDORSE IT. AND, YOU KNOW, THEY ARE...ONE THING I LIKE ABOUT LIBA, THEY'RE NOT OUT PUSHING SOCIAL CAUSES, THEY ARE REALLY FOR THEIR MEMBERS. AND I WOULD LIKE TO YIELD THE REMAINDER OF MY TIME TO SENATOR McCOY. [LB586]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 4:15. [LB586]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KINTNER. WOULD SENATOR COASH YIELD TO A COUPLE QUESTIONS, PLEASE? [LB586]

SPEAKER HADLEY: WOULD SENATOR MELLO YIELD? [LB586]

SENATOR McCOY: COASH, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: I'M SORRY. SENATOR COASH? [LB586]

SENATOR COASH: YES, I WILL. [LB586]

SENATOR McCOY: THANK YOU, SENATOR. I WANT TO CONTINUE. WE RAN OUT OF TIME ON MY LAST TIME ON THE MICROPHONE. I'D LIKE TO TALK A LITTLE BIT ABOUT THE ACTUAL AMENDMENT AT HAND IF WE COULD, AND I APPRECIATE YOUR WILLINGNESS TO DO THAT, BECAUSE I WANT TO MAKE SURE I...REGARDLESS OF WHERE ANY OF US MAY BE ON THIS OVERARCHING ISSUE, I THINK, IN DEFERENCE TO YOUR AMENDMENT, WHICH I THINK IS A THOUGHTFUL ONE, I'D LIKE TO TALK ABOUT IT A LITTLE BIT ON A SUBSTANTIVE BASIS JUST SO I MAKE SURE I UNDERSTAND WHAT IT IS THAT YOU'RE TRYING TO ACCOMPLISH. AS I READ IT, SENATOR COASH, AND HELP ME UNDERSTAND THIS, YOU'RE INSERTING ON PAGE 25, WHICH WOULD ACTUALLY BE TO THE GREEN COPY OF LB586, YOU'RE INSERTING SOME LANGUAGE THERE THAT TALKS ABOUT AN EMPLOYER WOULD STILL BE ABLE TO TAKE ACTION AGAINST AN EMPLOYEE IN RESPONSE TO EMPLOYEE'S MISCONDUCT, INCOMPETENCY, BEHAVIOR, VIOLATION OF WORKPLACE POLICY, ETCETERA. IS THAT ACCURATE OR AT LEAST PART OF WHAT THE AMENDMENT DOES, SENATOR? [LB586]

SENATOR COASH: THAT IS WHAT THE AMENDMENT DOES. [LB586]

SENATOR McCOY: OKAY. AND THEN I WANT TO TALK ABOUT THE OTHER SECTION, WHICH IS "OR PERCEIVED," AND I THINK I'M NEXT IN THE QUEUE, MR.

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PRESIDENT, SO THIS MIGHT EXTEND INTO MY TIME NEXT AS WELL. BUT I WANT TO GIVE YOU TIME, SENATOR COASH, SO THAT I UNDERSTAND WHERE YOU'RE TRYING TO GO WITH THIS BECAUSE MY CONSTERNATION WITH THIS GOES BACK TO THE OTHER PORTION IN THE GREEN COPY OF THE BILL, LB586, WHICH WOULD BE SECTION 20, I THINK IT IS, STARTING IN LINE 21 DOWN THROUGH LINE 24, WHERE YOU TALK...WHERE IT GIVES...THIS WOULD BE NEW LANGUAGE IN STATUTE WHERE IT IDENTIFIES WHAT A GENDER IDENTITY IS. AND IN THAT DESCRIPTION, SENATOR COASH, UNLESS I'M MISTAKEN, IT TALKS ABOUT GENDER IDENTITY INCLUDES BEHAVIOR. SO ON ONE HAND, WITH YOUR AMENDMENT, PERHAPS I'M MISUNDERSTANDING THAT, I DON'T THINK SO, BUT UNDER AM2550 WE'RE SAYING AN EMPLOYER CAN TAKE ACTION AGAINST AN EMPLOYEE BASED ON BEHAVIOR, BUT ON THE OTHER HAND WE'RE ALSO TALKING ABOUT GENDER IDENTITY INCLUDING BEHAVIOR. I DON'T THINK YOUR INTENTION WITH THIS AMENDMENT IS TO SAY THAT AN EMPLOYER COULD TAKE ACTION AGAINST AN EMPLOYEE BASED UPON THEIR LGBT BEHAVIOR, BUT THAT'S WHERE IT APPEARS TO ME TO BE SOME CONSTERNATION, SENATOR COASH. AND, I MEAN, I'D BE WILLING TO GIVE YOU AS MUCH TIME AS YOU NEED TO TRY TO EXPLAIN THAT. [LB586]

SENATOR COASH: OKAY. THANK YOU, SENATOR MCCOY. SO YOU'RE RIGHT, WE HAVE THE WORD "BEHAVIOR" IN BOTH THE GREEN COPY OF LB586 AND ALSO IN THE ADDED LANGUAGE OF MY AMENDMENT. SO I'M GOING TO SPEAK FIRST TO THE GREEN COPY OF LB586, AND IT DOES SAY BEHAVIOR BUT IT CONTINUES. AND THIS IS WHERE I THINK IT'S IMPORTANT TO UNDERSTAND THAT IT'S NOT JUST BEHAVIOR, WE HAVE TO... [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR COASH: WE HAVE...TO CONTINUE, IT'S BEHAVIOR OF AN INDIVIDUAL, WHETHER OR NOT THAT APPEARANCE, EXPRESSION, IDENTITY, OR BEHAVIOR IS DIFFERENT FROM THEIR ASSIGNED SEX AT BIRTH. SO THE PROTECTION IN LB586 IS IF A PERSON WAS ASSIGNED A MALE AT BIRTH BUT BEHAVES AS A FEMALE OR VICE VERSA, THAT BEHAVIOR IS PROTECTED. IN AM2550, IT IS WORKPLACE BEHAVIOR. SO THERE'S A PROTECTION IN LB586 THAT SAYS IF SOMEBODY BEHAVES DIFFERENTLY THAN THEIR SEX AT BIRTH, BEHAVES AS A FEMALE ALTHOUGH THEY WERE BORN AS A MALE, THAT IS PROTECTED. BUT WHAT IS ALSO PROTECTED IN AM2550 IS BEHAVIOR THAT THE EMPLOYER SETS. NOW THE EMPLOYER, IF BOTH OF THESE THINGS WERE ADOPTED, THE EMPLOYER WOULD NOT BE ABLE TO SAY TO THEIR EMPLOYEE, YOU WERE BORN A MAN AND YOU'RE NOT BEHAVING... [LB586]

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SPEAKER HADLEY: SENATOR MCCOY, YOU ARE NOW ON YOUR OWN TIME. [LB586]

SENATOR McCOY: THANK YOU. PLEASE CONTINUE, SENATOR COASH. [LB586]

SENATOR COASH: THANK YOU, SENATOR McCOY. SO IF BOTH OF THESE WERE ADOPTED, IF LB586 WITH MY AMENDMENT WERE ADOPTED, IF AN EMPLOYER WENT TO AN EMPLOYEE AND SAID, YOU WERE BORN A MAN, HOWEVER, I SEE YOU BEHAVING AS A WOMAN, THAT'S PROTECTED. BUT BEYOND THAT, BECAUSE OF AM2550, OTHER BEHAVIOR WITHIN THE WORKPLACE IS AT THE DISCRETION OF THE EMPLOYER. I HOPE THAT ANSWERS YOUR QUESTION. [LB586]

SENATOR McCOY: WELL, I THINK IT HELPS, SENATOR. I THINK THOUGH THAT THAT CONJURES UP QUITE A FEW IN MY MIND, AS ONE THAT IN MY 17 YEARS OF OWNING A CONSTRUCTION COMPANY, AS AN EMPLOYER WHO EMPLOYED A FAIR NUMBER OF EMPLOYEES OVER THE YEARS, THAT CONJURES UP TO ME SOME VERY CONFUSING SET OF CIRCUMSTANCES WHERE WE'RE SAYING PART OF BEHAVIOR IS CODIFIED AS PROTECTED, BUT THEN WORKPLACE BEHAVIOR IS DIFFERENT. AND TO ME WHERE THAT WOULD GET TO BE WHERE YOUR AMENDMENT DOESN'T ADDRESS IS, YOU KNOW, WE COULD ALL COME UP WITH A BUNCH OF DIFFERENT HYPOTHETICALS, BUT THE ONE THAT JUMPS IN MY MIND IS, PERHAPS YOU'RE A BUSINESS, NOT A RELIGION ORGANIZATION BUT A BUSINESS, AND YOUR WORKPLACE BEHAVIOR, PART OF YOUR CODE OF CONDUCT AND PART OF YOUR MISSION STATEMENT IS THAT YOU ADHERE TO A JUDEO-CHRISTIAN ETHIC. AND THAT'S YOU'RE RIGHT AS A BUSINESS OWNER, IT WAS MY RIGHT, OR COULD BE ANY RELIGION OR LACK THEREOF. HOW DO YOU BRIDGE THAT GAP BETWEEN BEHAVIOR IN THE WORKPLACE AS AN ADHERENCE TO AS A BUSINESS WHAT YOU WOULD LIKE YOUR EMPLOYEES TO BE A PART OF AND THE BEHAVIOR THAT WE'RE TALKING ABOUT? BECAUSE THE OTHER THING, SENATOR COASH, THAT AM2550 DOES IS IT REMOVES THE WORDS "OR PERCEIVED," ALSO PART OF THAT LANGUAGE IN SECTION 20, LINES 21 THROUGH 24. SO THAT WOULD READ NOW, SENATOR, AS I READ IT, "GENDER IDENTITY SHALL MEAN THE ACTUAL"--"OR PERCEIVED" IS STRICKEN--"SHALL MEAN THE ACTUAL APPEARANCE, EXPRESSION, IDENTITY, OR BEHAVIOR OF AN INDIVIDUAL, WHETHER OR NOT THAT APPEARANCE, EXPRESSION, IDENTITY, OR BEHAVIOR IS DIFFERENT FROM THE INDIVIDUAL'S ASSIGNED SEX AT BIRTH." I THINK I UNDERSTAND WHERE YOU'RE GOING WITH AM2550. MY CONCERN, SENATOR COASH, IS THAT THIS OPENS UP A WHOLE NEW SET OF AMBIGUOUS...LET ME REPHRASE THAT...A WHOLE ARENA THAT AS AN EMPLOYER I WOULD REALLY HAVE CONCERNS OVER, WELL, HOW DO I INTERPRET WHAT IS BEHAVIOR IDENTIFIED AND HAVING TO DO WITH GENDER

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IDENTITY AND BEHAVIOR THAT'S IDENTIFIED IN THE WORKPLACE WHEN THAT'S NOT SPECIFIED? DOES THAT MAKE ANY AMOUNT OF SENSE TO YOU? [LB586]

SENATOR COASH: IT DOES. AS I READ THE LANGUAGE, I WOULD JUST, ME, I WOULD LOOK AT IT FOR WHAT IT IS AND THAT IF I'M AN EMPLOYER AND IF THIS BILL WITH MY AMENDMENT WERE LAW, IF I'M AN EMPLOYER AND I SAW AN EMPLOYEE, I HAD AN EMPLOYEE WHO WAS BORN ONE WAY BUT BEHAVES A DIFFERENT WAY, I WOULD KNOW THAT THAT IS NOT SOMETHING BY WHICH I COULD FIRE THEM OR NOT HIRE THEM. YOUR QUESTION ABOUT, YOU KNOW, YOUR FAITH--AND NOTHING IN MY AMENDMENT ADDRESSES FAITH--IS ABOUT, HOW WOULD YOU CODIFY I THINK BEHAVIOR THAT WOULD BE WITH YOUR CHRISTIAN VALUES? YOU WOULD HAVE TO PUT INTO YOUR POLICY, THIS IS HOW I WANT YOU TO BEHAVE, WHETHER IT'S... [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR COASH: ...WHAT YOU SAY, HOW YOU SAY IT. AND THEN BRIEFLY I WILL JUST TELL YOU WITH THE...I THOUGHT THAT WORD "OR PERCEIVED" WAS AMBIGUOUS, WHICH IS WHY I STRUCK IT IN MY AMENDMENT. I DID NOT THINK THAT PERCEPTION WAS SOMETHING THAT WE OUGHT TO HAVE IN LAW. YOU OUGHT TO BE THAT...I MEAN I DIDN'T WANT A PERSON WALKING INTO AN EMPLOYMENT SITUATION SAYING, WELL, TODAY, YOU KNOW, YESTERDAY I PERCEIVED MYSELF AS A MAN, TODAY I PERCEIVE MYSELF AS A WOMAN, AND I WANT TO TURN THE TABLES ON YOU AS AN EMPLOYER. YOU HAVE TO BE THAT, YOU KNOW, BE A MAN OR BE A WOMAN WHO IS BEHAVING DIFFERENTLY THAN YOUR SEX AT BIRTH. [LB586]

SENATOR McCOY: I'M SURE WE'LL GET A CHANCE TO CONTINUE THIS. THANK YOU, SENATOR, AND THANK YOU, MR. PRESIDENT. I'M SURE MY TIME IS ABOUT CONCLUDED. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR McCOY. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB586]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, IT'S VERY EASY FOR THOSE WHO WANT TO DISCRIMINATE, DEMEAN, AND DEGRADE OTHER PEOPLE TO SAY, LET'S DISCUSS THIS IN A CIVILIZED MATTER, DON'T ANYBODY GET UPSET. THIS IS THE MOST DISGUSTING DISCUSSION I HAVE HEARD, THE MOST INSULTING, DEGRADING, DEMEANING

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ONE I'VE HEARD. IF I TALKED ABOUT CATHOLICS WITH THE WAY YOU'RE TALKING ABOUT PEOPLE WHO ARE MEMBERS OF THE LGBT COMMUNITY, YOU'D SAY I'M TALKING ABOUT ANTIRELIGION, WHATEVER YOU WANT TO CALL IT. BUT AS LONG AS YOU ALL IN YOUR PHONEY NOTION OF WHITE SUPERIORITY AND SUPREMACY CAN MARK OFF WHO IS INFERIOR AND NOT ENTITLED TO RIGHTS AND YOU CAN PARSE THEM OUT LIKE YOU PARSE THE WORDS IN A SENTENCE AND PLAY LIKE IT HAS NO IMPACT, YOU ARE OUT OF YOUR MINDS. YOU SOUND LIKE A BUNCH OF LUNATICS. PEOPLE WATCHING THIS WONDER WHAT'S WRONG WITH THOSE PEOPLE SAYING WE THINK THIS AND WE THINK THAT AND THOSE PEOPLE IN SMALL BUSINESS HAS TO BE ALLOWED TO DISCRIMINATE OR THEY CAN'T MAKE IT. THEN IF I SAY SMALL BUSINESS IS BASED ON RACISM AND DISCRIMINATION, THE FIRST ONE TO JUMP UP WOULD BE THE ONE WHO JUSTIFIED IT. SENATOR, WHOEVER HE IS, BACK THERE SAID IT, I WAS DOWNSTAIRS AND I HEARD IT: SMALL BUSINESSES HAVE TOO HEAVY A BURDEN IF THEY HAVE TO BE DENIED THE RIGHT TO DISCRIMINATE IN AMERICA, IN NEBRASKA, IN 2016. AND YOU TALK ABOUT THIS STATE BEING COMPASSIONATE? I LISTENED TO SENATOR BRASCH BACK THERE AND IT WAS ALL I COULD DO TO KEEP FROM TEARING THIS MICROPHONE OFF THE TABLE. YOU ALL DON'T HAVE TO EXPERIENCE WHAT WE DO, THOSE OF US WHO SUFFER THIS DISCRIMINATION AND LISTEN TO THOSE WHO DISCRIMINATE TELL US HOW WE OUGHT TO BEHAVE WHEN WE'RE DISCRIMINATED AGAINST. AND THE CRAZINESS GOES BEYOND THIS PARTICULAR SUBJECT. BUT THIS ONE I'M NOT GOING TO LET YOU GET AWAY WITH. YOU'RE GOING TO TELL ME HOW I OUGHT TO REACT WHEN SOMEBODY IS TELLING ME I'M NOT A HUMAN BEING AND THEY WANT ME TO RESPECT, AS THEY CALL IT, THEIR RIGHT TO DEGRADE ME AND SAY I SHOULD ACCEPT IT, I SHOULD NOT BE ANGRY? LET US HAVE A CIVILIZED, NICE DISCUSSION. BUT WHEN YOU'RE TALKING ABOUT TAXES FOR FARMERS, RANCHERS, BIG-SHOT BUSINESSMEN, YOU DON'T SAY, WELL, WE'RE ALL GOING TO ALL SIT HERE AND WE'RE JUST GOING TO DISCUSS IT NICE, NOBODY IS GOING SAY ANYTHING OUT OF THE WAY. YOU DON'T OWN ME. YOUR ANCESTORS HAD A RELATIONSHIP WHERE THEY COULD SAY THEY OWN MY ANCESTORS. YOU DIDN'T OWN THEM. YOU WERE ABLE TO TREAT THEM LIKE PROPERTY, BUT YOU DID NOT OWN THEM. YOU DON'T EVEN OWN ME TO THAT EXTENT. IF I BEHAVED TOWARD THIS LEGISLATURE THE WAY YOU ALL WANT TO SANCTIFY DISCRIMINATION, I WOULD SHUT THE SESSION DOWN RIGHT NOW. AND I'VE GOT TO HAVE THE RIGHT TO DO THAT, BECAUSE I DON'T LIKE WHAT WHITE PEOPLE ARE DOING. AND WHO ARE YOU TO INFRINGE ON MY RIGHT TO BEHAVE THE WAY I WANT TO? I'M FOLLOWING YOUR EXAMPLE. YOU ALL ARE GOOD TEACHERS. YOU'VE TAUGHT ME. YOU SHOULD BE PROUD OF WHAT YOU'VE PRODUCED IN YOUR STUDENT. I'M GOING TO BEHAVE TOWARD THE

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LEGISLATURE THE WAY YOU ALL ARE SAYING THESE PEOPLE SHOULD BE BEHAVED TOWARD. THEY'RE NOT EVEN DISCUSSED LIKE HUMAN BEINGS, SO MANY PRODUCTS, AND THEN SOMEBODY HAD THE NERVE TO TALK ABOUT CHRISTIANITY, EXCEPT THAT WHAT'S BEING SAID HERE COMPORTS WITH MY DEFINITION OF WHAT CHRISTIANITY REALLY IS. IT'S BIGOTRY, IT'S HATRED, IT'S DISCRIMINATION. YOU ALL DON'T EVEN WANT THAT SAID, BUT YOU WANT THE RIGHT TO ENGAGE IN CONDUCT THAT IS HURTFUL TO PEOPLE. [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR CHAMBERS: YOU CANNOT STAND WORDS AND YOU WANT TO INFLICT WRONGFUL CONDUCT AGAINST PEOPLE AND THEY'RE SUPPOSED TO BE POLITE, CHEERFUL, AND ACCEPT IT. THAT IS INSANE. AND I'M SPEAKING FOR THE PEOPLE OUT THERE WHO COULDN'T COME ON THIS FLOOR AND HAVE ANYTHING TO SAY. SUPPOSE I WERE NOT HERE. MY COLLEAGUES ARE YOU ALL. THEY'RE GOING TO BE NICE TO YOU BECAUSE WHEN IT BOILS RIGHT DOWN TO IT, YOU ALL ARE ALL MEMBERS OF THE SAME FAMILY. YOU CAN ALL DISCUSS IT IN NICE, MEASURED TONES. BUT I AM NOT ABOUT TO DO THAT. AND WHEN I GO DOWNSTAIRS, I'M LISTENING TO YOU ALL. BUT THE REASON I DO IT DOWN THERE, IF I WAS UP HERE, I'D PROBABLY PICK THESE BOOKS UP AND START THROWING THEM AROUND. IF I WAS A WHITE GUY, I'D GO GET MY SEMIAUTOMATIC WEAPON AND COME DOWN HERE AND MOW EVERYBODY DOWN. [LB586]

SPEAKER HADLEY: TIME, SENATOR. [LB586]

SENATOR CHAMBERS: DID YOU SAY ONE MINUTE? [LB586]

SPEAKER HADLEY: I SAID TIME, SENATOR. [LB586]

SENATOR CHAMBERS: OH, THANK YOU, MR. PRESIDENT. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB586]

SENATOR MORFELD: THANK YOU, MR. SPEAKER. I JUST WANT TO RESPOND TO A FEW THINGS THAT WERE SAID ON THE FLOOR. FIRST OFF, I THINK IT'S IMPORTANT TO REMIND EVERYBODY THAT THIS DOES NOT APPLY TO ANYBODY

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WITH 15 OR FEWER EMPLOYERS (SIC), AND THAT MIRRORS THE FEDERAL NONDISCRIMINATION STATUTES AND IT ALSO MIRRORS OUR STATE NONDISCRIMINATION, OUR CURRENT NONDISCRIMINATION STATUTES, WHICH, BY THE WAY, DOES NOT INCLUDE SEXUAL ORIENTATION AND GENDER IDENTITY, LIKE SOME HAVE SOMEHOW CLAIMED. SO WHEN WE'RE TALKING ABOUT SMALL BUSINESSES, LET'S BE AT LEAST COGNIZANT OF THAT FACT. AND GRANTED, PERSONALLY I DON'T THINK ANYBODY SHOULD BE ALLOWED TO DISCRIMINATE REGARDLESS OF HOW MANY EMPLOYEES THEY ARE, BUT THAT IS THE CURRENT STATUS QUO AND WE'RE NOT TRYING TO CHANGE THAT. WHAT'S INTERESTING IS THE FOLKS THAT HAVE OPPOSED SENATOR COASH'S AMENDMENT AND MY UNDERLYING BILL HAVE ADMITTED THAT, YEAH, DISCRIMINATION EXISTS, IT HAPPENS, AND I SUPPOSE SOME OF US CAN BE FINE WITH THAT. I'M NOT AND THAT'S WHY I MADE THIS MY PRIORITY BILL AND THAT'S WHY I BROUGHT THE BILL LAST YEAR. AND I ALSO SPEAK ON THIS AS A PERSON WHO IS ALSO AN EMPLOYER. THE NONPROFIT THAT I STARTED, WE HAVE 30 FULL- AND PART-TIME STAFF, AND SO I UNDERSTAND WHAT WE FACE AS EMPLOYERS. SOMETIMES WE HAVE TO LET EMPLOYEES GO AND OFTENTIMES THEY ARE NOT VERY HAPPY ABOUT IT. I'VE HAD TO DO THAT MYSELF A FEW TIMES. AND I UNDERSTAND WHAT IT'S LIKE TO HAVE ACCUSATIONS MADE AT YOU THAT AREN'T TRUE. BUT THE BOTTOM LINE, COLLEAGUES, IS THAT YOU HAVE NOTHING TO FEAR IF YOU DON'T DISCRIMINATE. AS A PERSON WHO IS ALSO AN ATTORNEY, I ALSO KNOW WHAT IT TAKES TO PROVE AN EEOC CLAIM AND VIOLATION. CERTAINLY SOMEBODY CAN FILE AN EEOC CLAIM, IT CAN BE FALSE, BUT THEY HAVE THE BURDEN OF PROVING, OF SHOWING SOME KIND OF PROOF THAT YOU ENGAGED IN THAT DISCRIMINATORY ACTIVITY. AND IT GENERALLY CANNOT BE HE SAID/SHE SAID, OR HE SAID/HE SAID, SHE SAID/SHE SAID, OR WHATEVER THE CASE MAY BE. YOU HAVE TO SHOW SOME KIND OF PROOF. AND THE BOTTOM LINE IS, IF AN EMPLOYEE IS MAD AT YOU RIGHT NOW, THEY CAN FILE A CLAIM AGAINST YOU FOR PRETTY MUCH ANYTHING RIGHT NOW IF IT'S FRIVOLOUS AND UNTRUTHFUL. THIS DOESN'T CHANGE THAT. THIS ISN'T GOING TO LEAD TO MORE CLAIMS BEING FILED. IT MIGHT LEAD TO A FEW MORE CLAIMS BEING FILED IF THAT'S HOW YOU'RE DISCRIMINATING, BUT IT'S NOT GOING TO LEAD ANY MORE JUST FRIVOLOUS CLAIMS BEING FILED THAN THAT WOULD CURRENTLY HAPPEN IN THE CURRENT LAW. THE BOTTOM LINE IS, DON'T DISCRIMINATE AND YOU'RE FINE BECAUSE THERE WILL NOT BE ANY PROOF. I'D LIKE TO ALSO NOTE THAT WHILE LIBA DID NOT TAKE A POSITION ON IT, THAT'S EXACTLY WHAT THEY DID WAS THEY DIDN'T TAKE A POSITION ON IT. IT WASN'T ONE WAY OR THE OTHER. AND SO I'D JUST LIKE TO NOTE THAT. I THINK SENATOR KINTNER CHARACTERIZED THAT CORRECTLY, BUT I WANTED TO MAKE SURE THAT THAT WAS CHARACTERIZED CORRECTLY. IN ADDITION, SOME PEOPLE

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HAVE TALKED ABOUT HOW THIS WOULD FORCE PEOPLE TO AFFIRM PEOPLE BEING GAY OR GAY MARRIAGE OR SOMETHING LIKE THAT. THIS DOESN'T FORCE ANYBODY TO AFFIRM ANYTHING, UNLESS YOU BELIEVE THAT BY THE ACTION OF YOU NOT FIRING SOMEBODY IS SOMEHOW AFFIRMING EVERYTHING THEY DO IN THEIR LIFE OUTSIDE THE WORKPLACE, WHICH IS JUST LUDICROUS. IT'S NOT FORCING YOU TO AFFIRM ANYTHING. SOMEBODY WHO IS GAY THAT IS COMING AND WORKING FOR YOU, DOING GOOD WORK, HARD WORK, WHO GOES AND MARRIES SOMEBODY ELSE WHO IS GAY, ISN'T FORCING YOU TO AFFIRM... [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR MORFELD: ...THE FACT THEY ARE GAY OR THEIR LIFESTYLE OR THEIR MARRIAGE. WE HAVE PROTECTIONS OF PEOPLE WHO ARE BORN HOW THEY ARE FOR A REASON. IT'S BECAUSE WE AS INDIVIDUALS AND AS A NATION, AS A SOCIETY, PROTECT PEOPLE FOR WHO THEY ARE FUNDAMENTALLY. NOW IF THEY'RE INCOMPETENT, LAZY, SHOWS UP TO WORK LATE, WHATEVER THE CASE MAY BE, THEN OF COURSE YOU CAN FIRE THEM. THIS BILL DOESN'T DO ANYTHING TO PREVENT THAT. WHAT IT DOES IS SHOW THAT WE ARE A SOCIETY THAT VALUES PEOPLE FOR WHO THEY ARE AND PROTECTS THEIR DIGNITY AND VALUES HARD WORK ON THE BASIS OF THAT WORK. THANK YOU, MR. SPEAKER. [LB586]

SPEAKER HADLEY: THANK YOU, SENATOR MORFELD. SENATOR BRASCH, YOU ARE RECOGNIZED. [LB586]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND THANK YOU, COLLEAGUES AND EVERYONE, FOR THE DISCUSSION AND THOUGHTFULNESS AND WORDS THAT YOU HAVE BEEN SHARING NOT ONLY WITH THIS BODY AND WITH THOSE LISTENING. I DO HAVE CONCERNS. I HAD SAID THEM EARLIER. AND HOW FAR DOES THIS LEGISLATURE AND OUR GOVERNMENT NEED TO REACH? YOU KNOW, WE MAKE LAWS, YES, WE DO, AND THERE ARE LAWS IN PLACE. THIS, AGAIN, HAS NOT BEEN ABOUT SIN AND HATE BUT ABOUT EMPLOYMENT. DO WE NEED RULES, LAWS THAT WOULD PROHIBIT NEPOTISM, FOR ONE? MAYBE WE SHOULDN'T ALLOW FAMILY TO WORK WITH FAMILY MEMBERS. OH, MY GOSH, PEOPLE HAVE SAID THAT'S BAD. I HEAR LAWS ABOUT OFFICE ROMANCE IS A SLIPPERY SLOPE TOO. WHAT ABOUT LAWS ABOUT DISCRIMINATING AGAINST ANYONE WHO IS DIVORCED, WIDOWED, SOMEBODY WHO CHOOSES TO BE SINGLE, OR SOMEONE WHO IS SINGLE MAYBE LIVING OUTSIDE OF MARRIAGE WITH ANOTHER SINGLE PERSON? I MEAN THERE'S ALL KINDS OF RELATIONSHIPS

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THAT EXIST IN OUR CULTURE, THAT EXIST IN OUR WORLD. AND WE HAVE PROTECTIONS. AND WHEN YOU WANT TO TALK ABOUT, YOU KNOW, DISCRIMINATION, THAT'S NOT SOMETHING THAT OUR COUNTRY CONDONES. YES, IT EXISTS. IT EXISTED AGAINST MY PARENTS WHEN THEY CAME HERE IN THE '50s. THEY HAD TO LEARN ENGLISH. THERE WAS A MOVEMENT AGAINST ANYONE WHO CAME FROM EUROPE AT THAT POINT. THEY SLOWLY BUT SURELY LEARNED THE LAW OF THE LAND. AND MY MOTHER ALWAYS SAID YOU EARN RESPECT. RESPECT IS NOT A PRIVILEGE, IT IS EARNED, AND WE ARE TRULY PRIVILEGED IN MANY WAYS. AND THIS MORNING, YOU KNOW, AS I HEAR MORE AND MORE... YOU KNOW, I GO BACK TO, YOU KNOW, MY COLLEAGUES OR INDIVIDUALS WHO I HAVE MET AND KNOWN. YOU KNOW, MANY THINGS THAT THEY LOOK FOR, YOU KNOW, ARE THINGS THAT INCLUDE GOOD WORK ETHICS, THAT HARD WORKER, THAT PERSON YOU CAN DEPEND ON. AND THEY DON'T ASK AND THEY DON'T REALLY WANT TO KNOW AND MAYBE SOME PEOPLE DO KNOW WHAT THE STATUS, SEXUAL PREFERENCE, WHAT HAPPENS AT HOME. WHAT THEY WANT IS GOOD SERVICE AND THERE ARE MANY INDIVIDUALS OF MANY GENDER PREFERENCES OR MARITAL STATUSES WHO HAVE GREAT SERVICE AND IF YOU ARE LUCKY ENOUGH YOU CAN GET AN APPOINTMENT, YOU CAN WAIT IN LINE. YOU KNOW, PEOPLE LOOK AT WAS THAT WHAT I EXPECTED OR BEYOND MY EXPECTATIONS? I DON'T BELIEVE THAT PEOPLE ARE NOT COMING TO NEBRASKA BECAUSE OF OUR EMPLOYMENT PRACTICES. YOU KNOW, EMPLOYERS HAVE THE RIGHT TO WELCOME OFFICE ATMOSPHERE. SOME EMPLOY... YOU KNOW, WE, FOR THE MOST PART HERE, 49 OF US, CHOOSE THE BUSINESS ATTIRE. ONE SENATOR CHOOSES TO DO WHATEVER WE DON'T DO AS FAR AS ATTIRE. I'D LIKE TO CHALLENGE EVERY DAY WE SHOW UP IN SWEATSHIRTS AND SOME JEANS AND MAYBE SENATOR CHAMBERS WILL COME IN A TUXEDO. [LB586]

SPEAKER HADLEY: ONE MINUTE. [LB586]

SENATOR BRASCH: SO THIS ISN'T ABOUT HATE, YOU KNOW, AND IT MAKES ME SAD TO HEAR THOSE THROWING IN ACCUSATIONS OF HATE AND BIAS. AND THEY ARE GOING TO EXIST ANYWHERE AND IT DOESN'T MATTER IF IT IS EMPLOYMENT OR ON THE STREET. AND I SERIOUSLY, TRULY HOPE THAT SENATOR CHAMBERS, IF HE WERE WHITE, WOULDN'T COME IN HERE ARMED WANTING TO HARM EVERYONE HERE. THAT'S NOT WHAT WE NEED TO BE TALKING ABOUT TODAY. THANK YOU, MR. SPEAKER. AND THANK YOU, COLLEAGUES. [LB586]

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

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SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. MR. CLERK FOR ANNOUNCEMENTS. [LB586]

CLERK: MR. PRESIDENT, THANK YOU. ENROLLMENT AND REVIEW REPORTS LB731, LB790, LB814, LB814A, AND LB909 AS CORRECTLY ENGROSSED. A NEW A BILL BY SENATOR SCHEER, LB774A. (READ LB774A BY TITLE FOR THE FIRST TIME.) SENATOR BOLZ OFFERS LR514, AN INTERIM STUDY RESOLUTION. AND A NAME ADD: SENATOR SULLIVAN WOULD LIKE TO WITHDRAW HER NAME FROM LR378CA. THAT'S ALL THAT I HAD, MR. PRESIDENT. THANK YOU. (LEGISLATIVE JOURNAL PAGES 1188-1189.) [LB731 LB790 LB814 LB814A LB909 LB774A LR514 LR378CA]

SPEAKER HADLEY: WE WILL NOW STAND AT EASE UNTIL 12:30. WHEN WE RETURN, SENATOR JOHNSON, YOU ARE FIRST IN THE QUEUE, SO, 12:30, WE WILL START WITH YOU. [LB586]

EASE

SENATOR SCHEER PRESIDING

SENATOR SCHEER: SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB586]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. I HAVE A QUESTION. I VISITED A LITTLE BIT WITH SENATOR MORFELD A LITTLE DURING BREAK, BUT I'D LIKE FOR HIM TO YIELD TO A QUESTION. [LB586]

SENATOR SCHEER: SENATOR MORFELD, WILL YOU PLEASE YIELD? [LB586]

SENATOR MORFELD: CERTAINLY. [LB586]

SENATOR JOHNSON: WHEN I WAS IN BUSINESS, I HAD ANYWHERE FROM 20 EMPLOYEES. AND TOWARD THE END I HAD AS MANY AS 200 EMPLOYEES, SO I GUESS I'M MAYBE OUT OF THAT CLASS OF 15 AND UNDER EMPLOYEES. SO IF THAT'S A LARGE BUSINESS, THAT'S WHAT IT IS. AND I WOULD BE INVOLVED AT TIMES WHERE WE HAD ABOUT 50 SEASONAL EMPLOYEES AND ALSO TIMES THAT I WOULD GO INTO A DIFFERENT COMPANY AND WOULD HAVE TO HAVE A REDUCTION IN FORCE, OR A RIF. AND I'M JUST WONDERING WITH A PROTECTED CLASS LIKE THIS, IS THERE ANYTHING, ANY PRECAUTIONS OR ANYTHING I

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WOULD NEED TO ADD TO MY PROFILE ON ANYBODY IN ORDER TO STAY AWAY FROM ANY DISCRIMINATION? [LB586]

SENATOR MORFELD: THAT'S A GREAT QUESTION, SENATOR JOHNSON. AND THE BOTTOM LINE IS, IS THAT...NO, THE CURRENT STATUTE IS AS IT IS. THERE IS CURRENTLY...THIS WOULD JUST ADD TO THE CURRENT PROTECTED CLASSES UNDER THE NEBRASKA STATUTE, RACE, GENDER, SEX, ALL OF THOSE DIFFERENT THINGS. GENDER AND SEX ARE THE SAME THING ACTUALLY. BUT SO, NO, THE ANSWER IS, NO, IT WOULD NOT CHANGE ANY REQUIREMENTS IN THAT. AS LONG AS IT IS BASED ON A REDUCTION IN FORCE AND NOT BASED ON ANIMUS TOWARDS ONE OF THE PROTECTED CLASSES, YOU'RE PERFECTLY FINE TO RIF IF YOU NEED TO DO THAT. [LB586]

SENATOR JOHNSON: SO I DON'T HAVE TO JUMP THROUGH ANY DIFFERENT HOOPS THAN I AM RIGHT NOW, OKAY. [LB586]

SENATOR MORFELD: NO DIFFERENT HOOPS THAN WHAT YOU CURRENTLY HAVE RIGHT NOW. [LB586]

SENATOR JOHNSON: OKAY, THANK YOU. [LB586]

SENATOR MORFELD: THANK YOU. [LB586]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR MORFELD AND SENATOR JOHNSON. SENATOR...MR. CLERK. [LB586]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO ADJOURN UNTIL 9:00 A.M. ON MARCH 24.

SENATOR SCHEER: YOU HAVE HEARD THE MOTION. THIS IS ADJOURNMENT, NOT RECESS, SO IS THERE ANYONE THAT DOESN'T UNDERSTAND THE MOTION? IT IS FOR ADJOURNMENT. WE HAVE A REQUEST FOR A CALL OF THE HOUSE. THE MOTION IS 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. PLEASE RECORD.

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CLERK: 22 AYES, 0 NAYS, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL.

SENATOR SCHEER: 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 COOK, GLOOR, KOLOWSKI, BAKER, HARR, HILKEMANN, AND GARRETT, THE HOUSE IS UNDER CALL. SENATOR BURKE HARR, SENATOR HILKEMANN, SENATOR GARRETT, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR HARR AND HILKEMANN, THE HOUSE IS UNDER CALL. PLEASE RETURN TO THE CHAMBER. SENATOR CHAMBERS, WOULD YOU PREFER TO GO AS IS OR WOULD YOU LIKE TO WAIT FOR THE OTHER TWO TO ARRIVE? THANK YOU. SENATOR HILKEMANN, SENATOR HARR, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. SENATOR CHAMBERS, SENATOR HARR IS NOT AVAILABLE. NO ONE SEEMS TO KNOW WHERE HE IS AT. WE OKAY TO GO AHEAD? THERE WAS A REQUEST FOR A ROLL CALL IN REGULAR ORDER, SENATOR CHAMBERS? REGULAR ORDER.

CLERK: SENATOR BAKER.

SENATOR SCHEER: THE RULING OF THE CHAIR IS THAT THE AVAILABILITY OF THIS SPEAKER TO SPEAK WAS AT THE TIME OF THE MOTION. IT HAS PASSED. I AM REEMPHASIZING THIS VOTE IS FOR ADJOURNMENT. MR. CLERK.

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 1190-1191.) 1 AYE, 44 NAYS, MR. PRESIDENT, TO ADJOURN.

SENATOR SCHEER: THE MOTION FAILS. GOING BACK TO LB586, I RAISE THE CALL. SENATOR PANSING BROOKS, YOU ARE RECOGNIZED. [LB586]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. BACK TO THE DISCUSSION, IT'S SO EASY TO CAST STONES. I APPRECIATE SENATOR CHAMBERS' DISCUSSION EARLIER. IT IS HARD NOT TO FEEL THAT IT'S CONDESCENDING TO SAY PLEASE KEEP THIS DISCUSSION FROM BEING PERSONAL. I THINK YOU ALL KNOW THIS IS VERY PERSONAL TO ME. AND WHICH ONE OF YOU, IF YOU LOOK DEEP IN YOUR HEART, WOULD NOT MAKE THIS PERSONAL AS WELL? IF WE WERE TALKING ABOUT DISABILITY RIGHTS, FORTUNATELY, WE DO NOT HAVE TO DEAL WITH THAT RIGHT NOW, AND THERE ARE PROTECTIONS FOR THOSE WHO ARE DISABLED. I HAVE AN ISSUE WHERE YOU ALL THINK THAT IT'S JUST FINE. NOT

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ALL, EXCUSE ME, THAT IS INCORRECT. THERE ARE MANY OF YOU WHO THINK IT IS JUST FINE THAT MY SON COULD BE HIRED AND A BUSINESS CAN JUST FIRE HIM--IT'S TOO DIFFICULT, MY RELIGIOUS BELIEFS ARE THAT YOU ARE EVIL AND A SINNER, SO I GET TO GO AHEAD AND FIRE YOU BECAUSE OF MY PROTECTED BELIEFS. YES, THE CIVIL RIGHTS ACT HAS PROTECTED EACH OF US IN OUR RELIGION. WE CANNOT BE FIRED OR DISCRIMINATED AGAINST BECAUSE OF OUR RELIGION. BUT NOW THAT WE HAVE THOSE PROTECTIONS, LET'S PULL IT ON OTHER PEOPLE THAT DON'T QUITE FIT INTO OUR WORLD AND INTO OUR REALM AND INTO THE PEOPLE WITH WHOM WE WANT TO ASSOCIATE OR WORK. GOODNESS KNOWS, WE'RE NOT SAYING THAT IF SOMEBODY IS INCOMPETENT OR INCAPABLE OR NOT DOING THEIR JOB, THAT YOU CAN'T FIRE THEM. WE ARE SAYING, JUST BECAUSE OF WHOM THEY LOVE, TOO BAD, THIS IS MY RIGHT IN MY RELIGION. I DON'T REMEMBER THE PART OF THE NEW TESTAMENT WHERE JESUS SAYS THAT. I'VE BEEN SEARCHING AND SEARCHING FOR THAT VERSE IN THE BIBLE AND I DO NOT SEE IT. AND CONTRARY TO WHAT SOME OF YOU THINK, I'VE READ THE BIBLE A COUPLE OF TIMES. IT IS IMPORTANT TO ME. I DO NOT SEE ONE PLACE WHERE JESUS MENTIONS HOMOSEXUALITY. SO IF YOU'D LIKE TO SHOW ME THAT, PLEASE DO. BUT PLEASE, YOU NEED TO...WE ALL NEED TO LOOK IN OUR HEARTS. WE ALL NEED TO LOOK DOWN DEEP AND UNDERSTAND THIS IS PERSONAL TO SO MANY AROUND US IN THIS BUILDING. YOU CAN SAY, OH, THIS ISN'T PERSONAL TO ME. IF YOU HAVE AN EMPLOYEE RIGHT NOW, THAT DOES BECOME PERSONAL TO YOU. AND IT IS EASY TO SAY, OH, YOU KNOW--WE HAVE THAT WONDERFUL LINE--SOME OF MY BEST FRIENDS ARE GAY, SOME OF MY DISTANT RELATIVES. WELL, I'LL TELL YOU WHAT, MY SON IS GAY. I HAVE WATCHED HIM BE DISCRIMINATED AGAINST IN THIS STATE. SO SAY, DON'T MAKE IT PERSONAL, SAY, KEEP THE TONE REASONABLE AND KIND. WHICH OF YOU, IF YOUR CHILD WERE BEING DISCRIMINATED AGAINST, WOULD KEEP IT REASONABLE? WHICH OF YOU THINKS IT'S PROPER THAT MY SON AND OTHERS JUST LIKE HIM ARE AT RISK FROM BEING ABLE TO GET A JOB, FROM BEING ABLE TO SUPPORT THEIR FAMILIES? HOW REASONABLE IS THAT? I AM TAKING THIS PERSONALLY. IT'S VERY PERSONAL TO ME. AND TO ACT AS IF THIS IS JUST SOMETHING THAT, YOU KNOW, YOU DON'T HAVE TO DEAL WITH IT, THIS ISN'T PART OF... [LB586]

SENATOR SCHEER: ONE MINUTE. [LB586]

SENATOR PANSING BROOKS: ...WHO YOU ARE--THANK YOU, MR. PRESIDENT--OR WHAT YOU HAVE TO DEAL WITH IN YOUR LIFE IS JUST WRONG. I HAVE OVER 50 LETTERS THAT I'M PREPARED TO READ TO YOU TALKING ABOUT THE FEARS THAT PEOPLE HAVE ABOUT LOSING THEIR JOB, ABOUT HOW TERRIFIED THEY

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ARE IF IT COMES OUT THAT THEY ARE GAY BECAUSE THEY KNOW THAT THEY'LL BE DISCRIMINATED AGAINST. I HAVE A STORY OF A PERSON THAT WAS ACCUSED OF SEXUAL HARASSMENT OF THE OPPOSITE SEX AND THEN WAS FORCED TO COME OUT BECAUSE...WITH THE PROOF THAT THEY AREN'T...THAT THEY'RE GAY, THEY AREN'T INTERESTED IN THE OPPOSITE SEX. SO THEY WERE FORCED IN THEIR BUSINESS TO COME OUT. IT HAD NOT BEEN SOMETHING WHERE THEY HAD BEEN OUT AND THEY WERE ABOUT TO BE FIRED. AND SO THAT PERSON HAD TO COME OUT TO THEIR EMPLOYER TO BE ABLE TO MAINTAIN AND KEEP THE EXCELLENT JOB THAT THEY WERE DOING AND AS A DEFENSE AGAINST AN ERRONEOUS CLAIM OF SEXUAL HARASSMENT. [LB586]

SENATOR SCHEER: TIME, SENATOR. [LB586]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR PANSING BROOKS. MR. CLERK. [LB586]

CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR KRIST WOULD MOVE TO BRACKET LB586 UNTIL APRIL 20, 2016. [LB586]

SENATOR SCHEER: SENATOR KRIST, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB586]

SENATOR KRIST: I DID...THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. GOOD AFTERNOON, NEBRASKA. I DID START OUT TODAY BY SAYING I WOULD ONLY SPEAK ONCE ON THE BILL UNTIL SOMEONE OR UNTIL I PUT THE BRACKET MOTION BACK ON. I DID COMMUNICATE THAT WITH SENATOR MORFELD, SO HE WAS EXPECTING IT BEFORE I PUT IT IN. I BELIEVE THAT LB586 HAD A FAIR AND HONEST HEARING LAST YEAR AND THAT THERE WEREN'T ENOUGH VOTES TO TAKE IT TO THE FINISH LINE. SENATOR MORFELD REALIZED THAT. AND NO MATTER HOW CONVICTED HE OR ANYBODY ELSE MIGHT BE ABOUT THE ITEMS IN LB586, I STILL BELIEVE THAT IT IS NOT THE KIND OF LEGISLATION THAT WE NEED TO INTRODUCE. THERE IS NO COMPELLING REASON IN MY MIND FOR DOING IT. YOU'LL ALL HAVE TO MAKE YOUR OWN DECISION ABOUT THAT. IF YOU'D LIKE TO COMMENT ON THE MIKE, THAT'S FINE. BUT IN MY ESTIMATION, LB586 NOW HAS HAD TWO YEARS OF DEBATE AND AT LEAST FIVE HOURS, I BELIEVE. I WOULD HAVE TO GET WITH VICKI AND MAKE SURE THAT THAT TIMING IS RIGHT. SO THE BRACKET MOTION IS UP THERE FOR

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YOU TO DELIBERATE OVER. I WOULD HOPE THAT WE COULD MOVE ON TO OTHER MATTERS. AND IT IS YOUR DECISION. THANK YOU, MR. PRESIDENT. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR KRIST. WAITING TO SPEAK IN THE QUEUE: SENATORS McCOY, CHAMBERS, SCHUMACHER, KINTNER, AND OTHERS. SENATOR McCOY, YOU ARE RECOGNIZED. [LB586]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. MY LIGHT WAS ON ACTUALLY BEFORE WE STOOD AT EASE FOR THE LUNCHEON BREAK, BUT I'LL GO AHEAD AND TAKE THE OPPORTUNITY TO TALK. I APPRECIATE WHAT HAPPENED BEFORE THE BREAK BUT I APPRECIATE SENATOR COASH'S INDULGENCE AS WE TALKED ABOUT HIS AMENDMENTS AND THE CHALLENGES THAT I HAVE FROM A PRACTICAL APPLICATION STANDPOINT OF AM2550, WHICH WAS THE DISCUSSION PRIOR TO THE BRACKET MOTION. I WOULD TEND TO AGREE WITH THE SENTIMENT ON THIS BILL THAT I'M JUST NOT SURE IT'S NECESSARY AT THIS TIME. I HAVE YET TO HEAR THE PROPONENTS OF THIS LEGISLATION, THE UNDERLYING BILL, LB586, ARTICULATE THE ACTUAL CIRCUMSTANCES BY WHICH THEY THINK THERE IS DISCRIMINATION, WORKPLACE DISCRIMINATION GOING ON THAT THIS LEGISLATION IS NEEDED. AND THE RATIONALE THAT I WOULD USE, WHICH I DON'T KNOW THAT WE'VE REALLY EXPLORED TOO MUCH ON THIS FLOOR THUS FAR, FOR THAT POSITION IS THIS: AS MANY OF US KNOW, THE CITY OF OMAHA HAS THIS AT LEAST TYPE, ALTHOUGH THE WORDING IS A LITTLE BIT DIFFERENT, THIS TYPE OF LANGUAGE IN PLACE IN THIS CITY OF OMAHA AND MANY OF THE LARGE EMPLOYERS, THE LARGE BUSINESSES THAT ARE PART OF THE OMAHA CHAMBER, OF COURSE, RESIDE IN THE CITY OF OMAHA, NOT ALL--THERE ARE MANY MEMBERS OF THE OMAHA CHAMBER OF COMMERCE THAT ARE IN THE GREATER METROPOLITAN AREA WHICH INCLUDES, OBVIOUSLY, MANY COMMUNITIES IN SARPY COUNTY IN ADDITION TO DOUGLAS COUNTY BUT A GOOD NUMBER OF THOSE BIG BUSINESSES ARE IN THE CITY OF OMAHA. THEY ALREADY ADHERE TO THIS AND FOLLOW ALONG WITH THIS ORDINANCE. OF COURSE, THE CITY OF LINCOLN, AS WE KNOW, HAS DEALT WITH THIS ISSUE AS WELL IN THE PAST AND THEY'VE SEEN FIT NOT TO PLACE IT ON THE BALLOT AGAIN TO PUT IT TO A VOTE OF THE PEOPLE. SO SENATOR HANSEN IS CORRECT THAT THERE ARE SOME CITIES, MAYBE EVEN SOME COUNTIES IN THE STATE OF TEXAS THAT HAVE ACTED ON WORKPLACE DISCRIMINATION LANGUAGE, BUT AS A STATE TEXAS HAS NOT. AND THAT IS THE FUNDAMENTAL REASON WHY I DON'T BELIEVE THAT LB586 IS NECESSARY FOR THE STATE OF NEBRASKA. WE ALREADY HAVE MANY OF OUR BUSINESSES THAT CHOOSE WILLINGLY FOR A VARIETY OF REASONS--FOR COMPETITION, TALENT RECRUITMENT--IF THEY BELIEVE THAT'S NECESSARY

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FOR THEM. AND BECAUSE MANY OF THEM RESIDE IN THE CITY OF OMAHA, THEY ALREADY CHOOSE, AS THEY WELL SHOULD, IT'S AN ORDINANCE, TO ABIDE BY THIS. AND, I WOULD SUBMIT, COLLEAGUES THAT THIS IDENTIFIES THE NEED WHY THIS BILL IS NOT NECESSARY. I THINK A LOT OF NEBRASKANS UNDERSTAND THAT WE WANT TO BE AS WELCOMING AS WE CAN. BUT I THINK THIS LEGISLATION OPENS UP...AND SENATOR COASH, I STILL...WHILE I VERY MUCH APPRECIATE HIS WILLINGNESS TO SPEAK WITH ME ON THE MICROPHONE FOR BENEFIT OF THE RECORD ON HIS AMENDMENT, I HAVE CHALLENGES WITH HIS AMENDMENT AND THE UNDERLYING BILL BECAUSE I THINK IT OPENS UP A WHOLE HOST OF PROBLEMS FOR MANY BUSINESSES, PARTICULARLY SMALL BUSINESSES. IT IS JUST NOT NECESSARY. IN THE YEARS THAT I HAD THE GOOD FORTUNE TO BE AN EMPLOYER AND A BUSINESS OWNER, I WAS VERY THANKFUL TO BE PART OF THE FREE ENTERPRISE SYSTEM. I TOOK BEING A BUSINESS OWNER VERY SERIOUSLY, AS I THINK MANY OF US DO THAT HAVE HAD THAT OPPORTUNITY. WE ALWAYS LOOKED FOR THE BEST PEOPLE... [LB586]

SENATOR SCHEER: ONE MINUTE. [LB586]

SENATOR McCOY: ...TO FILL THE POSITIONS ON OUR TEAM. THANK YOU, MR. PRESIDENT. WE DIDN'T LOOK AT ANYTHING OTHER THAN THAT. I THINK THAT IS WHERE MOST BUSINESSES, HOPEFULLY ALMOST ALL IF NOT ALL OF THEM, ARE ACROSS NEBRASKA. WE'RE GOOD NEBRASKANS. WE JUST WANT FOLKS WHO ARE GOING TO HELP OUR TEAMS, HELP OUR BUSINESSES FLOURISH AND BE SUCCESSFUL AND IMPROVE THE QUALITY OF LIFE. I DON'T THINK LB586 IS NECESSARY. AND I SUPPORT THE BRACKET MOTION BECAUSE I KNOW, AS MANY OF US DO, WE HAVE A LOT OF OTHER THINGS ON OUR PLATES THE REST OF THIS SESSION AND WE OUGHT TO GET TO THEM. THANK YOU, MR. PRESIDENT. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR McCOY. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB586]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I DISAGREE WITH SENATOR McCOY AND THE REST OF THEM WHO FEEL LIKE HE DOES, THOSE WHO HAVE SAID IT AND THOSE WHO WON'T SAY IT. I DISAGREE WITH ALL OF THEM 100 PERCENT. THEY DON'T HAVE THESE ISSUES TO CONFRONT. THEIR CHILDREN WILL NOT HAVE THESE ISSUES TO CONFRONT. SO IT IS ALWAYS EASY FOR A PERSON WHOSE FOOT IS NOT ABOUT TO SLIP TO TALK DOWN TO AND MINIMIZE THE SERIOUSNESS OF THE SITUATION CONFRONTED BY THE ONE WHOSE FOOT IS ABOUT TO SLIP. THERE ARE PEOPLE WHO HAVE A

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SEXUAL ORIENTATION THAT IN THIS SOCIETY, CHRISTIAN THAT IT PROFESSES TO BE, CARRIES A STIGMA, AND NOT JUST A STIGMA BUT NEGATIVE CONSEQUENCES. YOU KNOW PEOPLE WILL RUN OUT OF HERE SAYING, CHAMBERS SAID IF HE HAD A GUN HE'D KILL EVERYBODY IN THE LEGISLATURE, AND THERE WILL BE AN UPROAR. AND LET IT. AND YOU KNOW WHAT IT PROVES WHAT I SAY? WHITE PEOPLE ARE SILLY. MY WORDS CAN BE USED TO UPSET AND OUTRAGE ALL THESE WHITE PEOPLE, MY WORDS, YET THESE SAME WHITE PEOPLE SAY THAT WHEN THEY DISCRIMINATE AGAINST PEOPLE AND HARMFUL THINGS ARE DONE TO THEM, IT SHOULDN'T MAKE THEM ANY DIFFERENCE. THEY CANNOT DEAL WITH WORDS. AND THESE OTHER PEOPLE AND PEOPLE LIKE MYSELF WHO AM HUMAN ENOUGH TO NOT JUST SAY THE WORDS, LIKE CLINTON SUPPOSEDLY SAID, I FEEL YOUR PAIN. EVEN THOUGH I MIGHT FEEL IT, I DON'T FEEL IT THE WAY THEY DO. BUT I DON'T HAVE TO HAVE SOMETHING HAPPEN TO ME TO KNOW HOW MUCH AGONY IT CAUSES ONE OF MY BROTHERS OR ONE OF MY SISTERS. AND IF THAT IS THE ONLY THING THAT COULD LEAD ME TO HAVE ANY CONSIDERATION, THEN RICH PEOPLE SHOULD MAKE SURE THEIR KIDS NEVER CONFRONT ANY PROBLEM, BECAUSE THAT CLEANSSES THEM OF ANY MORAL OBLIGATION TO HAVE ANY CONCERN FOR ANYBODY ELSE BECAUSE, NOT HAVING EXPERIENCED THE BAD THING, THEY DON'T HAVE TO DO ANYTHING ABOUT IT BECAUSE THEY DON'T UNDERSTAND IT. YEAH, THEY UNDERSTAND THINGS FOR THESE BUSINESSES. I HEARD YOU ALL UP HERE YESTERDAY TALKING ABOUT THESE BUSINESSES THAT NEEDED BREAKS. YOU'RE GOING TO BE TALKING ABOUT FARMERS AND RANCHERS, WHO GET HUNDREDS OF THOUSANDS OF DOLLARS IN GOVERNMENT SUBSIDY, BUT YOU'RE GOING TO TUG AT THE HEARTSTRINGS AND TRY TO GET TEARS TO FALL FOR THEM. AND THEN WE TALK ABOUT HUMAN BEINGS. LET ME TELL YOU SOMETHING THAT I FEEL PRIDE IN HAVING DONE. I OFFICIATED AT THE FIRST SAME-SEX WEDDING IN THAT ROTUNDA RIGHT OUT THERE WHERE, IF YOU ALL WERE AWARE OF IT AND YOU HAD THE WHEREWITHAL, YOU WOULD HAVE THROWN STONES AT EVERYBODY. AND THAT MAKES ME BETTER THAN ALL OF YOU. I AM MORALLY SUPERIOR BECAUSE I PRACTICE WHAT YOU ALL PREACH. AND YOU KNOW WHY THAT MAKES ME SUPERIOR? YOU ALL SAY THAT SOMEBODY WHO PRACTICES THESE PRINCIPLES IS A NOBLE PERSON--I DON'T EVER ATTACH THAT TERM TO MYSELF--IS A PERSON WITH MORAL RECTITUDE. NOW I MIGHT ACCEPT THAT BECAUSE I HAVE PRINCIPLES THAT PREVENT ME FROM DOING THINGS THAT HURT OTHER PEOPLE. SO THE MORAL RECTITUDE I'LL ACCEPT, NO NOBILITY, NONE OF THAT. I DOESN'T TAKE NOBILITY TO TREAT A HUMAN BEING LIKE A HUMAN BEING. HOW LOW ARE YOUR STANDARDS? DO YOU UNDERSTAND THE MEANING OF THE WORD "MORALITY"? I'VE GOT TO BE NOBLE TO TREAT SOMEBODY THE WAY I WANTED TO BE TREATED? I'M DRIVING

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A TRUCK FULL OF DRINKABLE WATER AND I SEE SOMEBODY DYING OF THIRST AND I TAKE A CUP AND I DIP A CUP OF THAT PLENTIFUL WATER SUPPLY I HAVE AND GIVE IT TO THAT PERSON. MAYBE THAT PERSON SEES ME AS A LIFESAVER. BUT TO GIVE... [LB586]

SENATOR SCHEER: ONE MINUTE. [LB586]

SENATOR CHAMBERS: ...WATER TO SOMEBODY WHO IS THIRSTY DOES NOT TAKE NOBILITY. THIS IS A CRUEL, COMPASSIONLESS, HEARTLESS OPERATION HERE. I TOLD YOU ALL THAT SENATOR McCOY IS ON HIS WAY TO BECOMING A RICH MAN. HE MIGHT BE RICH NOW. THAT GUY DOWN THERE, WHATEVER HIS NAME IS, HE'S GOT HEINEMAN ON HIS STAFF, HE'S GOT THE FORMER HEAD OF THE LABOR DEPARTMENT ON HIS STAFF, HE'S GOT SENATOR McCOY. THEY'RE PROBABLY PUTTING TOGETHER A TICKET TO RUN FOR SOME OFFICES. SO I DISCOUNT ANYTHING SENATOR McCOY SAYS WHEN IT COMES TO HOW POOR PEOPLE OR HURTING PEOPLE ARE TO LIVE AND HOW THEY OUGHT TO BE TREATED. SOMEBODY WHO IS RICH DOESN'T HAVE TO SHOW ANY CONCERN. IT'S LIKE THAT SONG: IT'S SO EASY TO HURT OTHERS WHEN YOU CAN'T FEEL PAIN. AND THAT IS WHAT IS HAPPENING AROUND HERE. [LB586]

SENATOR SCHEER: TIME, SENATOR. [LB586]

SENATOR CHAMBERS: AND I AM GOING TO SAY IT BECAUSE I SEE IT. AND I'M JUST FOLLOWING THE EXAMPLE OF THEIR JESUS. [LB586]

SENATOR SCHEER: TIME, SENATOR. [LB586]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB586]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. ALMOST HESITATED TO SPEAK ON THIS ISSUE BUT I FELT THEN TO A CERTAIN EXTENT IT'S OUR OBLIGATIONS TO BRING TO THIS BODY SOME OF OUR OWN REFLECTIONS. GOVERNANCE IS THE ACT OF BRINGING INTO BEING A FUTURE DEFINED BY THE COLLECTIVE WILL. AND TO A CERTAIN EXTENT, WE ARE PART OF OUR HISTORY AND WE ARE PART OF THE CULTURE AND THE CONSCIENCE OF

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THIS STATE. I REMEMBER MY FIRST EXPERIENCE WITH ISSUES OF DISCRIMINATION, LATE 1950s, PROBABLY SECOND OR THIRD GRADE. AND THE FRANCISCAN NUNS, GREAT PEOPLE, THEY ARE RESPONSIBLE FOR TEACHING READING, WRITING, AND ARITHMETIC TO THE CHILDREN AND THE GRANDCHILDREN OF THE PEASANTS WHO LEFT EUROPE IN SEARCH OF FREE LAND UNDER THE HOMESTEAD ACT. THAT IS BASICALLY WHERE OUR ROOTS ARE. AND THEY DID A GOOD JOB OF THAT AND THEY ALSO DID THE JOB OF TEACHING A LITTLE BIT OF THE PHILOSOPHY OF WESTERN CIVILIZATION AND AT LEAST EXAMINING THE ISSUES THAT PROBABLY MUCH OF OUR CULTURE IS BASED UPON. AND WE GOT DISCUSSING THE ISSUE OF BAPTISM AND HOW BAPTISM TAKES AWAY ORIGINAL SIN. AND BEING INQUISITIVE, THERE WAS A DISCUSSION ABOUT HOW DO YOU KNOW IF SOMEBODY HAS BEEN BAPTIZED? AND THE CONCLUSION WAS, WELL, YOU HAVE TO LOOK INTO THEIR EYES BECAUSE, IF YOU WERE BAPTIZED CATHOLIC, THE WHITE OF YOUR EYES WOULD BE WHITER THAN THOSE LUTHERANS. AND SO I SPENT CONSIDERABLE TIME LOOKING IN PEOPLE'S EYES, HAD A HARD TIME TELLING THE DIFFERENCE. BUT I'M SURE IF THE ISSUE HAD BEEN POSED TO THEM WHETHER A LUTHERAN FAMILY SHOULD BE ALLOWED TO ADOPT A CATHOLIC CHILD, THE UNANIMOUS AGREEMENT WOULD BE, NO, NEVER, THAT WOULD BE DEGRADING TO SOCIETY. SOMETIMES YOU WONDER, DO WE NEED TO JUST GROW UP? YOU KNOW, MOTHER NATURE IS A WICKED OLD GAL. SHE REMOVES FROM THE SYSTEM THOSE TRAITS AND THOSE ABILITIES AND THOSE CHARACTERISTICS WHICH ARE NOT ADAPTABLE, WHICH DO NOT SERVE THE FUNCTION OF THE INDIVIDUAL OR THE SOCIETY OF INDIVIDUALS THAT COMPRISE LIFE, BE THAT HUMAN INDIVIDUALS OR A HILL OF ANTS. AND IF THESE BEHAVIORS AND THESE CHARACTERISTICS WERE NOT ADAPTABLE, THEY WOULD HAVE LONG BEEN GONE, JUST LIKE A LOT OF THE OTHER THINGS THAT EVOLVED AWAY OR ALMOST AWAY, LIKE THE APPENDIX AND DIFFERENT PARTS OF OUR ANATOMY. THESE ARE ADAPTATIONS THAT MAKE SOCIETY STRONG. THEY ARE THE MICHELANGELOS, THEY ARE ANY NUMBER OF PEOPLE WHO ARE NOW THE CAPTAINS OF OUR INDUSTRY, OUR ARTISTS, OUR COMPUTER TECHNICIANS AND DESIGNERS. ALL THAT MIX OF HUMAN SKILL AND ABILITY IS IN THE SOUP WHICH IS HUMANITY. [LB586]

SENATOR SCHEER: ONE MINUTE. [LB586]

SENATOR SCHUMACHER: AND FOR US TO SAY, BASED UPON THE FACT THAT WE MIGHT BE IN THE MAJORITY OR MORE PEOPLE IN THE CONVENT MIGHT AGREE WITH US THAT SOMEBODY ELSE IS NOT PART OF THAT DYNAMIC HUMAN EXPERIENCE, SEEKING TOGETHER TO BRING A FUTURE INTO BEING, TO ENGAGE

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IN THE ADVENTURE OF THE STARS, THE EXPLORATION OF THE ARTS, TO DISCRIMINATE IS JUST AS DUMB AS LOOKING INTO SOMEBODY'S EYES TO SEE IF THEY ARE LUTHERAN OR CATHOLIC. THANK YOU. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR SCHUMACHER. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB586]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I GOT A COUPLE THINGS I WANT TO COVER HERE. YOU KNOW, EARLIER THIS YEAR I WROTE A COLUMN. I HAD AN ANALOGY WHERE I COMPARED MY COLLEAGUES IN THIS CHAMBER TO TRAINED MONKEYS. THE SPEAKER CAME ON THE FLOOR, ASKED FOR A POINT OF PERSONAL PRIVILEGE, AND SAID I WAS OUT OF LINE. HE SET A STANDARD. WE KNOW WHAT THE STANDARD IS NOW. WE CAN LIVE BY THE STANDARD OR WE CAN VIOLATE THAT STANDARD. WELL, BEFORE LUNCH TODAY, SENATOR CHAMBERS STOOD UP AND THAT IF HE WAS A WHITE GUY, HE'D GET A SEMIAUTOMATIC WEAPON AND MOW EVERYONE DOWN. WHERE IS THE STANDARD? SURELY IF MY ANALOGY DESERVES TO BE CONDEMNED, ADMONISHED, SURELY WHAT SENATOR CHAMBERS SAID, THERE SHOULD EQUAL TIME, YOU SHOULD GET ON THE MIKE AND YOU SAY THAT'S OUT OF BOUNDS, THAT DOESN'T GO IN HERE, WE DON'T THREATEN PEOPLE EVEN SAYING "IF I WAS, I WOULD." I WANT THE SAME STANDARD APPLIED TO ALL 49 PEOPLE. WE DON'T GET A CHAMBERS STANDARD AND THE REST OF US STANDARD. SENATOR CHAMBERS CAN SAY WHAT HE WANTS. HE OWNS UP TO WHAT HE SAYS. HE CAN SAY WHAT HE GETS AWAY WITH. WHAT I'M SAYING IS THAT IF I SHOULDN'T BE ABLE TO MAKE AN ANALOGY, HE SHOULDN'T BE ABLE TO SAY THAT. AND, MR. SPEAKER, I THINK YOU SHOULD GET ON THE MIKE. YOU SHOULD APPLY THE SAME STANDARD TO SENATOR CHAMBERS THAT YOU APPLIED TO ME. WITH THAT BEING SAID, MR. SPEAKER, I UNDERSTAND YOU HAVE A TOUGH JOB. YOU HAVE A VERY TOUGH JOB AND WHAT YOU SAY SETS A STANDARD FOR ALL OF US. AND I UNDERSTAND HOW TOUGH YOUR JOB IS AND I RESPECT YOU AND HOW YOU DO YOUR JOB. SO I JUST WANT TO SAY THAT I'M RESPECTFULLY ASKING YOU TO APPLY THE SAME STANDARD TO SENATOR CHAMBERS THAT YOU HAVE APPLIED TO ME AND HOLD EVERYONE IN THIS BODY, ALL 49 OF US, TO THAT SAME STANDARD. MR. PRESIDENT, HOW MUCH TIME DO I HAVE? [LB586]

SENATOR SCHEER: 2:30. [LB586]

SENATOR KINTNER: THANK YOU. I'D LIKE TO GET BACK TO THE ISSUE AT HAND. YOU KNOW, ONE OF THE THINGS THAT, YOU KNOW, I WANT TO KEEP COMING

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BACK TO AND I WANT TO KEEP TALKING ABOUT IS THAT WHEN WE PASS A LAW THAT SINGLES OUT AND EVEN PUNISHES CITIZENS ON THE BASIS OF PEACEFULLY EXPRESSED BELIEFS, I THINK THAT SHOULD BE REJECTED. YOU KNOW, THESE LAWS CREATE SOCIAL HOSTILITY, DISRESPECT, CONFLICT. I THINK REJECTING THESE LAWS AFFIRMS THE FREEDOM TO PEACEFULLY LIVE ACCORDING TO OUR BELIEFS. I THINK IF WE REJECTED IT, I THINK THAT WOULD PROMOTE MUTUAL RESPECT AMONG PEOPLE. I THINK IT WOULD CONTRIBUTE TO A MORE CIVIL SOCIETY IF WE REJECTED THIS LAW. AS I LOOK AT THIS LAW, I REALLY DO THINK LB586 WILL GIVE EMPLOYEES CARTE BLANCHE TO THREATEN A LAWSUIT, SOMETIMES WITHOUT EVEN AN OBJECTIVE GROUNDS FOR THE BASIS OF THAT. AS I LOOK AT THIS LAW, I THINK IT CREATES NEW GROUNDS FOR LAWSUITS... [LB586]

SENATOR SCHEER: ONE MINUTE. [LB586]

SENATOR KINTNER: ...ACCOMPANIED BY POTENTIALLY CRIPPLING LEGAL FEES FOR EMPLOYERS TO DEFEND AGAINST DISCRIMINATION ACTIONS DESPITE THE LACK OF EVIDENCE OF PERSUASIVE DISCRIMINATION NECESSITATING THESE NEW PROTECTED CLASSES. I THINK THIS IS REALLY WHAT'S AT STAKE HERE. I THINK LB586 WOULD FORCE NEBRASKAN EMPLOYERS TO ACT AGAINST THEIR OWN CONSCIENCES. REMEMBER, THAT FIRST AMENDMENT GIVES US THE RIGHT OF CONSCIENCE, THE RIGHT TO DISSENT, THE RIGHT TO HAVE OWN VIEWS. EVEN IF THEY GO AGAINST THE MAJORITY VIEWS, YOU SHOULD BE PROTECTED TO HAVE THOSE VIEWS. THAT'S A FOUNDATIONAL BELIEF FOR OUR COUNTRY AND I DON'T EVER THINK THAT WE SHOULD TRAMPLE ON IT. OBVIOUSLY THERE'S PEOPLE THAT SEE IT DIFFERENTLY, BUT THAT'S HOW I SEE IT. [LB586]

SENATOR SCHEER: TIME. [LB586]

SENATOR KINTNER: I THINK THERE'S A GREAT NUMBER OF PEOPLE THAT SEE IT THAT WAY. THANK YOU, MR. PRESIDENT. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR KINTNER. SENATOR HADLEY, YOU ARE RECOGNIZED. NOT SEEING SENATOR HADLEY, SENATOR BRASCH, YOU'RE RECOGNIZED. [LB586]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. AND THE DISCUSSION JUST KEEPS CIRCLING AND CIRCLING BACK TO DIFFERENT POINTS HERE. AND ONE BASICALLY IS, HOW MUCH PROTECTION

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CAN THE LAW PROVIDE? CAN IT BE TOO MUCH? SENATOR BLOOMFIELD, HIS HELMET LAW THERE WAS TALKING ABOUT TOO MUCH PROTECTION. OUR EMPLOYERS IN THIS STATE ARE LOOKING FOR EMPLOYEES. OUT IN OUR RURAL AREAS, WE'RE LOOKING FOR EMPLOYEES. WE'RE LOOKING. WE DESPERATELY NEED A WORKFORCE. WE NEED TO BROADEN OUR TAX BASE. WE'RE GOING TO BE REDISTRICTING HERE SHORTLY AGAIN. HOW MUCH HAS THE POPULATION SHIFTED IN NEBRASKA? AND I THINK THAT IF PEOPLE WERE DISCRIMINATED AGAINST, WE WOULD BE SEEING IT. YOU KNOW, WE HAVE THE MEDIA HERE. WE WOULD SEE IT HEADLINED, HEADLINES, HEADLINES. WE'D HEAR IT ON THE RADIO THAT WE HAVE A PROBLEM IN THIS STATE WITH DISCRIMINATION AGAINST INDIVIDUALS, REGARDLESS OF WHAT TYPE OF DISCRIMINATION IT IS. WE HAVE PROTECTION AND WE HAVE LAWS. AND I THINK CULTURES HAVE CHANGED TREMENDOUSLY OVER THE YEARS. WE WERE TALKING ABOUT WOMEN AND WOMEN IN THE WORKPLACE AND WOMEN WANTING EQUAL PAY IN THE WORKPLACE AND MOVING THAT. AND WOMEN AT ONE POINT WERE NOT ALLOWED TO PARTICIPATE IN SPORTS. IN MY HIGH SCHOOL DAYS, WE DIDN'T HAVE WOMEN'S TEAMS AND THINGS LIKE THAT. AND IN BUSINESSES THAT WE HAVE, I BELIEVE THAT AN EMPLOYER WELCOMES A GOOD EMPLOYEE, ONE THAT THEY CAN COUNT ON, ONE THAT SHOWS UP, SHOWS UP ON TIME, EXCELS IN THE WORK THEY DO, DELIVERS EITHER WHAT THE EXPECTATIONS ARE OR BEYOND THAT. AND WHEN WE KEEP COMING BACK TO SAYING WE NEED MORE, MORE LAWS AND MORE PROTECTION, YOU KNOW, DO LAWS CHANGE INDIVIDUALS WITH BAD BEHAVIORS? DO PEOPLE CHANGE PEOPLE? I THINK PEOPLE CHANGE PEOPLE AND I THINK PEOPLE ARE CHANGING, YOU KNOW, IN OUR LIFETIME. I'VE SEEN THAT AND CERTAINLY SENATOR CHAMBERS HAS SEEN CHANGES AROUND HIM HAPPEN. PROBABLY THIS LEGISLATURE HAS CHANGED A LOT SINCE SENATOR CHAMBERS HAS BEEN HERE, UNLESS IT'S JUST REINVENTING ITSELF OVER AND OVER AGAIN. BUT I DO WONDER WHEN WE ARE TRYING TO CREATE LAWS THAT...WHAT WE BELIEVE, YOU KNOW, IN OUR HEARTS STARTS, YOU KNOW, RIGHT IN OUR FAMILIES THAT, YOU KNOW, WE HAVE THINGS, WE ARE PROTECTED IN OUR RELIGIOUS BELIEFS, WE ARE PROTECTED IN EMPLOYMENT PRACTICES, WE ARE...AS A SOCIETY WE EITHER CONDONE OR WE ABHOR CERTAIN BEHAVIORS. AND I DO THINK... [LB586]

SENATOR SCHEER: ONE MINUTE. [LB586]

SENATOR BRASCH: ...THAT IT DOESN'T HAPPEN BECAUSE OF LAWS. YOU KNOW, LAWS DO PROTECT US, YOU KNOW, FROM MANY THINGS. BUT WHEN IT COMES TO ATTRIBUTES AND BEING ABLE TO SHOW SOMEONE, WHETHER IT IS YOUR FAMILY, YOUR NEIGHBORS, OR YOUR EMPLOYEES, YOU KNOW, WHAT YOUR

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EXPECTATIONS ARE, I THINK THAT BUSINESSES HAVE BEEN SLOWLY BUT SURELY MEETING THE EXPECTATIONS OF THE SOCIETY AROUND IT. AND SO, COLLEAGUES, I THINK SENATOR KRIST IS CORRECT. WE HAVE DEBATED THIS. WE HAVE DEBATED THIS FOR YEARS NOW, NOT JUST THIS LAST YEAR. I THINK IT'S TIME TO MOVE FORWARD. AND IF WE NEED TO LOOK AT IT AGAIN, SO BE IT. BUT AT THIS POINT IN TIME, I HAVEN'T CONVINCED THAT A CHANGE IS NEEDED. AND THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB586]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: THANK YOU, SENATOR BRASCH. SENATOR MORFELD, YOU'RE NEXT IN THE QUEUE. [LB586]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. JUST TO RESPOND TO A FEW THINGS AND THEN THIS WILL BE THE LAST TIME I TALK BEFORE WE VOTE ON THE BRACKET MOTION. IN RESPONSE TO SENATOR KRIST, IT SEEMS AS THOUGH HE'S A BIT UPSET THAT WE'RE DEBATING THIS AGAIN AFTER WE DEBATED ON THE FLOOR LAST YEAR. AND REGARDLESS OF WHETHER OR NOT I WOULD HAVE ASKED THE SPEAKER TO PULL THE BILL FROM THE AGENDA, WHICH THE PURPOSE OF WHICH WAS TO SIT DOWN WITH DIFFERENT PARTIES AND TRY TO FIND SOME KIND OF COMPROMISE, WHICH IS THE PURPOSE OF A DELIBERATIVE BODY SUCH AS THIS, BUT REGARDLESS OF THAT FACT AND REGARDLESS OF THE FACT THAT IT'S MY PREROGATIVE AS AN ELECTED MEMBER OF THE LEGISLATURE TO PRIORITIZE WHICHEVER BILL I LIKE, I WOULD HAVE INTRODUCED THE SAME EXACT BILL THIS YEAR EVEN IF LB586 STILL DIDN'T EXIST AND WAS CARRYOVER LEGISLATION. AND I WILL COME BACK WITH THIS BILL EVERY SINGLE YEAR THAT I'M IN THIS BODY. AND NOT ONLY THAT, NEXT YEAR I'M GOING TO COME BACK WITH EXPANDED PROTECTIONS FOR HOUSING AND FOR ALL THE OTHER PLACES THAT WE PROTECT SOME PEOPLE WHO ARE BORN A CERTAIN WAY, WHETHER IT BE MALE, FEMALE, BLACK OR WHITE, ANYTHING ELSE, TO PROVIDE THE SAME PROTECTIONS TO ENSURE THE DIGNITY OF ALL NEBRASKANS ARE AFFORDED EQUAL PROTECTION UNDER THE LAW. THESE ARE NOT SPECIAL RIGHTS. THIS IS EQUAL PROTECTION UNDER THE LAW. THIS CONVERSATION WILL NOT GO AWAY. IN FACT, IT'S JUST BEGUN. I MAY ALSO HAVE SOME AMENDMENTS TO SOME PEOPLE'S PRIORITY BILLS THIS SESSION THAT DEAL WITH NONDISCRIMINATION. SO WE CAN KEEP KICKING THE ISSUE DOWN THE ROAD, COLLEAGUES, BUT IT'S NOT GOING AWAY. I WOULD PROPOSE THAT WE DEFEAT THE BRACKET MOTION AND PASS THE BILL. IT'S NOT GOING TO RESULT IN JOBS GOING AWAY. IT IS NOT GOING TO RESULT IN PEOPLE'S RELIGIOUS LIBERTY BEING VIOLATED BECAUSE OF FIRING SOMEBODY BECAUSE

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YOU DON'T BELIEVE IN THEIR LIFESTYLE OUTSIDE OF THE WORKPLACE, IT'S SOMEHOW AGAINST YOUR RELIGION AND, THEREFORE, IN ORDER TO HAVE IT NOT VIOLATE YOUR RELIGION, IN ORDER TO NOT DO THAT, YOU SOMEHOW HAVE TO FIRE SOMEBODY SO YOU DON'T AFFIRM THAT, WHICH MAKES ABSOLUTELY NO SENSE. I CAN BARELY EVEN SAY IT DOESN'T MAKE ANY SENSE. SENATOR KINTNER SOMEHOW BRINGS UP THE POINT THAT FIRING SOMEBODY BECAUSE THEY ARE GAY IS PEACEFUL EXPRESSION. WELL, FIRING SOMEBODY BECAUSE SOMEONE IS GAY, I WOULD SUBMIT TO ALL OF YOU, COLLEAGUES, IS NOT VERY PEACEFUL. BUT I SUPPOSE WE ALL HAVE OUR DIFFERENT DEFINITIONS OF WHAT PEACEFUL EXPRESSION LOOKS LIKE. THE BOTTOM LINE IS THAT IN NEBRASKA WE SHOULD HAVE THESE BASIC PROTECTIONS OF HUMAN RIGHTS. BACK IN THE 1950s AND '60s, WE HAD THESE SAME DISCUSSIONS WHEN WE PASSED THE CIVIL RIGHTS ACT. WE HAD THE SAME DISCUSSIONS ABOUT WHETHER WE SHOULD HAVE PROTECTED CLASSES, BUT WE REALIZED THAT WE ARE BETTER AS A SOCIETY WHEN WE PROTECT THE DIGNITY OF WHO PEOPLE ARE AND HOW THEY WERE BORN AND THAT WE CAN HAVE RESPECTFUL DISAGREEMENTS ABOUT CERTAIN PEOPLE BUT THAT SHOULD NOT PLAY OUT IN THE WORKFORCE, IT SHOULD NOT PLAY OUT IN OUR ECONOMY, AND THAT WE AS A COUNTRY HAVE AN OBLIGATION TO PROTECT THAT DIGNITY OF THOSE INDIVIDUALS BASED ON WHO THEY ARE AND HOW THEY WERE BORN. [LB586]

SENATOR GLOOR: ONE MINUTE. [LB586]

SENATOR MORFELD: COLLEAGUES, I ASK THAT YOU VOTE AGAINST THE BRACKET MOTION AND THAT WE GET THE JOB DONE THIS YEAR BECAUSE, IF NOT, WE'RE GOING TO COME BACK EVERY YEAR AND WE'RE GOING TO HAVE THE SAME DISCUSSION. THANK YOU, MR. PRESIDENT. [LB586]

SENATOR GLOOR: THANK YOU, SENATOR MORFELD. CHAIR RECOGNIZES SENATOR PANSING BROOKS. [LB586]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. THANK YOU FOR THAT, THOSE WONDERFUL WORDS, SENATOR MORFELD, AND I WILL STAND WITH YOU IN THE NEXT YEAR AND THIS YEAR AFTER THAT AND THEN, IF WE'RE REELECTED, YEARS AFTER THAT. WE WILL KEEP BRINGING THIS AND WE WILL KEEP DISCUSSING THIS. THE EFFORT TO JUST SHUT DOWN THE DISCUSSION, HOW MANY YEARS HAVE WE DISCUSSED HELMETS, MY FRIENDS? THERE WASN'T AN ATTEMPT TO SHUT DOWN SENATOR BLOOMFIELD. THAT DISCUSSION HAS GONE ON AND ON AND ON. AND PEOPLE HAVE SAID THAT WOULDN'T HAVE

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HAPPENED IN PREVIOUS YEARS, THAT YOU WOULDN'T GET TO KEEP BRINGING IT UP. WE HAVE NEVER GONE TO CLOTURE. LAST YEAR SENATOR MORFELD AND I WERE NEW STATE SENATORS, AND WE STILL ARE, BUT WE AGREED WITH THE SPEAKER AND PULLED THE BILL LAST YEAR. EVERYBODY SAID, OH, DON'T BRING THIS UP, IT IS TOO HARD TO TALK ABOUT, OH, YOU KNOW, YOU DON'T HAVE THE VOTES. WHY IS IT THAT OTHER PEOPLE GET TO TAKE IT TO THE VOTE WITHOUT HAVING TO HAVE IT BRACKETED? WHY IS IT THAT OTHER PEOPLE CAN GO THROUGH A FULL FILIBUSTER EXCEPT ON THIS ISSUE THAT WE CARE SO VEHEMENTLY ABOUT WE'RE GOING TO BRACKET IT, WE'RE GOING TO CUT DISCUSSION, WE'RE GOING TO MAKE SURE THAT THESE DISCUSSIONS AREN'T CONTINUED TO THE FULL DEBATE. I'VE BEEN HEARING THAT WE DON'T HAVE ANY INFORMATION FROM PEOPLE. HERE'S SOME OF THE LETTERS QUICKLY: I SPEAK TO YOU TODAY AS A FORMER STATE WARD. I AM HERE TO PROVIDE THE PERSPECTIVE OF A YOUNG PERSON WHO AGED OUT AND WHO IS SEEKING EMPLOYMENT AND COLLEGE AS A MEMBER OF THE LGBTQ COMMUNITY, THUS WOULD BE DIRECTLY IMPACTED BY THIS BILL. FOUR YEARS AGO, I AGED OUT OF THE FOSTER CARE SYSTEM AFTER ENTERING AT AGE 15. I LEARNED TO SUPPORT MYSELF, PRESENTED MANY CHALLENGES, INCLUDING LOSING ALL FAMILY SUPPORT AND STRUGGLING FINANCIALLY. I'D LIKE TO SHARE THREE REASONS WHY IT'S SO IMPORTANT TO ME. WHEN I WAS COMING OUT I HAD A JOB THAT DIDN'T LIKE THE FACT THAT I WAS TRANSGENDER, SO THEY DID EVERYTHING THEY COULD TO GET ME TO QUIT, BUT I DIDN'T LET THEM, SO THEY FIRED ME INSTEAD. I THINK LB586 WOULD PREVENT FUTURE YOUTH FROM RELIVING THAT HORRIBLE EXPERIENCE. AGAIN, AS A YOUNG PROFESSIONAL AND GAY MAN, IT IS DIFFICULT TO KNOW IF, WHEN, HOW TO COME OUT TO MY COWORKERS ON THE JOB AND IT'S EVEN MORE TERRIFYING KNOWING THAT I CAN BE LEGALLY FIRED FOR BEING AN LGBT-PLUS PERSON FROM LINCOLN, NEBRASKA. ANOTHER ONE: MY FRIENDS LIVE IN CONSTANT FEAR OF LOSING THEIR JOBS SIMPLY FOR WHO THEY LOVE AND WITHOUT THIS BILL, I MAY SOMEDAY KNOW THIS FEAR AS WELL--LINCOLN, NEBRASKA. IN MY OWN ORGANIZATION, ONE OF MY EMPLOYEES WAS THE VICTIM OF DISCRIMINATION AGAINST HIM BY A COWORKER AFTER SHE LEARNED THAT HE IS GAY. AS THE DIRECT SUPERVISOR AND DIRECTOR OF THE ORGANIZATION, IT WAS THROUGH MY INVESTIGATION THAT I DISCOVERED HER MOTIVATION, WHICH I DISCOVERED THROUGH HER REPEATED GAY-BASHING POSTS ON HER VERY OPEN FACEBOOK PAGE. I WATCHED MY VERY CAPABLE AND CONFIDENT EMPLOYEE SECOND-GUESS EVERY DECISION AND MOVE THAT HE MADE ABOUT HER ALLEGATIONS AND IT TOOK HIM A LONG TIME TO GAIN HIS CONFIDENCE BACK PROFESSIONALLY. I CAN'T HELP BUT TO THINK ABOUT WHAT WOULD HAVE HAPPENED IN THIS SITUATION WITHOUT MY PROTECTION. PLEASE DON'T ALLOW THIS TO HAPPEN.

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WE NEED A BETTER PLACE FOR NEBRASKA. WE'RE ALL BETTER THAN THAT. I HAVE STORY AFTER STORY AFTER STORY, MY FRIENDS. SO IT'S EASY FOR SENATOR McCOY TO SAY, OH, WE HAVEN'T HEARD FROM THESE PEOPLE. WELL, THEN I DON'T THINK THAT YOU'RE READING. WE HAD OVER 200 PEOPLE IN THE ROTUNDA YESTERDAY SUPPORTING THIS. I HAVE HEARD FROM ONE OF MY COLLEAGUES WHO SAID THEY HAVE A GAY PERSON THAT COMES TO CHRISTMAS BECAUSE THAT FAMILY HAS DISOWNED HIM. SO WHAT ABOUT IF THAT PERSON'S FATHER IS AN EMPLOYER... [LB586]

SENATOR GLOOR: ONE MINUTE. [LB586]

SENATOR PANSING BROOKS: THANK YOU...OR MOTHER IS AN EMPLOYER IN NEBRASKA? IF THEY DISOWN THEIR OWN SON, DO YOU NOT THINK THEY WOULD ALSO DISCRIMINATE AGAINST SOMEBODY WORKING FOR THEM FOR THE SAME PROBLEM? WE ALL KNOW IN OUR HEARTS, I KNOW THAT EACH OF YOU KNOWS IN YOUR OWN HEART THAT THE DISCRIMINATIONS EXIST. AND WHEN YOU MAKE THIS VOTE TODAY, YOU ARE AGREEING TO THE FACT THAT THEY EXIST AND THAT YOU ARE WILLING TO DO NOTHING ABOUT IT. SO WHEN YOU MAKE THAT VOTE, JUST REMEMBER THAT IN YOUR HEART. WE ALL KNOW THE DISCRIMINATION EXISTS. HOWEVER YOU JUSTIFY IT, IT EXISTS, AND WE EACH CAN LIVE WITH THAT WITH OUR CONSTITUENTS AND OUR FRIENDS AND OUR FAMILY AND THOSE AROUND US, OUR COWORKERS. THANK YOU, MR. PRESIDENT. PLEASE VOTE AGAINST THE BRACKET BILL. LET THIS GO ALL THE WAY SO WE CAN HAVE A FULL VOTE ON LB586. THANK YOU, SENATOR MORFELD, FOR BRINGING THIS BILL. [LB586]

SENATOR GLOOR: THANK YOU, SENATOR PANSING BROOKS. SENATOR CHAMBERS, YOU'RE NEXT IN QUEUE. [LB586]

SENATOR CHAMBERS: THANK YOU. AND I'M GLAD I GET TO SPEAK BEFORE SENATOR KINTNER GETS OUT OF THE CHAMBER. WHAT WAS THE FIRST THING I TOLD YOU ALL WOULD HAPPEN, SOMEBODY WOULD SEIZE THOSE WORDS THAT I SAID--IF I HAD A GUN, I WOULD DO THIS--THEY'D GRAB THOSE WORDS AND THAT'S WHAT THEY WOULD BE UPSET ABOUT? HERE HE DID IT. NOW HE SAID THAT HE COMPARED YOU ALL TO MONKEYS. WELL, WHEN I MADE MY COMMENT, I DIDN'T SAY YOU ALL WOULD SHOOT ANYBODY, I SAID I WOULD. NOW DO YOU THINK THE SPEAKER OR ANYBODY ELSE WOULD HAVE GOT UPSET IF HE COMPARED HIMSELF TO A MONKEY? THAT'S WHERE HIS WOULD BE ANALOGOUS TO MINE. HE'D COMPARE HIMSELF TO A MONKEY AND THEN

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SOMEBODY GET UPSET? NO, NOBODY WOULD GET UPSET. HE CAN COMPARE HIMSELF TO WHOMEVER AND WHATEVER HE PLEASES. BUT HE'S THAT POMPOUS KIND OF PERSON WHO IS GOING TO SAY ALL KIND OF HORRIBLE THINGS ON HIS GADGET AND WONDER WHY PEOPLE OUTSIDE THIS CHAMBER HAVE SUCH A VERY LOW REGARD FOR HIM. PEOPLE HAVE SENT ME THINGS THAT HE PUTS ON THERE. I TELL THEM, DON'T READ IT, DON'T READ WHAT HE PUTS ON THERE. AND THEY PUT SOME OF THE REACTIONS THAT THEY HAVE TO IT. AND ALL I TELL THEM IS, IF YOU'RE GOING TO LET SOMEBODY ELSE GET YOU THIS UPSET, THEN THEY OWN YOU. I CAN'T DO ANYTHING ABOUT WHAT IS HAPPENING WITH HIM. HE CAN DO WHATEVER HE WANTS TO, BUT YOU OUGHT TO BE GLAD HE IS SHOWING WHAT HE IS. THERE IS A CERTAIN CREATURE WHICH HAS NO LEGS AND RATTLES. THAT RATTLE LETS YOU KNOW WHERE HE IS AND WHAT HE IS. BE GLAD WHEN THE SNAKE RATTLES. MY WORDS ARE ALL THAT I'M USING. AND I HEAR SENATOR BRASCH AGAIN, HOW MUCH PROTECTION ARE YOU GOING TO GIVE PEOPLE? I BET SHE'D BE OFFENDED IF I TALKED ABOUT WHAT THE UKRAINIANS DID AT TREBLINKA I AND TREBLINKA II. TREBLINKA WAS A SMALL VILLAGE IN POLAND OCCUPIED BY THE NAZIS, AND THEY KILLED, SOME OF THE ESTIMATES ARE, 1 MILLION JEWS AND OTHERS BY GASSING. AND IN TREBLINKA I, IT WAS A FORCED LABOR CAMP. THEY WORKED IN THE PITS, THE IRRIGATION PITS, TO GET WATER. THEY WORKED IN THE FOREST. THEY CUT STONES. SOME OF THAT WAS TO SUPPLY BUILDING MATERIAL FOR THE REICH. BUT THE PURPOSE OF THE WOOD WAS TO PROVIDE FOR THE CREMATORIA IN WHICH THEY BURNED THE BODIES OF THESE PEOPLE WHO WERE GASSED, YET UKRAINIANS COME TO THIS COUNTRY AND THEY HAVE MORE RIGHTS THAN BLACK PEOPLE WHEN THEY GET OFF THE BOAT. AND THEN THEY WANT TO TELL SOMEBODY ABOUT WHAT IT MEANS TO BE ANYTHING AND THEY HAVE NOT HAD ANYTHING IN THE WAY OF A PROBLEM WHATSOEVER. AND THAT'S WHAT INFURIATES ME. AND YOU ALL SIT THERE UPSET NOW BECAUSE OF MY WORDS. WHAT KIND OF PEOPLE ARE YOU? BUT HERE'S SOMETHING ELSE. YOU KNOW WHAT I DO? I DON'T DO LIKE SENATOR KINTNER: JUMP UP AND RUN OUT OF HERE. I READ YOUR RULE BOOK. IF YOU'RE GOING TO PLAY THE GAME, BOY, YOU BETTER LEARN TO PLAY IT RIGHT. YOU'VE GOT TO KNOW WHEN TO HOLD 'EM, KNOW WHEN TO FOLD 'EM. I LEARN YOUR RULES AND I USE THEM BETTER THAN YOU BECAUSE I HAVE THE HEART, THE NERVE, AND THE WILL TO USE THEM AND STAND ON THIS FLOOR AND FIGHT AGAINST ALL OF YOU IF NECESSARY. YOU WILL STAND UP IF YOU GOT A WHOLE LOT OF COMPANY BEHIND YOU. I DON'T NEED THAT. THAT'S NOT WHAT I WAS SENT DOWN HERE FOR. I WAS SENT DOWN HERE BECAUSE PEOPLE SAW IN MY COMMUNITY I WOULD STAND AGAINST THE POLICE, THE ABUSIVE SCHOOLTEACHERS, GOUGING LANDLORDS, STORE OWNERS WHO SOLD OLD, ROTTED PRODUCE FOR EXCESSIVE AMOUNTS, AND

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RUN THOSE WHITE JOHNS WHO CAME INTO MY COMMUNITY LOOKING FOR WHAT THEY CALL A CLEAN COLORED GIRL. [LB586]

SENATOR SCHEER PRESIDING

SENATOR SCHEER: ONE MINUTE. [LB586]

SENATOR CHAMBERS: YEAH, AND IF I GOT NEAR ENOUGH TO THE CAR AND HE ROLLED HIS WINDOW DOWN, HE DIDN'T COME BACK AGAIN. THAT'S THE KIND OF PERSON THAT I AM AND THAT'S WHERE I CAME FROM AND IT'S WHY I CAN DEAL WITH ANYBODY AND ANYTHING ON THIS FLOOR. YOU ALL HAVE HAD AN EASY LIFE ALL OF YOUR LIFE. WHAT DO YOU CALL HARD TIME? WELL, I ONLY HAD ONE PAIR OF SHOES. THE RICKETTS TALKED ABOUT LEANING A CHAIR AGAINST AN OVEN DOOR BECAUSE THE OVEN DOOR CAME OPEN. SOME PEOPLE DIDN'T HAVE AN OVEN; THEY DIDN'T HAVE A CHAIR. SO EVEN WHEN THEY TALK ABOUT HOW HARD IT WAS FOR THEM, THERE ARE MANY, MANY PEOPLE WHO SAY, I WOULD TRADE YOUR HARDEST DAY FOR MY BEST DAY ANY DAY IN THE WEEK. BUT THOSE ARE THE ONES WHO MAKE THE DECISIONS HERE. AND I BROUGHT THIS BILL TIME AFTER TIME AFTER TIME. AND IF SENATOR MORFELD GETS TIRED AND I'M STILL IN THE LEGISLATURE, I WILL BRING IT. I WILL BRING IT. AND AS LONG AS THERE ARE PEOPLE OUT THERE ARE BEING TREATED UNJUSTLY, I'LL BE SOMEBODY TO TRY TO END IT. [LB586]

SENATOR SCHEER: TIME, SENATOR. [LB586]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB586]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I'VE SAT QUIETLY ALL DAY ON THIS BILL. I HAD INTENDED TO DO SO. SENATOR MORFELD MADE A STATEMENT THAT HE THOUGHT SENATOR KRIST WAS UPSET THAT HE BROUGHT IT BACK. I DIDN'T DETECT THAT. BUT THE REASON I FIRST TURNED MY LIGHT ON WAS TO THANK SENATOR MORFELD FOR SAYING HE WOULD BRING THIS BILL BACK AND BACK AND BACK. I UNDERSTAND THAT PHILOSOPHY AND I RESPECT THAT PHILOSOPHY. IT TOOK SENATOR CHAMBERS 40 YEARS. WHILE I PROBABLY WON'T SUPPORT THE BILL, I HIGHLY SUPPORT HIS ABILITY TO BRING

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IT BACK AND BACK AND BACK. I WAS TOLD EARLIER THIS SESSION BY A SENIOR MEMBER THAT IT WAS KIND OF UNSEEMLY THAT I WOULD BRING THE HELMET BILL BACK AGAIN. WELL, I DIDN'T SEE IT THAT WAY, SO IT WAS BACK. I THINK IT WILL BE BACK NEXT YEAR. I CERTAINLY HOPE IT'S BACK NEXT YEAR AND THE YEAR AFTER OR UNTIL IT IS ENACTED. BUT TO SENATOR PANSING BROOKS' STATEMENT THAT THEY DIDN'T TRY TO STOP ME ON THAT BILL, THE BRACKET MOTION WAS DROPPED A HALF HOUR IN, FOR PETE'S SAKE. WHEN IT FAILED, WE WENT SIX HOURS TO A CLOTURE VOTE. BUT WE DIDN'T TRY TO STOP IT, WE DIDN'T TRY TO END DEBATE? COLLEAGUES, THAT'S A RIDICULOUS STATEMENT. SO THANK YOU, SENATOR MORFELD, FOR BRINGING THIS BACK. I HOPE YOU DO IT AGAIN NEXT YEAR. I WON'T BE HERE AND THAT'S PROBABLY A GOOD THING. BUT WE'LL SEE WHERE THIS DEBATE GOES. SENATOR PANSING BROOKS MENTIONED HER SON. I HAVE A GRANDSON THAT'S OPENLY GAY AND ANOTHER GRANDSON FROM A DIFFERENT FAMILY WHO IS TRANSGENDER OR WORKING ON BEING TRANSGENDER AT THIS POINT. THAT'S A BIG SHARE OF THE REASON I HAVE SAT HERE AND BEEN QUIET. BUT EVERYBODY HAS GOT A DOG IN THIS HUNT. BUT LET'S NOT MAKE DIFFERENT RULES FOR DIFFERENT FOLKS AND LET'S NOT SAY WE DIDN'T TRY TO KILL A BILL EARLIER WHEN WE CLEARLY DID. THANK YOU, MR. PRESIDENT. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR BLOOMFIELD. SENATOR BRASCH, YOU ARE RECOGNIZED. [LB586]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND THANK YOU, COLLEAGUES. ONCE AGAIN I'M GOING TO CIRCLE BACK HERE AND ON THE INTRODUCER'S STATEMENT OF INTENT IT TALKS ABOUT...IT WRITES, "LB586 RELATES TO EMPLOYMENT AND PROHIBITS DISCRIMINATION BASED ON SEXUAL ORIENTATION AND GENDER IDENTITY." THE CONVERSATION, THE DEBATE, I BELIEVE, HAS BEEN THERE FOR THE MOST PART, EXCEPT IT HAS BROADENED ITSELF. IT HAS GROWN WINGS AND GONE TO DISCRIMINATION AND ON BAD DEEDS THAT THE UKRAINIANS AND OTHER NATIONALITIES PERHAPS MAY HAVE DONE IN THE HISTORY OF HUMANITY. YOU KNOW, I THINK THE UKRAINIANS AND OTHERS HAVE DONE SOME VERY GOOD THINGS AS WELL. BUT THANK YOU, SENATOR CHAMBERS, FOR REMINDING US THAT PEOPLE CAN DO BAD THINGS. PERHAPS EVEN TRANSGENDER PEOPLE MAY, OR WHOEVER ELSE. WE ARE ALL CAPABLE OF EXTREME GOOD AND EXTREME BAD. AND THIS BILL HAS BEEN ABOUT EMPLOYMENT AND DISCRIMINATION THERE. IT HAS BEEN WHETHER THE NEED, IF IT'S NEEDED HERE, IF IT'S A PROBLEM HERE IN NEBRASKA, IF IT IS GROWING. YOU KNOW, AGAIN, THE CHAMBER, OMAHA, YOU KNOW, THEY HAVE LAWYERS ON STAFF AND PEOPLE WHO CAN DILIGENTLY GO INTO PURSUIT OF

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LITIGATION, WHICH ANYONE CAN, SHOULD THERE BE CAUSE FOR DISCRIMINATION OF ANY SORT IN A WORKPLACE. ONE THING THAT SENATOR MORFELD MENTIONED EARLIER, THAT WHEN HE BRINGS IT BACK OR IF HE...WHEN HE DOES, HE WAS GOING TO TALK ABOUT PUBLIC ACCOMMODATIONS AND EXPANDING THAT, EXPANDING THAT IN HOUSING. IT'S ALREADY IN THIS BILL AND IT'S ON PAGE 2, LINE 9. AND I'M NOT GOING TO READ TO YOU ON THE FLOOR, BUT I PASSED OUT A HANDOUT THAT WAS WRITTEN BY A FOSTER PARENT, VERY, VERY CONCERNED ABOUT PUBLIC ACCOMMODATIONS AND HOW IT COULD AFFECT HER FOSTER CHILD WHO WAS A VICTIM OF SEXUAL ABUSE AND HAS PSYCHOLOGICAL FEARS AND THAT HOUSING, PUBLIC ACCOMMODATIONS, BEING ABLE TO NOT HAVE PRIVACY IF YOU GO INTO A YWCA OR A YMCA, PRIVACY OF YOUR GENDER AND YOUR BELIEFS. AND FOR RELIGIOUS EXEMPTION THERE IS MORE TO THE FREEDOM OF CONSCIENCE ARGUMENT THAN SIMPLY HIRING OR FIRING A MEMBER OF THE LGBTQ COMMUNITY. A RELIGIOUS EXEMPTION MIGHT PROTECT A RELIGIOUS INSTITUTION FOR RELIGIOUS ACTIVITIES AND FOR HIRING RELIGIOUS POSITIONS, BUT IT DOESN'T COVER INDIVIDUALS, BUSINESSES, AND NONPROFITS. YOU KNOW, AS I MENTIONED, ON PAGE 2, LINE 9 OF THE BILL, ACCOMMODATIONS IS INCLUDED AND THE STATUTORY DEFINITION OF ACCOMMODATION IS FROM NEBRASKA REVISED STATUTE 20-133. AND I QUOTE, "ALL PLACES OR BUSINESSES OFFERING OR HOLDING OUT TO THE GENERAL PUBLIC GOODS, SERVICES, PRIVILEGES, FACILITIES, ADVANTAGES, AND ACCOMMODATIONS FOR THE PEACE,... [LB586]

SENATOR SCHEER: ONE MINUTE. [LB586]

SENATOR BRASCH: ...COMFORT, HEALTH, WELFARE, AND SAFETY OF THE GENERAL PUBLIC AND SUCH PUBLIC PLACES PROVIDING FOOD, SHELTER, RECREATION, AND AMUSEMENT..." I ENCOURAGE YOU TO READ THE LETTER FROM THE VERY CONCERNED FOSTER PARENT. AND I KNOW I HAVE RUN OUT OF TIME. BUT WE NEED TO KEEP OUR FOCUS HERE AND LOOK FOR THE GREATER GOOD. AND I BELIEVE THAT OUR LAWS DO COVER ALL INDIVIDUALS AS THEY STAND. THANK YOU, MR. PRESIDENT, AND THANK YOU, COLLEAGUES. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR BRASCH. SENATOR CHAMBERS, YOU'RE RECOGNIZED AND THIS IS YOUR THIRD TIME AT THE MIKE. [LB586]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF LEGISLATURE, I MENTIONED THE UKRAINIANS ON PURPOSE. THEY WERE THE GUARDS AT

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TREBLINKA. THEY WERE THE GUARDS WHEN SOME OF THE JEWS REBELLED. THERE WERE JEWS CALLED THE SONDERKOMMANDOS WHOSE JOB IT WAS TO GUARD OTHER JEWS, ESCORT THEM TO WHERE THEY WERE GOING TO BE TERMINATED, HELP BURY THE BODIES. AND A POINT WAS REACHED WHERE THEY COULDN'T TAKE ANY MORE AND THEY REBELLED. SOME OF THEM GOT AWAY, ABOUT 200. ABOUT HALF OF THOSE WERE KILLED WHEN THEY GOT TO WHAT WAS CALLED THE OTHER SIDE, ON THE OTHER SIDE OF THE FENCE. BUT THOSE UKRAINIANS WHO DID THOSE THINGS, SOME OF THEM MAY HAVE COME TO THIS COUNTRY. THE POINT I'M MAKING IS THAT WITH A RECORD OF HAVING DONE THAT OVER A PERIOD OF ABOUT THREE YEARS AT LEAST, YOU CAN COME FROM THE UKRAINE AND WHEN YOU GET OFF OF THE BOAT YOU HAVE MORE RIGHTS THAN THE PEOPLE WHO FOUGHT FOR THIS COUNTRY IN EVERY WAR IT HAD FROM THE REVOLUTION ON UP. AND THE FIRST PERSON TO DIE IN YOUR SO-CALLED REVOLUTIONARY WAR WAS CRISPUS ATTUCKS. AND THE CAPTAIN, CAPTAIN JOHN (SIC--THOMAS) PRESTON, WHO WAS IN CHARGE OF THE DETACHMENT OF BRITISH SOLDIERS WHO KILLED THESE FIVE AMERICANS, WAS DEFENDED BY A LAWYER NAMED JOHN ADAMS. AND JOHN ADAMS GOT CAPTAIN JOHN (SIC) PRESTON ACQUITTED. AND THAT GOES BACK TO WHAT I WAS SAYING ABOUT THE DUTY OF A LAWYER ONCE HE OR SHE UNDERTAKES THE DEFENSE OF A PERSON. AND NEEDLESS TO SAY, HE WAS EXTREMELY UNPOPULAR AFTER THAT, BUT HE TOOK SERIOUSLY WHAT BEING A LAWYER MEANT. BUT BLACK PEOPLE FOUGHT IN ALL THESE WARS. WE WERE PROMISED FREEDOM IF WE WOULD FIGHT IN THE WARS. WHEN THE WAR WAS OVER AND AMERICA PREVAILED: NO FREEDOM. GEORGE WASHINGTON CONTINUED TO HOLD SLAVES, THOMAS JEFFERSON, PATRICK HENRY, ALL OF THEM. THOSE SITTING DOWN WRITING THE CONSTITUTION, THE VAST MAJORITY WERE SLAVE HOLDERS AT THAT TIME. THEY TOOK A PARAGRAPH OUT OF THE DECLARATION OF INDEPENDENCE BECAUSE IT CONDEMNED ENGLAND FOR GOING GREAT DISTANCES OVER THE SEA TO CAPTURE UNOFFENDING PEOPLE AND BRINGING THEM GREAT DISTANCES BACK OVER THE SEA TO PUT THEM INTO SLAVERY. YOU WOULD HAVE THOUGHT HE WAS TALKING ABOUT AMERICANS. BUT THE AMERICAN SLAVE-HOLDING, SO-CALLED FATHERS OF THIS COUNTRY SAW WHAT WAS GOING ON AND THEY TOLD THOMAS JEFFERSON THAT PARAGRAPH IS NOT GOING TO BE IN THE DECLARATION OF INDEPENDENCE. SO THEY DELETED IT BECAUSE THEY WERE SLAVE HOLDERS. THEY'RE GOING TO CONDEMN ENGLAND FOR DOING WHAT THEY WERE DOING. WHEN TEDDY ROOSEVELT HAD HIS ROUGH RIDERS IN CUBA, BLACK PEOPLE WERE FIGHTING FOR THIS COUNTRY. THE WAR OF 1812, DURING WHICH THE WHITE HOUSE WAS BURNED BY THE BRITISH, THEY WERE THERE. IN BATTLE OF NEW ORLEANS, IT WAS A BLACK MAN FROM HAITI WHO SHOT AND KILLED THE BRITISH GENERAL WHO WAS

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LEADING THE FORCES. AND THIS WAS TESTIFIED TO BY AN AMERICAN GENERAL WHO SAID HE WATCHED HIM TAKE AIM AND HE AIMED AT THE POINT ON THAT MAN'S CHEST WHERE THE STRAPS CROSSED AND THAT'S WHERE HE HIT HIM. AND WHEN THIS BRITISH GENERAL LURCHED OUT OF HIS HORSE, THE WAR WAS OVER BECAUSE THEIR LEADER WAS OVER--NO FREEDOM FOR BLACK PEOPLE EVER. AND THEN PEOPLE WHO CAME IN MODERN TIMES, WHERE THEY HAD A LOT OF PEOPLE WHO PARTICIPATED IN THE GASSING OF HUNDREDS OF THOUSANDS OF PEOPLE,... [LB586]

SENATOR SCHEER: ONE MINUTE. [LB586]

SENATOR CHAMBERS: ...AND WHEN THEY GOT OFF OF THE BOAT, THEY HAD MORE RIGHTS THAN MY ANCESTORS AND THEY HAVE MORE RIGHTS TODAY THAN I HAVE. SENATOR BRASCH SAID THAT I'VE PROBABLY SEEN CHANGES. THERE'S A GERMAN PROVERB THAT SAYS THERE'S A GREAT DIFFERENCE BETWEEN CHANGE AND PROGRESS. YOU CAN CHANGE THINGS ON THE TITANIC BY MOVING THE CHAIRS AROUND ON THE DECK. SO THESE WORDS MEAN NOTHING. AND THOSE WHO HAVE ALWAYS ENJOYED WHAT WHITE PEOPLE CALL FREEDOM DON'T UNDERSTAND WHAT IT MEANS NOT TO HAVE THAT. IN FACT, THEY WANT TO GO A STEP FURTHER AND BE PRIVILEGED, HAVE SPECIAL CONSIDERATION. AND AS I SAID THE OTHER DAY, THAT'S WHY THESE WHITE MEN ARE SO ANGRY NOW BECAUSE THEY GOT TO GET UP OFF OF THEIR RUMPS AND GO GET JOBS AND DO SOME HONEST WORK AND THEY DON'T WANT TO HAVE TO DO IT. THERE ARE JOBS AVAILABLE FOR THEM BUT THEY FEEL THE JOBS, THEY'RE TOO GOOD FOR THOSE JOBS. THEY WANT TO BE TAKEN CARE OF BY THE GOVERNMENT. [LB586]

SENATOR SCHEER: TIME, SENATOR. [LB586]

SENATOR CHAMBERS: SO THEY TALK THIS STUFF AND THERE'S NO TRUTH TO IT. YOU SAID TIME? [LB586]

SENATOR SCHEER: YES, SENATOR. [LB586]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR CHAMBERS. SENATOR HOWARD, YOU'RE RECOGNIZED. [LB586]

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SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO THE BRACKET MOTION AND IN SUPPORT OF LB586. I HAVE THE PRIVILEGE TO REPRESENT SOME OF THE BEST FAMILIES IN NEBRASKA, INCLUDING THE PLAINTIFFS IN OBERGEFELL v. HODGES AND THEIR LOVELY DAUGHTER, ALICE. I ALSO HAVE THE PRIVILEGE OF REPRESENTING MICHAEL AND SCOTT AND THEIR SON, SEBASTIAN; ROXANNE (PHONETIC) AND KRISTIN (PHONETIC) AND THEIR BOYS AND THEIR DAUGHTER, AND ALL THE OTHER NEBRASKA FAMILIES WHO ARE JUST TRYING TO BE GOOD PARENTS, WHO WANT TO LIVE AND WORK IN A STATE THAT WOULDN'T ALLOW AN EMPLOYER TO FIRE THEM FOR BEING WHO THEY ARE. IN MY VIEW, THIS BILL ALIGNS STATE LAW WITH LOCAL LAW TO PROVIDE CLARITY ACROSS THE STATE. OMAHA ALREADY HAS AN ANTIDISCRIMINATION ORDINANCE AND LINCOLN IS WORKING ON ONE. AND SIMILAR TO THE CLARITY SEVERAL OF MY COLLEAGUES REQUESTED FOR GUN LAWS, THIS BILL WOULD PUT EVERYONE ON A EVEN PLAYING FIELD. I HAVE A CRAZY UNCLE--I THINK WE ALL MAYBE HAVE A CRAZY UNCLE--WHO IS A LITTLE BIT OF A RACIST. OH, I MISSPOKE. SENATOR CHAMBERS, WOULD YOU YIELD TO A QUESTION? [LB586]

SENATOR SCHEER: SENATOR CHAMBERS, WOULD YOU PLEASE YIELD? [LB586]

SENATOR CHAMBERS: HAPPILY. [LB586]

SENATOR HOWARD: SENATOR CHAMBERS, IS THERE SUCH A THING AS BEING A LITTLE BIT OF A RACIST? [LB586]

SENATOR CHAMBERS: SAY IT AGAIN? [LB586]

SENATOR HOWARD: IS THERE SUCH A THING AS BEING A LITTLE BIT OF A RACIST? [LB586]

SENATOR CHAMBERS: IS THERE SUCH A THING AS BEING A LITTLE BIT PREGNANT? [LB586]

SENATOR HOWARD: NO, SIR. [LB586]

SENATOR CHAMBERS: YOU GOT YOUR ANSWER, MY CHILD. [LB586]

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SENATOR HOWARD: IS THERE SUCH A THING OF BEING A LITTLE BIT OF A HOMOPHOBIC PERSON? [LB586]

SENATOR CHAMBERS: NO: EITHER YOU ARE OR YOU'RE NOT. [LB586]

SENATOR HOWARD: THANK YOU, SIR. SO I HAVE A CRAZY UNCLE WHO'S A RACIST AND 50 YEARS AGO HIS RACISM WAS THE NORM. TODAY, HIS REMARKS CAUSE EYE ROLLS AT FAMILY DINNERS. IN 50 YEARS, MAYBE 20, NONE OF US WILL BE HERE, AND I BELIEVE THAT THIS BODY WILL BE SURPRISED THAT WE EVEN HAD THIS CONVERSATION ABOUT LB586. A STATE WHERE YOU CAN BE FIRED FOR WHO YOU ARE IS NOT ONE THAT FUELS THE DIVERSITY THAT WE NEED FOR THE ROBUST ECONOMIC GROWTH THAT THE OPTIMIST SURVEY TOLD US OUR CONSTITUENTS ARE INTERESTED IN, AND IT'S NOT ONE THAT ENCOURAGES YOUNG PEOPLE LIKE MYSELF TO STAY. SO I WOULD URGE THE BODY TO OPPOSE THE BRACKET MOTION AND SUPPORT LB586. THANK YOU, MR. PRESIDENT. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR HOWARD. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB586]

SENATOR MURANTE: QUESTION. [LB586]

SENATOR SCHEER: DO I SEE FIVE HANDS? I DO. THE QUESTION HAS BEEN CALLED. SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH? SENATOR MURANTE. [LB586]

SENATOR MURANTE: MR. PRESIDENT, I'D LIKE TO REQUEST A CALL OF THE HOUSE, PLEASE. [LB586]

SENATOR SCHEER: THERE HAS BEEN A REQUEST FOR THE CALL OF THE HOUSE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. PLEASE RECORD. [LB586]

CLERK: 35 AYES, 1 NAY, MR. PRESIDENT, TO PLACE THE HOUSE UNDER CALL. [LB586]

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SENATOR SCHEER: 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 GLOOR, SENATOR BURKE HARR, SENATOR GARRETT, SENATOR HADLEY, THE HOUSE IS UNDER CALL. SENATOR MURANTE, HOW WOULD YOU LIKE TO PROCEED? [LB586]

SENATOR MURANTE: I'D LIKE TO ACCEPT CALL-INS. [LB586]

SENATOR SCHEER: MR. CLERK. [LB586]

CLERK: SENATOR SMITH VOTING YES. SENATOR SCHILZ VOTING YES. SENATOR WILLIAMS VOTING YES. SENATOR WATERMEIER VOTING YES. [LB586]

SENATOR SCHEER: PLEASE RECORD. [LB586]

CLERK: 26 AYES, 10 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LB586]

SENATOR SCHEER: SENATOR KRIST, YOU'RE RECOGNIZED TO CLOSE ON YOUR BRACKET MOTION. [LB586]

SENATOR KRIST: THANK YOU, MR. PRESIDENT AND AGAIN, GOOD AFTERNOON, AND GOOD AFTERNOON, NEBRASKA AND COLLEAGUES. IN MY CLOSING, I'D JUST LIKE TO SAY A FEW WORDS ABOUT SOME COMMENTS THAT WERE MADE IN THE PAST 30 MINUTES. GOD KNOWS, I'D BE THE LAST PERSON THAT WOULD SCRUTINIZE SOMEONE BRINGING SOMETHING BACK OVER AND OVER AGAIN. MENINGITIS WILL BE BACK NEXT YEAR AND SENATOR GROENE WILL STAND UP NEXT YEAR AND SAY, HAVEN'T WE DISCUSSED THIS ENOUGH? AND I'LL SAY, NO, SENATOR, WE HAVEN'T. SO I APPLAUD SENATOR MORFELD FOR BRINGING IT BACK, AND FOR ALL OF THE COMMENTS THAT WERE MADE ON BOTH SIDES TODAY. IT IS A FACT OF LIFE THAT SOMETIMES THINGS GO OUR WAY AND SOMETIMES THEY DON'T, AND SOMETIMES THOSE ISSUES ARE EXTREMELY CLOSE TO OUR HEART. AND AS I SAID THIS MORNING, I REACTED IMPROPERLY YESTERDAY AND TODAY, AND SO AGAIN I APOLOGIZE TO SENATOR HUGHES AND SENATOR MORFELD FOR NOT INFORMING THEM BEFORE I DID SOMETHING. THAT'S NOT THE WAY WE DO BUSINESS, HOPEFULLY, IN THIS CHAMBER, NOR...IT'S NOT THE NEBRASKA WAY, WHICH WE HEAR AGAIN AND AGAIN AND I

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WOULD AGREE WITH. THE QUESTION IS, DO WE WANT TO BRACKET THIS AND DO WE WANT TO TALK ABOUT IT NEXT YEAR BECAUSE IT'S BEEN PROMISED TO COME BACK? AND NEXT YEAR I WOULD BE HAPPY TO ENGAGE IN THAT CONVERSATION AND HAPPY TO LOOK AT ANYTHING ELSE THAT IS BROUGHT FORWARD. BUT TODAY THIS PIECE OF LEGISLATION, BASED UPON ON THIS INFORMATION, I WOULD ASK YOU TO VOTE YES ON THE BRACKET MOTION AND LET'S MOVE ON. THANK YOU, MR. PRESIDENT. [LB586]

SENATOR SCHEER: THANK YOU, SENATOR KRIST. THE QUESTION IS, SHALL THE BRACKET MOTION TO LB586 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH TO? RECORD, MR. CLERK. [LB586]

CLERK: 26 AYES, 18 NAYS, MR. PRESIDENT, ON THE MOTION TO BRACKET THE BILL. [LB586]

SENATOR SCHEER: THE MOTION IS ADOPTED. THE BILL IS BRACKETED UNTIL APRIL 20. RAISE THE CALL. ITEMS FOR THE RECORD? [LB586]

CLERK: THANK...MR. PRESIDENT, ITEMS: ENROLLMENT AND REVIEW REPORTS LB567, LB680, LB680A, LB684, LB725, LB726, LB770, LB770A, LB784, LB813, LB823, LB865, LB875, LB924, LB942, LB948, LB1002, LB1086, THOSE ALL REPORTED CORRECTLY ENGROSSED. THAT'S ALL THAT I HAVE, MR. PRESIDENT. THANK YOU. (LEGISLATIVE JOURNAL PAGES 1191-1192.) [LB567 LB680 LB680A LB684 LB725 LB726 LB770 LB770A LB784 LB813 LB823 LB865 LB875 LB924 LB942 LB948 LB1002 LB1086]

SENATOR SCHEER: MOVING TO THE NEXT ITEM, LB744. MR. CLERK. [LB744]

CLERK: MR. PRESIDENT, LB744 IS A BILL INTRODUCED BY SENATOR WATERMEIER. (READ TITLE.) INTRODUCED ON JANUARY 6 OF THIS YEAR, AT THAT TIME REFERRED TO THE JUDICIARY COMMITTEE, THE BILL WAS ADVANCED TO GENERAL FILE. I DO HAVE JUDICIARY COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2142, LEGISLATIVE JOURNAL PAGE 710.) [LB744]

SENATOR SCHEER: THANK YOU, MR. CLERK. SENATOR WATERMEIER, YOU'RE RECOGNIZED TO OPEN ON LB744. [LB744]

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SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT, MEMBERS OF LEGISLATURE. TODAY I BRING YOU LB744 WHICH DEALS WITH OPEN ADOPTIONS. LB744 RECOGNIZES THAT ADOPTIVE PARENTS AND BIRTH PARENTS CAN AGREE TO COMMUNICATION AND CONTACT AFTER THE ADOPTION OF A CHILD IN PRIVATE AND AGENCY ADOPTIONS, BUT MAKES IT CLEAR THAT THE FAILURE TO COMPLY WITH SUCH AGREEMENTS DOES NOT AFFECT THE ADOPTION DECREE, THE RELINQUISHMENT OF PARENTAL RIGHTS, OR THE WRITTEN CONSENT TO ADOPTION. TO MAKE SURE THAT ALL PARTIES ARE AWARE THAT THE FAILURE TO FOLLOW THE TERMS OF AN AGREEMENT FOR CONTINUING COMMUNICATION AND CONTACT DOES NOT AFFECT THE VALIDITY OF THE ADOPTION, THE BILL SPECIFIES THAT SUCH LANGUAGE SHALL APPEAR ON THE AGREEMENT. I INTRODUCED THIS LEGISLATION IN RESPONSE TO A RECENT LAWSUIT WHICH WAS APPEALED FROM THE DISTRICT COURT TO THE NEBRASKA SUPREME COURT. THE NEBRASKA SUPREME COURT AFFIRMED THE COURT'S DECISION. IN THEIR RULING THE SUPREME COURT STATED THAT UNTIL THE LEGISLATURE ACTS TO APPROVE OF THESE OPEN ADOPTION ARRANGEMENTS IN A PRIVATE ADOPTION CONTEXT, THEY WILL NOT RECOGNIZE THEM AND WILL, INSTEAD, CONTINUE TO HOLD THAT RELINQUISHMENTS SIGNED WITH THE PROMISE OF SUCH AN OPEN ADOPTION ARE INVALID. AS A RESULT, A CHILD WAS REMOVED FROM THE HOUSE OF ADOPTIVE PARENTS AND GIVEN BACK TO THE BIOLOGICAL PARENTS AFTER LIVING WITH THE ADOPTIVE PARENTS FOR 14 MONTHS. THE DECISION TO PLACE YOUR CHILD UP FOR ADOPTION WOULD HAVE TO BE ONE OF THE MOST DIFFICULT DECISIONS A PARENT WOULD EVER HAVE TO MAKE. BUT FOR THE BEST INTEREST OF THE CHILD, IT HAS TO BE A PERMANENT DECISION. I INTRODUCED THIS LEGISLATION IN RESPONSE TO THE LAWSUIT AND IN AN EFFORT TO ENSURE THAT A SIMILAR SITUATION DOES NOT HAPPEN AGAIN. DUE TO AN EARLIER LAWSUIT, THE LEGISLATURE PASSED A BILL DEALING WITH THE OPEN ADOPTIONS FOR STATE WARDS BUT DID NOT ADDRESS PRIVATE AND AGENCY ADOPTIONS. ADOPTIONS INVOLVING STATE WARDS ARE DIFFERENT FROM PRIVATE AND AGENCY ADOPTIONS, AS THEY INCLUDE A HISTORY OF STATE INVOLVEMENT WITH THE DEPARTMENT OF HEALTH AND HUMAN SERVICES, FOSTER CARE, A GUARDIAN AD LITEM, AND ETCETERA. WITH STATE WARDS, USUALLY THE CHILD HAS RESIDED WITH THE BIOLOGICAL FAMILY FOR SOME TIME AND THERE ARE PREEXISTING RELATIONSHIPS BETWEEN RELATIVES AND THE CHILD. EVEN IN THESE SITUATIONS, WHERE AN AGREEMENT REGARDING COMMUNICATION AND CONTACT AFTER ADOPTION HAS BEEN APPROVED BY THE COURT AFTER RECOMMENDED BY THE GUARDIAN AD LITEM AND HHS, FAILURE TO COMPLY SHALL NOT BE GROUNDS FOR SETTING ASIDE AN ADOPTION DECREE FOR REVOCATION OF A WRITTEN CONSENT TO ADOPTION OR FOR REVOCATION OF RELINQUISHMENT OF PARENTAL RIGHTS. I WORKED WITH

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AN ADOPTION AGENCY, SEVERAL ADOPTION AGENCIES, AND SOME KEY ADOPTION ATTORNEYS ON THIS LEGISLATION AFTER READING ABOUT THE COURT CASE. I'M GRATEFUL FOR THEIR ASSISTANCE AND THEIR WILLINGNESS TO WORK TOGETHER IN AN EFFORT TO PRESERVE OUR ADOPTION SYSTEM WHILE KEEPING THE BEST INTEREST OF THE CHILD AT THE FOREFRONT. THE NEBRASKA STATE BAR ASSOCIATION ALL SUPPORTS THE BILL IN ORDER TO ENSURE THAT COMMUNICATION AND CONTACT AGREEMENTS DO NOT INVALIDATE RELINQUISHMENTS. IN SUMMARY, LB744 AUTHORIZES OPEN ADOPTION AGREEMENTS FOR PRIVATE AND AGENCY ADOPTIONS AS THE COURT HAS SUGGESTED. IT ALSO MAKES IT CLEAR THAT FAILURE TO COMPLY WITH SUCH AN AGREEMENT DOES NOT AFFECT THE VALIDITY OF THE ADOPTION. WITHOUT LB744, I FEAR THAT AGENCIES AND PRIVATE ATTORNEYS WILL ADVISE AGAINST OPEN ADOPTIONS AS EVEN THE EXISTENCE OF A COMMUNICATION AND CONTACT AGREEMENT COULD PROVE PROBLEMATIC FROM THE COURT'S VIEW. NO ONE SHOULD HAVE TO EXPERIENCE WHAT THESE FAMILIES HAVE EXPERIENCED DURING THIS RECENT LAWSUIT. AND I BELIEVE IT IS THE LEGISLATURE'S ROLE TO ENSURE THAT THAT DOESN'T HAPPEN AGAIN. THANK YOU, MR. PRESIDENT. [LB744]

SENATOR SCHEER: THANK YOU, SENATOR WATERMEIER. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE JUDICIARY COMMITTEE. SENATOR SEILER, AS CHAIR OF THE COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB744]

SENATOR SEILER: THANK YOU, MR. PRESIDENT. MEMBERS OF THE UNICAMERAL, AM2142 TO LB744 WAS ADVANCED FROM JUDICIARY COMMITTEE ON A 6-1 VOTE WITH ONE MEMBER PRESENT AND NOT VOTING. THE AMENDMENT DOES TWO THINGS. ONE, IT SAYS YOU CAN BRING A CIVIL ACTION TO CONTEST WHETHER OR NOT SOMEBODY IS FOLLOWING THE COMMUNICATIONS AND CONTACT AGREEMENT. BUT THE SECOND THING THEY HAVE TO DO IS THEY HAVE TO, BEFORE FILING THE PETITION FOR THAT CIVIL ACTION, THE PETITIONER MUST MAKE A GOOD-FAITH ATTEMPT TO PARTICIPATE IN MEDIATION. THEY'RE TRYING TO KEEP AS MUCH OUT OF THE COURTS AS POSSIBLE AND MEDIATION IS A GOOD FIRST STEP TO DO THAT. IF THE MEDIATION DOES NOT REACH AGREEMENT, THEN THEY CAN BRING A CIVIL ACTION. BUT UNDER NO CIRCUMSTANCES CAN THEY GO BACK AND ATTACK THE ADOPTION DECREE. SO THIS SOLVES THE PROBLEM OF A CASE THAT WAS...MESSED THINGS UP CONSIDERABLY. I ASK YOU FOR A GREEN VOTE ON AM2142. THANK YOU. [LB744]

SENATOR SCHEER: THANK YOU, SENATOR SEILER. MR. CLERK. [LB744]

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ASSISTANT CLERK: MR. PRESIDENT, SENATOR WATERMEIER HAD AN AMENDMENT TO THE COMMITTEE AMENDMENT, AM2416. SENATOR, I HAVE A NOTE TO WITHDRAW THIS. [LB744]

SENATOR SCHEER: WITHOUT OBJECTION, IT'S WITHDRAWN. [LB744]

ASSISTANT CLERK: IN THAT CASE, MR. PRESIDENT, SENATOR WATERMEIER WOULD OFFER AM2727 TO THE COMMITTEE AMENDMENTS. (LEGISLATIVE JOURNAL PAGES 1192-1193.) [LB744]

SENATOR SCHEER: SENATOR WATERMEIER, YOU'RE WELCOME TO OPEN ON YOUR AMENDMENT. [LB744]

SENATOR WATERMEIER: THANK YOU AGAIN, MR. PRESIDENT. AT THE PUBLIC HEARING WE HEARD CONCERNS THAT THE ADOPTIVE PARENTS COULD MAKE PROMISES THAT THEY NEVER INTENDED TO KEEP AND THAT THE BIRTH MOTHER WOULD HAVE NO RECOURSE. I HAD FAITH IN BOTH SETS OF THE PARENTS IN THAT THE BIRTH PARENTS WOULD TRUST THE ADOPTIVE PARENTS TO MAKE THE RIGHT DECISIONS FOR THEIR ADOPTIVE CHILD BASED ON THE CHILD'S BEST INTEREST, INCLUDING THE INVOLVEMENT OF THE BIOLOGICAL PARENTS IN THE CHILD'S LIFE. HOWEVER, I WORKED WITH THE COMMITTEE ON THE COMMITTEE AMENDMENTS ALLOWING FOR COURT ENFORCEABILITY OF THE COMMUNICATION AND THE CONTACT AGREEMENT, THEREFORE, IF THE ADOPTIVE PARENTS WOULD PURPOSEFULLY DECEIVE THE BIRTH MOTHER IN THE COMMUNICATION AND CONTACT AGREEMENT, UNDER THE COMMITTEE AMENDMENTS, SUCH AGREEMENT WOULD BE ENFORCEABLE IN COURT. THE COMMITTEE AMENDMENT STILL MAKES IT CLEAR THAT NEITHER THE EXISTENCE OF NOR THE FAILURE OF ANY PARTY TO COMPLY WITH THE COMMUNICATION AND CONTACT AGREEMENT IS GROUNDS FOR SETTING ASIDE AN ADOPTION DECREE OR FOR REVOKING THE PARENTAL RELINQUISHMENTS OR WRITTEN CONSENT TO THE ADOPTION. THE COMMITTEE AMENDMENT DOES REQUIRE THE PARTY SEEKING COURT ENFORCEMENT TO PARTICIPATE OR ATTEMPT TO PARTICIPATE IN MEDIATION PRIOR TO FILING THE PETITION. IN OTHER STATES IT HAS BEEN FOUND THAT THE MEDIATION EFFECTIVELY RESOLVES A VAST MAJORITY OF THESE CASES. IN RESPONSE TO ADDITIONAL CONCERNS ABOUT THE RIGHTS OF THE BIRTH MOTHER, I HAVE OFFERED AM2727. THIS AMENDMENT INCORPORATES THE COMMITTEE AMENDMENTS WITH ONE CHANGE. THE TERM "BIRTH PARENT" IS CHANGED TO "RELINQUISHING PARENT." IT ALSO IS VERY SIMILAR TO AM2416 WHICH I

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OFFERED LAST WEEK BUT PULLED TO SUBSTITUTE THIS AMENDMENT. AM2727 REQUIRES THAT THE RELINQUISHING PARENT OR PARENTS BE PROVIDED INDEPENDENT LEGAL COUNSEL AT THE EXPENSE OF THE ADOPTIVE PARENT; IT ALSO REQUIRES THAT THE RELINQUISHING PARENTS ARE OFFERED PROFESSIONAL COUNSELING, AGAIN, AT NO EXPENSE TO EITHER OF THEM. WHETHER TO PLACE YOUR CHILD FOR ADOPTION IS A VERY IMPORTANT DECISION AND SHOULD NOT BE TAKEN LIGHTLY. THIS AMENDMENT PROVIDES FOR EVEN MORE PROTECTIONS FOR THE BIRTH MOTHER THAN CURRENTLY WAS GIVEN. IT WILL HELP ENSURE THAT BIOLOGICAL PARENTS ARE WELL AWARE OF THE RAMIFICATIONS OF THEIR DECISION. I URGE YOUR SUPPORT OF AM2727 AND THE COMMITTEE AMENDMENTS FOR THE ADVANCEMENT OF THE BILL. THANK YOU, MR. PRESIDENT. [LB744]

SENATOR SCHEER: THANK YOU, SENATOR WATERMEIER. SENATOR EBKE, YOU'RE RECOGNIZED. [LB744]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. AND I STAND IN SUPPORT OF LB744. AS SOME OF YOU KNOW, I AM AN ADOPTIVE PARENT OF OVER 15 YEARS, AND MY DAUGHTER'S ADOPTION WOULD BE ONE THAT WE MIGHT CALL SORT OF A SEMIOPEN ADOPTION. LET ME JUST MAKE A FEW COMMENTS. FIRST OF ALL, EVERY ADOPTIVE FAMILY THAT I KNOW KNOWS THE IMPORTANCE OF OPEN ADOPTION. WE KNOW THE IMPORTANCE OF HAVING SOME SORT OF A MEDICAL HISTORY, OF HAVING SOME SORT OF A POTENTIAL RELATIONSHIP WITH BIRTH FAMILIES. WE KNOW THE IMPORTANCE OF LETTING OUR CHILDREN HAVE SOME KNOWLEDGE OF LATER-BORN HALF-SIBLINGS. MOST ADOPTees THAT I KNOW OF WILL AT SOME TIME LATER IN THEIR LIFE--WITH OUR DAUGHTER IT WAS WHEN SHE GOT TO BE ABOUT 13--HAVE SOME SORT OF AN INTEREST IN WHERE DID I COME FROM. HAVING SOME SORT OF OPENNESS HELPS TO FACILITATE THAT AS PART OF AN ADOPTIVE FAMILY. THAT SAID, NOT ALL FUTURE CIRCUMSTANCES CAN BE ANTICIPATED. PARENTS, ADOPTIVE PARENTS MAY VERY WELL INTEND WHEN THEY SIGN AN OPEN ADOPTION AND COMMUNICATION AGREEMENT TO MAINTAIN ONGOING COMMUNICATION. THEY MAY VERY WELL INTEND TO BE VERY OPEN WITH THE BIRTH PARENTS. AND THE BOTTOM LINE IS THAT NONE OF US KNOWS WHAT'S GOING TO HAPPEN. WE DON'T KNOW WHAT KIND OF...WHAT KIND OF RELATIONSHIP THOSE BIRTH PARENTS MAY WANT TO HAVE WITH OUR CHILDREN, AND WE DON'T KNOW WHAT KIND OF A ROLE MODEL THEY MIGHT BE FOR OUR CHILDREN. IN MOST CASES THEY MAY VERY WELL BE PERFECTLY WELL INTENTIONED AND SOMEBODY THAT WE WANT OUR CHILDREN TO BE AROUND; IN OTHER CASES THAT MIGHT BE MORE OF A CONCERN. SO I DON'T THINK WE CAN ANTICIPATE ALL FUTURE

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OCCURRENCES OR CIRCUMSTANCES. I THINK THAT SENATOR WATERMEIER'S BILL DOES, HOWEVER, PROVIDE SOME ASSURANCES THAT WE CAN ENTER INTO OPEN ADOPTION ARRANGEMENTS WITHOUT FEAR THAT WE ARE RISKING THE ADOPTION DECREE IN THE FUTURE. SO I WOULD ENCOURAGE MY COLLEAGUES TO VOTE IN FAVOR OF LB744 IN AN EFFORT TO PREVENT ADOPTIVE PARENTS FROM OPTING AGAINST OPEN ADOPTION ARRANGEMENTS AND MOVING MORE TOWARDS A CLOSED ADOPTION CIRCUMSTANCE. THANK YOU, MR. PRESIDENT. [LB744]

SENATOR SCHEER: THANK YOU, SENATOR EBKE. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LB744]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND GOOD AFTERNOON, COLLEAGUES. I WOULD LIKE TO ALSO RISE IN SUPPORT OF BOTH OF THE AMENDMENTS AND THE UNDERLYING BILL. FIRST OF ALL, THANK SENATOR EBKE FOR HER COMMENTS IN DESCRIBING THE IMPORTANCE OF THIS. UNTIL WE GOT INTO THE DISCUSSION ON THIS IN THE COMMITTEE, I DON'T THINK ALL OF US RECOGNIZED SOME OF THE INS AND OUTS IN PARTICULAR OF THE OPEN ADOPTION ARRANGEMENTS AND HOW THE SUPREME COURT CASE OF LAST MAY THREW A REAL MONKEY WRENCH IN A SITUATION THAT WE REALLY NEED TO HAVE MOVE FORWARD IN A PROPER MANNER. I THANK SENATOR WATERMEIER FOR BRINGING THIS. AND MORE IMPORTANTLY, WHAT WE FOUND OUT THROUGH THESE DISCUSSIONS IS WE COULD ACTUALLY CREATE A SYSTEM WITH LB744 TO ALLOW FOR MORE OPEN ADOPTIONS, BUT ALSO CREATE A SITUATION THAT HAD ADDITIONAL PROTECTIONS BUILT IN. AND IN PARTICULAR I DRAW YOUR ATTENTION TO AM2727, THE LAST ONE THAT WAS INTRODUCED, THAT GUARANTEES THAT THE BIRTH PARENTS WILL HAVE THEIR OWN SEPARATE LEGAL COUNSEL AND, IF THEY CAN'T AFFORD IT, IT WILL BE PAID FOR, FOR THEM, IN THESE ARRANGEMENTS. I FOUND IT SOMEWHAT SCARY TO ME THAT THERE WERE SITUATIONS IN OPEN ADOPTIONS WHERE ONE ATTORNEY WAS REPRESENTING BOTH THE ADOPTIVE PARENTS AND THOSE MOTHERS OR FATHERS THAT WERE PUTTING THEIR CHILDREN UP FOR ADOPTION, RECOGNIZING THAT THERE ARE POTENTIAL DIFFERENCES OF OPINION, ESPECIALLY IN THE CONTRACTUAL ARRANGEMENTS THAT ARE BEING NEGOTIATED. ALSO I THINK IT IS VERY SPECIAL THAT AM2727 INCLUDES A PROVISION TO PROVIDE COUNSELING, AGAIN, THAT WOULD BE PAID FOR BY THE ADOPTIVE PARENTS FOR THE BIRTH PARENTS. AND THEY COULD CERTAINLY REFUSE THAT COUNSELING, BUT IT IS OFFERED TO THEM UNDER THIS AMENDMENT. WITH THOSE THINGS IN MIND, I THINK WE HAVE TAKEN A BIG STEP FORWARD IN PROTECTING THIS NECESSARY CIRCUMSTANCE THAT

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HAPPENS. YOU KNOW, WE WILL ALWAYS HAVE THE SITUATION WHERE THERE WILL BE A NEED FOR ADOPTIVE PARENTS. AND AGAIN, WE ARE LOOKING AT THOSE YOUTHS THAT WOULD BE INVOLVED WITH THIS AND TAKING CARE OF THEM IN A MUCH BETTER WAY. I WOULD ENCOURAGE YOUR GREEN VOTES THROUGH THE AMENDMENTS AND TO THE UNDERLYING BILL, LB744. THANK YOU, MR. PRESIDENT. [LB744]

SENATOR SCHEER: THANK YOU, SENATOR WILLIAMS. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB744]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB744 AS WELL AS THE AMENDMENTS. I'D LIKE TO TELL YOU A LITTLE STORY ABOUT MY LIFE AND THE HARD DECISIONS THAT HAPPEN WITH OPEN ADOPTIONS. APPROXIMATELY 11 YEARS AGO MY DAUGHTER TOLD US THAT SHE WAS PREGNANT. SHE WAS NOT MARRIED AND SHE KNEW THAT SHE COULD NOT PROVIDE THE WAY SHE THOUGHT A CHILD NEEDED TO BE PROVIDED FOR. SO THE FIRST THING SHE DID WAS REACH OUT TO HER MOTHER AND HER FATHER, WHO LOVE HER DEEPLY, AND SHE SAID, LOOK, I CAN'T RAISE THIS CHILD ON MY OWN AND I'M NOT SURE THAT I EXPECT YOU TO RAISE MY CHILD. SO IN AN UNSELFISH WAY SHE SAID, I WANT TO PUT THIS CHILD UP FOR ADOPTION BUT I WANT TO HAVE AN OPEN ADOPTION AND I WANT TO MAKE SURE THAT THE CHILD HAS A MOTHER AND A FATHER THAT WILL LOVE IT AND TAKE CARE OF IT AND MAKE SURE THAT IT HAS ALL THE OPPORTUNITIES THAT I'VE HAD. SO WHEN THIS CAME FORWARD SENATOR WATERMEIER AND I TALKED AND I TOLD HIM THAT I'D BE VERY SUPPORTIVE OF THIS. WE'RE IN A SITUATION HERE WHERE CARING DECISIONS NEED TO BE MADE AT THE TIME OF THE BIRTH. AND THE PLANNING NEEDS TO TAKE PLACE; IT SHOULDN'T JUST HAPPEN AT A WHIM. BOTH THE BIRTH PARENTS AND THE ADOPTIVE PARENTS NEED TO HAVE CLEAR UNDERSTANDING OF WHAT THEY'RE GETTING INTO. I WILL TELL YOU THAT, AT A TIME LIKE THAT, WHEN YOUR DAUGHTER COMES HOME AND TELLS YOU THAT, IT'S VERY DIFFICULT. AND AT THE SAME TIME, THERE ARE THOSE THAT WILL SCOLD YOU AND TELL YOU THINGS LIKE, WELL, SHE SHOULD HAVE KNOWN BETTER AND, YOU KNOW, HOW DID YOU RAISE HER? WELL, I THINK I RAISED HER PRETTY WELL. BUT I WILL ALSO TELL YOU, AT THAT TIME MY DAUGHTER WAS WORKING HERE AT THE LEGISLATURE AND A LOT OF PEOPLE TURNED THEIR BACK ON HER. BUT THERE WAS ONE SENATOR THAT STOOD TALL AND HE SUPPORTED HER 100 PERCENT OF THE WAY, AND THAT WAS SENATOR CHAMBERS. I TELL YOU ALL THIS BECAUSE WE ARE HERE TOGETHER AND WE NEED TO SUPPORT BOTH THE BIRTH PARENTS AS WELL AS THE ADOPTIVE PARENTS. I CAN TELL YOU TODAY THAT THERE'S MANY CHALLENGES IN OPEN ADOPTIONS, AS

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SENATOR EBKE ALLUDED TO. WE HAVE A COMPLETELY OPEN ADOPTION IN OUR FAMILY. WE GET TO SEE OUR GRANDCHILD ON A REGULAR BASIS. WE GET TO LOVE HER LIKE GRANDPARENTS SHOULD BE ABLE TO LOVE THEIR GRANDCHILDREN. IS IT DIFFERENT? YES, IT IS. BUT THE BOTTOM LINE IS WE HAVE TO LOOK AT WHAT'S IN THE BEST INTEREST OF THE CHILD AT THE END OF THE DAY. AND SO I WOULD HOPE THAT WE COULD PASS THIS BILL, MAKE IT BETTER FOR EVERYBODY, GIVE THE LEGAL AVENUES AN OPPORTUNITY TO WORK, AND AT THE SAME TIME BE SUPPORTIVE OF THESE MOTHERS AND THESE PARENTS THAT CAN'T AFFORD TO RAISE A CHILD AND GIVE THEM ALL THE SUPPORT AND LOVE THAT WE CAN. SO I WOULD ENCOURAGE YOU TO SUPPORT THIS BILL. AND THANK YOU. [LB744]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB744]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. I THINK I'M IN SUPPORT OF THIS LEGISLATION. I JUST HAVE A FEW QUESTIONS AND I WONDERED IF SENATOR WATERMEIER WOULD YIELD. [LB744]

SPEAKER HADLEY: SENATOR WATERMEIER, WILL YOU YIELD? [LB744]

SENATOR WATERMEIER: YES. [LB744]

SENATOR SULLIVAN: THANK YOU, SENATOR WATERMEIER. AS I SAID, I THINK I'M SUPPORTIVE OF THIS LEGISLATION. I'VE HEARD FROM CONSTITUENTS, MOSTLY WHO ARE SUPPORTIVE. BUT AS I LISTENED TO YOUR COMMENTS, READ THE AMENDMENT, LISTEN TO THE CONSTITUENT RESPONSE, JUST A FEW THINGS. FIRST OF ALL, WHY THE CHANGE IN TERMINOLOGY? I'VE HEARD RELINQUISHING PARENT, BIRTH PARENT, BIOLOGICAL PARENT. I MEAN, WHAT'S GOING ON THERE WITH THE TERMINOLOGY? [LB744]

SENATOR WATERMEIER: YOU KNOW, REALLY AT THE LATE...AT THE TWELFTH HOUR LAST WEEK WE HAD A COMMENT ABOUT JUST LOOKING AT THE BIRTH MOTHER AND NOT LOOKING AT THE BIRTH FATHER OR BOTH TOGETHER. AND THAT'S WHY WE ADDED THAT "RELINQUISHING," BECAUSE BIOLOGICAL MOTHER WAS ACTUALLY NEVER DEFINED IN ANY STATUTES THAT WE COULD FIND, SO

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RELINQUISHING PARENT AND/OR PARENTS MORE CLEARLY DEFINED WHO THAT REALLY WAS IN THE ADOPTION DECREE. [LB744]

SENATOR SULLIVAN: AND TELL ME A LITTLE BIT MORE ABOUT THIS AGREEMENT THAT WOULD BE ENTERED INTO. FIRST OF ALL, IT'S...FIRST OF ALL, IT'S OPTIONAL. I MEAN IT DOESN'T AUTOMATICALLY HAPPEN, RIGHT? [LB744]

SENATOR WATERMEIER: NO, THAT'S CORRECT. AND THAT'S KIND OF A TERMINOLOGY THING I HAD TO GET OVER AS WELL. YOU KNOW, OPEN ADOPTIONS...IF I CAN ANSWER? [LB744]

SENATOR SULLIVAN: YES. [LB744]

SENATOR WATERMEIER: OPEN ADOPTIONS KIND OF LEAD YOU TO THINK THAT THEY'RE DIFFERENT THAN WHAT YOU MAY SEEM. YOU HAVE CLOSED ADOPTIONS BEHIND THE SCENES WHICH THE BIOLOGICAL PARENTS REALLY OPTED, DECIDED THEY DON'T WANT ANYTHING TO DO WITH IT, THEY DON'T WANT TO KNOW IN THE FUTURE. WHEN YOU TALK ABOUT OPEN ADOPTIONS, WHAT THAT REALLY MEANS IS ARRANGEMENTS, COMMUNICATION AGREEMENTS. AND SENATOR EBKE COULD SPEAK TO THAT MUCH CLEANER BECAUSE IT'S HAPPENED IN HER LIFE. BUT IT'S COMMUNICATION AND COMMUNICATION AGREEMENTS THAT ARE AGREED TO IN THE FUTURE. AND AT THAT POINT IN TIME, THAT'S THE BEST DECISION THEY CAN MAKE AT THAT POINT IN TIME IN HOW IT MAY ACTUALLY PLAY OUT. SO THAT'S WHAT I MEAN BY THESE AGREEMENTS OR ARRANGEMENTS, COMMUNICATION ARRANGEMENTS. [LB744]

SENATOR SULLIVAN: AND THESE ARE TO A CERTAIN EXTENT BINDING AGREEMENTS? AND HOW LONG DO THEY LAST? [LB744]

SENATOR WATERMEIER: WELL, THEY'RE BINDING INDEFINITELY. BUT THEY ARE NOT GOING TO UPSET THE ADOPTION DECREE BECAUSE THINGS HAPPEN IN OUR LIVES, AND THINGS HAPPEN TO THESE PARENTS AND THESE CHILDREN, AND THAT WHEN YOU MAKE THE DECISION TO TERM...RELINQUISH YOUR RIGHTS, YOU'RE TURNING THAT OVER TO THE ADOPTIVE PARENTS. AND SO IT'S AN AGREEMENT THAT IS AGREED UPON AT THAT POINT IN TIME. THAT'S THE BEST DECISION THAT THE THREE PARTIES CAN COME TOGETHER, THE CHILD AND THE TWO PARENTS. BUT IF SOMETHING IS A PROBLEM WITH THAT AGREEMENT, WE PUT IT IN PLACE THAT THEY'RE...BE REQUIRED TO GO TO MEDIATION. AND

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HOPEFULLY WE'VE DONE ALL THE STEPS AT THAT VERY CRITICAL POINT IN TIME. YOU KNOW, MOST OF THESE CHILDREN ARE ADOPTED WITHIN FIVE DAYS OF BIRTH AND THAT'S WHEN THIS ALL HAS TO BE DECIDED. AND A LOT OF THOSE ARE DECIDED BEFORE THE BIRTH ACTUALLY COMES, BUT THOSE COMMUNICATION AGREEMENTS DOES NOT UPSET THE ADOPTION DECREE. [LB744]

SENATOR SULLIVAN: BUT AT WHAT POINT DOES THE COUNSELING ENTER IN? I WAS A LITTLE CONFUSED ABOUT THAT AS WELL. [LB744]

SENATOR WATERMEIER: MOST OF THE COUNSELING COMES IN AT THE POINT BEFORE THEY'VE RELINQUISHED THEIR RIGHTS. THAT'S WHERE WE HAD MUCH DISCUSSION INSIDE OF THE JUDICIARY COMMITTEE. THERE WAS CONCERN ABOUT THE BIOLOGICAL MOTHER NOT REALLY UNDERSTANDING, AND SO WE WERE FORCED TO TAKE A LOOK AT THAT. NOW THE ADOPTION AGENCIES, WHEN YOU HAVE AN ADOPTION THROUGH AN AGENCY, THAT'S TAKEN CARE OF MUCH DIFFERENTLY. THEY HAVE MECHANISMS IN PLACE TO DO THAT. MOST OF THE TROUBLE, MOST OF THE PROBLEMS, AND I THINK ALL OF THE PROBLEMS, HAVE ALWAYS HAPPENED INSIDE OF...OUTSIDE OF AGENCY ADOPTIONS TO WHERE THINGS JUST AREN'T CLEARLY LAID OUT AND DEFINED. AND SO THAT'S WHAT THIS IS GOING TO...IN MY OPINION, THIS IS WHAT'S REALLY GOING TO HELP. [LB744]

SENATOR SULLIVAN: THANK YOU, SENATOR WATERMEIER. AND CLEARLY I THINK THIS HAS BEEN WELL THOUGHT OUT. THERE'S SO MANY MOVING PARTS, NONE OF WHICH I'VE HAD EXPERIENCE WITH. BUT IT APPEARS TO ME THAT YOU'RE HELPING FACILITATE WHAT CAN BE A VERY EMOTIONAL BUT MUCH-NEEDED SITUATION. THANK YOU. [LB744]

SPEAKER HADLEY: THANK YOU, SENATOR SULLIVAN. SEEING NO ONE IN THE QUEUE, SENATOR WATERMEIER, YOU'RE RECOGNIZED TO CLOSE. SENATOR WATERMEIER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF AM2727. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED, NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB744]

CLERK: 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF SENATOR WATERMEIER'S AMENDMENT TO THE COMMITTEE AMENDMENTS. [LB744]

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SPEAKER HADLEY: THE AMENDMENT IS ADOPTED. SEEING NO ONE IN THE QUEUE, SENATOR SEILER, YOU'RE RECOGNIZED...SENATOR SEILER WAIVES CLOSING. THE QUESTION BEFORE THE BODY IS THE ADOPTION OF AM2142. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB744]

CLERK: 38 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF COMMITTEE AMENDMENTS. [LB744]

SPEAKER HADLEY: THE COMMITTEE AMENDMENT IS ADOPTED. SEEING NO ONE WISHING TO SPEAK, SENATOR WATERMEIER, YOU'RE RECOGNIZED TO CLOSE ON LB744. [LB744]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I JUST NEED TO GIVE A SHOUT-OUT TO EVERYONE ON THE JUDICIARY COMMITTEE. IT WAS A VERY DIFFICULT THING. I'VE NEVER BEEN THROUGH SOME PROCESS LIKE THAT. WE HAD SEVERAL CONVERSATIONS WITH SENATOR EBKE. I APPRECIATE SENATOR WILLIAMS' EFFORTS. SENATOR CHAMBERS AND I HAVE HAD SEVERAL CONVERSATIONS, SENATOR SEILER, IN LEADING THIS EFFORT. IT WAS REALLY QUITE A LEARNING EXPERIENCE FOR ME. IT'S CHANGED MY LIFE. AND I REALLY APPRECIATE THE EFFORT. SO THANK YOU, MR. PRESIDENT. [LB744]

SPEAKER HADLEY: THANK YOU, SENATOR WATERMEIER. YOU'VE HEARD THE CLOSING ON LB744. THE QUESTION FOR THE BODY IS THE ADOPTION OF THE BILL. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. HAVE ALL VOTED THAT WISH? RECORD, MR. CLERK. [LB744]

CLERK: 42 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB744]

SPEAKER HADLEY: THE BILL IS ADOPTED. MR. CLERK. [LB744]

CLERK: MR. PRESIDENT, LB947 IS A BILL BY SENATOR MELLO. (READ TITLE.) THE BILL WAS INTRODUCED ON JANUARY 13, REFERRED TO THE JUDICIARY COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE JUDICIARY COMMITTEE AMENDMENTS, MR. PRESIDENT. (AM2148, LEGISLATIVE JOURNAL PAGE 645.) [LB947]

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SPEAKER HADLEY: SENATOR MELLO, YOU'RE RECOGNIZED TO OPEN ON LB947.
[LB947]

SENATOR MELLO: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, LB947 IS A BILL THAT WOULD ENSURE THAT WORK-AUTHORIZED NEBRASKANS CAN OBTAIN A PROFESSIONAL OR OCCUPATIONAL LICENSE. AS MANY OF YOU KNOW, MANY YOUNG IMMIGRANT NEBRASKANS, AS WELL AS THEIR COMMUNITIES AND OUR STATE, HAVE BENEFITED IN A VARIETY OF WAYS FROM A RECENT FEDERAL POLICY CALLED THE DEFERRED ACTION FOR CHILDHOOD ARRIVALS, BETTER KNOWN AS DACA, THAT STARTED IN 2012. THIS TEMPORARY PROGRAM ALLOWS IMMIGRANT YOUTH WHO ARE BROUGHT TO THIS COUNTRY AS YOUNG CHILDREN AND WHO MEET CERTAIN QUALIFICATIONS TO STAY IN THE COUNTRY AND OBTAIN A TEMPORARY WORK PERMIT FOR THEM TO BE ABLE TO HAVE SOME FORM OF WORK AUTHORIZATION. NEBRASKA HAS OVER 2,300 DACA RECIPIENTS IN THE STATE. LAST YEAR, THE LEGISLATURE PASSED LB623, WHICH PERMITTED THESE YOUNG NEBRASKANS, AND OTHERS WHO FALL UNDER THE REAL ID ACT AND OTHER SIMILARLY SITUATED IMMIGRANTS, TO OBTAIN A NEBRASKA DRIVER'S LICENSE. WHILE LB623 BENEFITS NEBRASKA'S ECONOMY, ITS COMMUNITIES, AND ITS FAMILIES, THERE REMAINS A GAP IN OUR STATE LAW THAT LIMITS THE ABILITY OF THESE WORK-AUTHORIZED, LAWFULLY PRESENT NEBRASKANS TO FULLY MAXIMIZE THEIR EDUCATIONAL AND ECONOMICAL POTENTIAL. TODAY, NEBRASKA REQUIRES A LICENSE OR CERTIFICATION TO PRACTICE IN OVER 170 DIFFERENT OCCUPATIONS. CURRENT STATE LAW RESTRICTS WORK-AUTHORIZED NEBRASKANS FROM OBTAINING A REQUIRED LICENSE OR CERTIFICATION, AND LB947 WOULD SIMPLY ENSURE THAT THOSE WHO ARE ELIGIBLE TO WORK IN OUR STATE ARE ABLE TO DO SO. LIMITING PROFESSIONAL OPTIONS FOR OUR YOUTH IS UNREASONABLE AND ECONOMICALLY SHORT-SIGHTED. NEBRASKA INVESTS A TREMENDOUS AMOUNT OF MONEY, TIME, AND ENERGY INTO EDUCATING OUR YOUTH, BUT THEN CURRENT LAW RESTRICTS THEM FROM BECOMING A TEACHER, A NURSE, AN ENGINEER, OR ANY OTHER OCCUPATION THAT REQUIRES A LICENSE OR CERTIFICATION. LB947 PROVIDES A VERY SIMPLE, REASONABLE FIX TO ENSURE THAT WORK-AUTHORIZED IMMIGRANTS CAN OBTAIN A PROFESSIONAL OR OCCUPATIONAL LICENSE BY AMENDING OUR CURRENT LAW TO REFLECT THE SAME CATEGORIES OF IMMIGRANTS OUTLINED IN THE FEDERAL REAL ID ACT. IT ALSO MIRRORS THE DRIVER'S LICENSE LAW THAT WE PASSED LAST YEAR BY REQUIRING APPLICANTS TO SUBMIT THE SAME DOCUMENTS--A WORK PERMIT AND A FORM FROM THE DEPARTMENT OF HOMELAND SECURITY--AS ONE WOULD FOR A DRIVER'S LICENSE. THIS BILL ENSURES SIMPLICITY AND CONSISTENCY FOR APPLICANTS AND OUR STATE AGENCIES, AND CLEARLY

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ESTABLISHES THAT IMMIGRANTS WITH DEFERRED ACTION STATUS ARE ABLE TO PURSUE A PROFESSIONAL OCCUPATIONAL LICENSE IF THEY SO CHOOSE. THE JUDICIARY COMMITTEE AMENDMENT, AM2148, WOULD ADD SOME CLARIFYING LANGUAGE TO ENSURE THAT A WORK-AUTHORIZED INDIVIDUAL WHO WOULD BE ELIGIBLE TO OBTAIN A PROFESSIONAL LICENSE THROUGH THIS ACT WOULD STILL BE REQUIRED TO MEET ALL OTHER REQUIREMENTS REQUIRED FOR THAT SPECIFIC LICENSE. LB947 WAS HEARD BY THE JUDICIARY COMMITTEE ON FEBRUARY 11 AND RECEIVED BROAD SUPPORT FROM NEBRASKA YOUTH, EDUCATORS, SMALL BUSINESS LEADERS, AND COMMUNITY LEADERS, INCLUDING THE GREATER OMAHA CHAMBER OF COMMERCE AND THE NEBRASKA CATTLEMEN. SINCE THEN, THE NEBRASKA STATE CHAMBER OF COMMERCE HAS ALSO EXPRESSED ITS STRONG SUPPORT FOR LB947. THE BILL RECEIVED NO OPPOSITION TESTIMONY AND HAS NO FISCAL IMPACT AND WAS VOTED OUT OF THE JUDICIARY COMMITTEE ON AN 8-0 VOTE. LB947 CONTINUES THE VERY STRONG BIPARTISAN WORK OF THIS LEGISLATURE IN THE SUPPORT OF COMMONSENSE, PRACTICAL POLICIES THAT HARNESS THE SKILLS AND THE EDUCATION OF OUR YOUTH AND MILLENNIAL GENERATION. THIS BILL IS IN THE BEST INTEREST OF ALL NEBRASKANS SO THAT THESE YOUNG PEOPLE CAN CONTINUE TO CONTRIBUTE THEIR SKILLS AND THEIR TALENTS, AS WELL AS OBTAINING A JOB AND THEIR TAX DOLLARS, TO THE STATE'S OVERALL ECONOMY. WITH THAT, I'D URGE THE BODY TO ADVANCE LB947. AND I'D LIKE TO ESPECIALLY THANK SENATOR HANSEN FOR MAKING THIS HIS PRIORITY BILL. THANK YOU, MR. PRESIDENT. [LB947 LB623]

SPEAKER HADLEY: AS THE CLERK STATED, THERE ARE JUDICIARY COMMITTEE AMENDMENTS. SENATOR SEILER, AS CHAIR OF THE JUDICIARY COMMITTEE, YOU'RE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENTS. [LB947]

SENATOR SEILER: THANK YOU, MR. SPEAKER, MEMBERS OF THE UNICAMERAL. AM2148 IS AN AMENDMENT TO LB947. IT PASSED JUDICIARY ON AN 8-0 VOTE. AM2142 DOES ABOUT TWO THINGS: IT ADDS ONE NEW SECTION AND ANOTHER SECTION OF THE EMERGENCY CLAUSE. WHEN I GET DONE DISCUSSING THIS, THAT'S WHY WE NEED AN EMERGENCY CLAUSE. THE NEW SECTION PROVIDES THAT A PERSON WITH LAWFUL STATUS IS ALSO ELIGIBLE FOR THE CREDENTIAL UNDER THE UNIFORM CREDENTIALING ACT. THIS IS THE MOST INSANE THING I'VE EVER HEARD OF. WE'VE GOT UNIVERSITY OF NEBRASKA, CREIGHTON UNIVERSITY, AND ST. MARY'S COLLEGE OF NURSING INVOLVED IN THE TESTIMONY BEFORE US. LET'S TAKE THE FIRST ONE THAT TESTIFIED, WAS A CPA...NOT A CPA--THAT WAS THE PROBLEM. HE HAS AN UNDERGRADUATE DEGREE FROM THE UNIVERSITY OF NEBRASKA IN ACCOUNTING, HE HAS A

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MASTER'S DEGREE IN ACCOUNTING, AND HE CANNOT SIT FOR THE CPA EXAM. HE HAS A JOB WITH KP IN OMAHA AND WILL PROBABLY LOSE THAT JOB IF HE DOES NOT GET TO PASS HIS CPA. THAT IS INSANE. WE'VE GOT PEOPLE RUNNING ALL OVER THE COUNTRY TRYING TO GET YOUNG PEOPLE TO MOVE HERE. WE RAISE THEM, WE EDUCATE THEM, AND THEN WE TELL THEM TO GO ACROSS THE RIVER AND PRACTICE IN IOWA. THAT'S NUTS AND WE SHOULD NEVER ALLOW THAT TO HAPPEN. A YOUNG NURSE FROM ST. MARY'S TESTIFIED SHE'S GOT A 3.99 AVERAGE, PROBABLY BETTER THAN ANYBODY ELSE HERE IN THIS ROOM, AND SHE'S NOT ALLOWED TO TAKE THE STATE NURSING EXAM BECAUSE SHE IS A DACA STUDENT. AGAIN, WE'RE LOOKING FOR NURSES, WE TRAIN THEM, WE RAISE THEM, THEN WE TELL THEM TO GO OVER TO IOWA TO PRACTICE. SO, FOLKS, THIS BILL NEEDS TO PASS AND IT NEEDS TO PASS WITH THE EMERGENCY CLAUSE SO THESE YOUNG PEOPLE CAN WORK IN NEBRASKA. THANK YOU, MR. SPEAKER. [LB947]

SPEAKER HADLEY: THANK YOU, SENATOR SEILER. SENATOR HANSEN, YOU ARE RECOGNIZED. [LB947]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE TODAY IN STRONG SUPPORT OF LB947 AND I'M THANKFUL TO SENATOR MELLO FOR INTRODUCING IT AND ALLOWING ME TO INTRODUCE IT AS MY PERSONAL PRIORITY. I THINK THIS LEGISLATION IS IN THE BEST INTEREST OF OUR STATE. TIME AND TIME AGAIN WE'VE HEARD ABOUT THE IMPORTANCE OF WORK FORCE DEVELOPMENT AND ITS CRITICAL CONNECTION TO THE FUTURE GROWTH AND STRENGTH OF OUR STATE. HERE, WITH LB947, WE HAVE AN OPPORTUNITY TO SHOW THAT NEBRASKANS, AND TYPICALLY YOUNG NEBRASKANS, HAVE THE FULL OPPORTUNITY TO OBTAIN A PROFESSIONAL LICENSE OR CERTIFICATION AND JOIN IN THEIR IDEAL PROFESSION. THIS WILL ALLOW PASSIONATE PEOPLE TO CONTRIBUTE TO THEIR COMMUNITIES IN THE WAY THAT IS BEST ALIGNED WITH THEIR SKILLS AND THEIR GOALS. THIS ONLY MAKES SENSE WHEN WE...THIS ONLY MAKES MORE SENSE WHEN WE LOOK AT IT THROUGH THE LENS OF SOME OF THE WORK FORCE SHORTAGES FACING DIFFERENT AREAS OF OUR STATE. FOR EXAMPLE, SHOULD SOMEONE WANT TO START A CAREER IN HEALTHCARE IN THEIR HOMETOWN. REMOVING UNNECESSARY BARRIERS BENEFITS THAT INDIVIDUAL, THEIR FAMILY, THEIR COMMUNITY, AND THE STATE AS A WHOLE. PASSING LB947 WOULD ALLOW THAT DREAM TO COME TRUE FOR A GROUP OF NEBRASKANS. AGAIN, I THANK SENATOR MELLO FOR INTRODUCING LB947 AND FOR ALLOWING ME TO DESIGNATE IT AS MY PRIORITY, PROUD TO BE ABLE TO SUPPORT SUCH IMPORTANT LEGISLATION ON THE FLOOR. I HOPE YOU WILL ALL JOIN ME IN VOTING GREEN FOR LB947. THANK YOU, MR. PRESIDENT. [LB947]

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SPEAKER HADLEY: THANK YOU, SENATOR HANSEN. THOSE IN THE QUEUE ARE SENATORS MURANTE, McCOY, BRASCH, SCHNOOR, AND OTHERS. SENATOR MURANTE, YOU'RE RECOGNIZED. [LB947]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD AFTERNOON. WOULD SENATOR MELLO YIELD TO A QUESTION? [LB947]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD? [LB947]

SENATOR MELLO: OF COURSE. [LB947]

SENATOR MURANTE: SENATOR MELLO, CAN YOU GIVE ME A COUPLE EXAMPLES OF THE LICENSES OR CERTIFICATES THAT WE'RE TALKING ABOUT UNDER LB947, JUST A HANDFUL OF EXAMPLES? [LB947]

SENATOR MELLO: I COULD, SENATOR MURANTE, AND I HAVE A LIST HERE SOMEWHERE AND I'LL DO MY BEST TO GO OVER THE ONES I KNOW OF. LICENSES OR CERTIFICATIONS INCLUDE ANYTHING FROM A CERTIFIED PUBLIC ACCOUNTANT TO A NURSE, A NURSE'S ASSISTANT, A CHIROPRACTOR, A COSMETOLOGIST, A VETERINARIAN, A LAWYER, A DOCTOR, A NUMBER OF THINGS THAT OBVIOUSLY 170 DIFFERENT OCCUPATIONS IN NEBRASKA REQUIRE A COMMERCIAL OR PROFESSIONAL LICENSE FROM A STATE AGENCY FOR THEM TO BE ABLE TO PRACTICE THEIR TRADE IN THE STATE OF NEBRASKA. I'D ALSO REMIT, TOO, A TEACHER HAS A PROFESSIONAL LICENSE REQUIREMENT AS WELL. [LB947]

SENATOR MURANTE: OKAY. AND AS A GENERAL RULE, WHEN ONE OBTAINS ONE OF THESE LICENSES, HOW OFTEN DO THEY HAVE TO COME BACK FOR RENEWAL OR ARE THEY LIFE? GENERALLY I KNOW THERE'S PROBABLY A WIDE ARRAY OF STANDARDS, BUT IS THERE A GENERAL PRINCIPLE AS TO WHETHER RENEWAL IS NEEDED OR HOW LONG THAT RENEWAL TAKES? [LB947]

SENATOR MELLO: SENATOR MURANTE, I COULDN'T TELL YOU EXACTLY SINCE THERE'S 170 DIFFERENT OCCUPATIONS THAT REQUIRE A LICENSE. I KNOW THAT THEY DO IT DIFFERENTLY; EACH PARTICULAR LICENSE GIVES A CERTAIN PERIOD OF TIME, SO TO SPEAK, THAT THAT LICENSE IS AVAILABLE. THE WAY THAT THE STATE CURRENTLY OPERATES IN REGARDS TO WORK-AUTHORIZED INDIVIDUALS, BASED ON WHAT WE DID LAST YEAR IN LB623, THAT THEIR

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DRIVER'S LICENSE IS ONLY...THEY GO IN WHEN YOU GO IN AND APPLY FOR A DRIVER'S LICENSE, IT SINGLES OUT THOSE WHO HAVE LAWFUL PRESENCE CAN ONLY HAVE A DRIVER'S LICENSE TILL THEIR WORK AUTHORIZATION PERMIT EXPIRES. WE ENVISION THAT THAT WOULD BE A VERY SIMILAR CONCEPT THAT WOULD MIRROR STATE AGENCIES THAT THEY COULD ONLY GIVE AN OCCUPATIONAL LICENSE TO SOMEONE AS LONG AS THEY HAVE A WORK AUTHORIZATION PERMIT, WHICH AS I SAID BEFORE, RANGES BETWEEN TWO TO THREE YEARS. [LB947]

SENATOR MURANTE: OKAY. AND IF A PERSON HAS DEFERRED ACTION AS DEFINED UNDER YOUR BILL, THE SO-CALLED DACA RECIPIENTS, AND THEY RECEIVE A LICENSE THAT LASTS, SAY, FIVE YEARS, AND SUPPOSE IN THE NEXT ADMINISTRATION THE PRESIDENT RESCINDS THE EXECUTIVE ORDER THAT CREATED DACA IN THE FIRST PLACE, WOULD THOSE CITIZENS WHO ARE NOW FORMERLY DACA RECIPIENTS AND NO LONGER HAVE LEGAL PRESENCE, WOULD THEY CONTINUE TO BE LEGALLY LICENSED IN THE STATE OF NEBRASKA OR DO THOSE LICENSES EXPIRE? [LB947]

SENATOR MELLO: WE...THIS IS THE UNIQUE COMPONENT, SENATOR MURANTE, TO SOME EXTENT, BECAUSE YOU HAVE SO MANY STATE AGENCIES THAT DO THEIR LICENSING DIFFERENTLY IN THEIR PERIOD OF TIME. BASED ON WHAT WAS DONE WITH THE DRIVER'S LICENSE LAST YEAR, WE WOULD ENVISION THAT AGENCIES HAVE TO SINGLE OUT LAWFULLY PRESENT INDIVIDUALS, WHICH IS DIFFERENT THAN QUALIFIED ALIENS AND LAWFULLY PRESENT INDIVIDUALS, SOMEONE WHO MEETS A TWO-PRONG APPROACH IN COMPARISON TO JUST A ONE-PRONG APPROACH, THAT THEIR PROFESSIONAL LICENSE WOULD LAST THE LENGTH OF THEIR WORK AUTHORIZATION PERMIT. NOW IF A STATE AGENCY CHOSE TO GIVE THEM A LENGTHIER PERIOD OF TIME, THEN THEIR WORK AUTHORIZATION PERMIT, THAT WOULD BE I GUESS A DECISION UP TO THE AGENCY. BUT ONCE YOU LOSE YOUR WORK AUTHORIZATION PERMIT, YOU OBVIOUSLY ARE WORKING IN THE UNITED STATES ILLEGALLY WITHOUT LEGAL STATUS, LEGAL PRESENCE, WHICH TO SOME EXTENT CHANGES THE DYNAMIC OF ONE'S ABILITY TO EARN A LIVING AT ALL. [LB947]

SENATOR MURANTE: SO IT'S YOUR STATED INTENT THAT IF THE DACA RECIPIENTS WHO ARE CURRENTLY LEGALLY PRESENT, IF THEY LOSE THEIR LEGAL STATUS...IF THEY... [LB947]

SENATOR MELLO: PRESENCE, PRESENCE, LEGAL PRESENCE. [LB947]

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SENATOR MURANTE: ...IF THEY LOSE THEIR LEGAL PRESENCE, THAT THEY WOULD NOT BE ELIGIBLE FOR LICENSES IN THE STATE OF NEBRASKA. [LB947]

SENATOR MELLO: CORRECT. CORRECT. [LB947]

SENATOR MURANTE: WOULD YOU BE AMENABLE TO AN AMENDMENT THAT SPELLS THAT OUT? [LB947]

SPEAKER HADLEY: ONE MINUTE. [LB947]

SENATOR MELLO: ABSOLUTELY. THAT'S SOMETHING ACTUALLY WE'VE BEEN TALKING ABOUT TODAY A LITTLE BIT IN LIGHT OF KNOWING DIFFERENT AGENCIES HAVE DIFFERENT LENGTHS OF TIME. YOU'RE TALKING ABOUT 170 DIFFERENT OCCUPATIONS ACROSS DIFFERENT STATE AGENCIES FROM BANKING, INSURANCE, HHS, EDUCATION. I'D BE MORE THAN WILLING TO WORK ON AN AMENDMENT WITH YOU TO CLARIFY THAT SPECIFICALLY ALL STATE AGENCIES CAN ONLY GIVE LICENSES TO THIS SPECIFIC POPULATION FOR THE LENGTH OF THEIR WORK AUTHORIZATION. [LB947]

SENATOR MURANTE: AND TO BE CLEAR, IF, REGARDLESS OF THE LENGTH OF THEIR...OF WHAT THEY ARE AUTHORIZED TO TODAY, IF NEXT JANUARY THE PRESIDENT OF THE UNITED STATES RESCINDS THE EXECUTIVE ORDER, THOSE...YOU ARE...YOU FIND IT ACCEPTABLE THAT WE WOULD INCLUDE A PROVISION IN THIS BILL TO SAY THOSE LICENSES ARE ESSENTIALLY RESCINDED? [LB947]

SENATOR MELLO: YES. [LB947]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. I HAVE ONLY THE CONCERN THAT I HAD MENTIONED IN THE BACK-AND-FORTH IN THE QUESTIONS. IF WE CAN FIND AN AMENDMENT, I THINK IT MAKES A LOT OF SENSE. THANK YOU, MR. PRESIDENT. [LB947]

SPEAKER HADLEY: THANK YOU, SENATOR MURANTE. SENATOR McCOY, YOU'RE RECOGNIZED. [LB947]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. I, TOO, WOULD LIKE TO ASK SENATOR MELLO IF HE WOULD YIELD, PLEASE. [LB947]

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SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD TO A QUESTION? [LB947]

SENATOR MELLO: OF COURSE. [LB947]

SENATOR McCOY: THANK YOU, SENATOR MELLO. I SHARE A FEW OF THE CONCERNS THAT SENATOR MURANTE BROUGHT TO THE MICROPHONE A MOMENT AGO, PARTICULARLY I KNOW BOTH...SENATOR MURANTE WASN'T HERE IN THE BODY AT THE TIME, BUT CERTAINLY YOU AND I WERE PART OF THE 11 I GUESS THAT WERE BACK IN 2009. I BELIEVE IT WOULD HAVE BEEN YOU AND I'S FIRST SESSION. WE HAD LB403, WHICH IS...MY MEMORY SERVES ME CORRECT, WAS BROUGHT BY SENATOR KARPISEK I BELIEVE... [LB947]

SENATOR MELLO: CORRECT. [LB947]

SENATOR McCOY: ...WHERE IT TALKED ABOUT, SENATOR MELLO, PUBLIC BENEFITS NOT BEING EXTENDED TO ILLEGAL IMMIGRANTS. AND I BELIEVE OUR STATUTES CERTAINLY OUTLINE THE FACT THAT PUBLIC BENEFITS INCLUDE PROFESSIONAL LICENSES AND DESIGNATIONS. AM I CORRECT IN THAT? [LB947]

SENATOR MELLO: IT DISCUSSES...LB403'S STATUTE CLARIFIES SPECIFICALLY PROFESSIONAL AND COMMERCIAL LICENSES IS CONSIDERED TO BE A PUBLIC BENEFIT. YOU'RE ABSOLUTELY CORRECT. [LB947]

SENATOR McCOY: SO, AND I WAS ENGAGED A LITTLE BIT EARLIER ON A PREVIOUS PIECE OF LEGISLATION OF COURSE WE WERE DEALING WITH ON THE FLOOR, AND I HAVEN'T HAD THE OPPORTUNITY TO FULLY DISCOVER IF WHAT YOU'RE DOING IN LB947, IS IT CHANGING THAT PARTICULAR...I DON'T BELIEVE IT IS. MAYBE IT IS AND I'VE SOMEHOW MISSED IT ALREADY. BUT ARE WE SEEKING TO CHANGE THAT AREA OF THE STATUTE THAT LB403 ADDRESSED IN 2009, OR ARE WE DEALING WITH AN ALTOGETHER DIFFERENT PLACE IN STATUTE? [LB947]

SENATOR MELLO: I WOULD SAY, SENATOR McCOY, WE'RE CLARIFYING THAT COMPONENT OF STATUTE, AND I MAY HAVE TO GET INTO A MUCH DEEPER DISCUSSION ON THAT LATER. THE CURRENT LB403 STATUTE HAS A TWO-PRONG APPROACH IN REGARDS TO WHAT AN INDIVIDUAL, SO TO SPEAK, TO GO THROUGH THE PUBLIC BENEFITS APPLICATION OR VERIFICATION PROCESS, EITHER HAS TO BE A UNITED STATES CITIZEN OR THE INDIVIDUAL NEEDS TO BE A, QUOTE UNQUOTE, QUALIFIED ALIEN, WHICH IS A FEDERAL DEFINITION THAT

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HAS A NUMBER OF DIFFERENT COMPONENTS, AND HAVE LAWFUL PRESENCE. NOW WHAT WE'VE SEEN IN THE MOST RECENT CHANGE AT THE FEDERAL LEVEL IS THAT THERE HAS BEEN A BIFURCATION OF THE DEFINITION OF...BETWEEN QUALIFIED ALIEN AND LAWFUL PRESENCE. THE PURPOSES OF LB947 IS FOR THE SOLE PURPOSE OF PROFESSIONAL AND COMMERCIAL LICENSES WE BIFURCATE OUR STATUTE IN THE SENSE OF SAYING THAT SOMEONE WHO HAS LAWFUL PRESENCE ONLY CAN QUALIFY FOR A COMMERCIAL AND PROFESSIONAL LICENSE, INSTEAD SOMEONE WHO HAS TO BE BOTH A QUALIFIED ALIEN AND HAVE THAT LAWFUL PRESENCE DESIGNATION. [LB947]

SENATOR McCOY: AND OBVIOUSLY, A QUALIFIED ALIEN, AND I KNOW THERE'S A NUMBER OF DIFFERENT DESIGNATION OR, I SHOULD SAY, THERE ARE A NUMBER OF DIFFERENT SCENARIOS HERE, SENATOR MELLO. BUT ONE OF THEM WOULD BE IF YOU HAD A DOCTOR WHO CAME TO THE UNITED STATES, THAT TYPE OF THING, WOULD LIKELY BE A QUALIFIED ALIEN IN THAT CASE AND WOULD BE GRANTED THE ABILITY TO PRACTICE. I KNOW THAT HAPPENS QUITE OFTEN IN OUR HOSPITALS. I GUESS MY QUESTION AND FURTHER QUESTION WOULD BE, SENATOR MELLO, IT WOULD APPEAR WHAT WE'RE DOING HERE, AT LEAST TO MY EYE, AND FEEL FREE TO CORRECT ME IF I'M WRONG, ALTHOUGH I DON'T THINK THAT I AM, WHAT WE'RE DOING WITH LB947 IS WE'RE ESSENTIALLY OPTING OUT OF FEDERAL LAW HERE BECAUSE FEDERAL LAW PROHIBITS PROFESSIONAL LICENSING TO THOSE WHO ARE NONQUALIFIED IMMIGRANTS. ISN'T THAT CORRECT? [LB947]

SENATOR MELLO: NO. PROFESSIONAL...THE FEDERAL LAW ALLOWS STATES TO MAKE THE DETERMINATION, ACTUALLY, SENATOR McCOY, IN REGARDS TO WHETHER OR NOT STATES CHOOSE TO CREATE A BIFURCATED SYSTEM TO ALLOW SOMEONE OTHER THAN A QUALIFIED ALIEN OR UNITED STATES CITIZEN TO ACQUIRE A COMMERCIAL OR PROFESSIONAL LICENSE, WHICH IS WHAT WE'RE DOING IN LB947. AND I REMIND YOU, THERE'S A NUMBER OF OTHER...THE WAY WE'VE DRAFTED THE BILL BASED ON THE FEDERAL REAL ID ACT, THERE'S A NUMBER OF OTHER INDIVIDUAL CLASSIFICATIONS BESIDES THE, QUOTE UNQUOTE, DACA YOUTH THAT WE HAVE BEEN TALKING ABOUT WHO ALSO QUALIFY FOR THE LAWFULLY PRESENT STATUS BUT DO NOT HAVE THAT QUALIFIED ALIEN DESIGNATION ALSO. [LB947]

SPEAKER HADLEY: ONE MINUTE. [LB947]

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SENATOR McCOY: BUT TO BE CLEAR, WHAT WE'RE DOING HERE--I JUST WANT TO CLARIFY FOR THE RECORD AND FOR MAYBE MY BENEFIT AND OTHERS' PERHAPS--WHAT WE WOULD BE DOING WITH THE PASSAGE OF LB947, AT LEAST AS IT'S CURRENTLY WRITTEN WITHOUT AN AMENDMENT, WITH THE CROSS-EXCHANGE THAT YOU HAD WITH SENATOR MURANTE, BUT WE WOULD BE GRANTING PUBLIC BENEFITS HERE IN THE STATE OF NEBRASKA TO NONQUALIFIED IMMIGRANTS UNDER LB947. IS THAT RIGHT? [LB947]

SENATOR MELLO: WE WOULD BE GRANTING COMMERCIAL AND PROFESSIONAL LICENSES, I.E., PUBLIC BENEFITS, SPECIFIC...THOSE PUBLIC BENEFITS EXCLUSIVELY TO INDIVIDUALS WHO HAVE A SPECIFIC WORK AUTHORIZATION AND HAVE LAWFUL PRESENCE IN THE UNITED STATES. [LB947]

SENATOR McCOY: LAWFUL PRESENCE,... [LB947]

SENATOR MELLO: YES. [LB947]

SENATOR McCOY: ...BUT ARE NONQUALIFIED IMMIGRANTS. [LB947]

SENATOR MELLO: THEY DO NOT MEET THE QUALIFIED ALIEN STATUS, CORRECT. [LB947]

SPEAKER HADLEY: TIME, SENATOR. (VISITORS INTRODUCED.) THOSE IN THE QUEUE ARE SENATORS BRASCH, SCHNOOR, KRIST, KOLOWSKI, KUEHN, AND OTHERS. SENATOR BRASCH. [LB947]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. I DID NOT HEAR MY BEING RECOGNIZED. I, TOO, STAND WITH JUST SOME QUESTIONS HERE AS I'M READING THROUGH THE BILL AND I'M SEEING THAT THE NEW LANGUAGE SAYS THE LEGISLATURE FINDS IT "IN THE BEST INTEREST OF THE STATE OF NEBRASKA TO MAKE FULL USE OF THE SKILLS AND TALENTS IN THE STATE BY ENSURING THAT A PERSON WHO IS WORK-AUTHORIZED IS ABLE TO OBTAIN A PROFESSIONAL OR COMMERCIAL LICENSE AND PRACTICE HIS OR HER PROFESSION." WOULD SENATOR MELLO PLEASE YIELD TO A QUESTION? [LB947]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD TO A QUESTION? [LB947]

SENATOR MELLO: OF COURSE I WOULD. [LB947]

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SENATOR BRASCH: OKAY. THANK YOU, SENATOR MELLO. AND AS I'M READING THE UNDERLINED SECTION HERE, I JUST...I'M WONDERING, WHEN WE TALK ABOUT A PERSON WHO IS WORK-AUTHORIZED, ARE THERE ANY OTHER GROUPS OF INDIVIDUALS THAT ARE WORK-AUTHORIZED? WOULD IT BE... [LB947]

SENATOR MELLO: YES, THAT'S A GREAT QUESTION, SENATOR BRASCH, AND I WAS HOPING SENATOR McCOY WAS GOING TO ASK ME THAT. I'VE GOT THE LIST HERE OF OTHER INDIVIDUALS WHO WOULD QUALIFY UNDER THIS BILL, WHO HAVE LAWFUL PRESENCE IN THE UNITED STATES BY THE FEDERAL GOVERNMENT, HAVE A WORK AUTHORIZATION PERMIT IN THE UNITED STATES, DESIGNATED BY THE FEDERAL GOVERNMENT. THAT LIST INCLUDES: VICTIMS OF DOMESTIC VIOLENCE, BOTH CHILDREN AND SPOUSES, AND CERTAIN OTHER SERIOUS QUALIFYING CRIMES; SURVIVING MEMBERS OF LEGAL PERMANENT RESIDENCE OF THE ARMED FORCES WITH DEFERRED ACTION; CERTAIN SURVIVING SPOUSES OF U.S. CITIZENS WITH DEFERRED ACTION; APPLICANTS OF CERTAIN TYPES OF VALID NONIMMIGRANT VISAS; DACA YOUTH; INDIVIDUALS WITH DEFERRED ACTION FOR OTHER HUMANITARIAN REASONS; INDIVIDUALS WITH A PENDING APPLICATION FOR ASYLUM IN THE UNITED STATES; INDIVIDUALS WITH A PENDING OR APPROVED APPLICATION FOR TEMPORARY OR PROTECTED STATUS IN THE UNITED STATES; INDIVIDUALS WITH A PENDING APPLICATION FOR ADJUSTMENT OF STATUS TO THAT OF AN ALIEN LAWFULLY ADMITTED FOR PERMANENT RESIDENCE IN THE UNITED STATES OR CONDITIONAL PERMANENT RESIDENT STATUS IN THE UNITED STATES. THAT'S THE TOTAL LIST OF CATEGORIES OF A VARIETY OF DIFFERENT WORK-AUTHORIZED INDIVIDUALS WHO WOULD QUALIFY UNDER LB947. [LB947]

SENATOR BRASCH: THANK YOU, SENATOR MELLO. AND I DO REMEMBER THAT SAME LIST WHEN WE DEBATED DRIVER'S LICENSES FOR THE DACA GROUP OF INDIVIDUALS. AND WHEN WE'RE TALKING ABOUT INDIVIDUALS FLEEING TO OUR COUNTRY FOR POLITICAL ASYLUM, THAT'S DIFFERENT. THEY ARE FLEEING AND THE GOVERNMENT IS...AND THE MILITARY IS VERY SPECIFIC IN WHO THEY CONSIDER THOSE THAT ARE ABLE TO BE IN THE MILITARY, AND THEIR CRITERIA IS IF THEY HAVE NEEDS AND SKILLS NEEDED BY THE MILITARY. IT ISN'T A BROAD BRUSH WHERE EVERYONE WHO IS ILLEGAL ALIEN IS ACCEPTED INTO THE MILITARY. IT'S SPECIFIC TO LANGUAGE NEEDS OR SKILL NEEDS. AND IS THIS BILL SPECIFIC TO LANGUAGE NEEDS OR SKILL NEEDS? ARE WE LOOK... [LB947]

SENATOR MELLO: (RECORDER MALFUNCTION.) [LB947]

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SENATOR BRASCH: THANK YOU, SENATOR. CONTINUE. [LB947]

SENATOR MELLO: THANK YOU, SENATOR BRASCH. NO, THE BILL IS NOT CRAFTED TO SAY THAT WE ONLY ALLOW LANGUAGE- OR SKILL-SPECIFIC, QUALIFIED, WORK-AUTHORIZED INDIVIDUALS TO GET OCCUPATIONAL LICENSES. IT'S ANYONE WHO MEETS THIS DEFINITION OF THE LIST I JUST READ TO YOU COULD QUALIFY FOR A PROFESSIONAL OR OCCUPATIONAL LICENSE UNDER LB947. [LB947]

SENATOR BRASCH: THANK YOU. AND I DO ALSO UNDERSTAND, AND PLEASE CORRECT ME, THAT BOTH THE CURRENT FEDERAL AND STATE LAW, THE BAR OF PROFESSIONAL AND COMMERCIAL LICENSES ARE PROHIBITED FROM BEING GRANTED TO THE DACA. IS THAT CORRECT,... [LB947]

SPEAKER HADLEY: ONE MINUTE. [LB947]

SENATOR BRASCH: ...THAT STATE LAW, THE STATE...THE BAR? [LB947]

SENATOR MELLO: THE STATE BAR ASSOCIATION? [LB947]

SENATOR BRASCH: YES. DO THEY PERMIT DACA STUDENTS FROM PRACTICING? [LB947]

SENATOR MELLO: WELL, I THINK THE...I CAN'T ANSWER EXACTLY THE STATE BAR ASSOCIATION RIGHT NOW, SENATOR BRASCH. TO SOME EXTENT, IT DOES LIST IT HERE AS AN OCCUPATION REQUIRING A LICENSE, SO THAT'S SOMETHING I'LL DOUBLE-CHECK IN THE SENSE THE STATE BAR IS A PRIVATE ORGANIZATION THAT'S NOT, SO TO SPEAK, RUN THROUGH A STATE AGENCY. BUT I HAVE THE LIST HERE OF THE OTHER 170...OR OTHER 169 OCCUPATIONS THAT DO REQUIRE AN OCCUPATIONAL LICENSE OR PROFESSION TO BE ABLE TO DO SO. [LB947]

SENATOR BRASCH: THANK YOU, SENATOR MELLO. THANK YOU, MR. PRESIDENT. I'LL HAVE MORE QUESTIONS. THANK YOU, COLLEAGUES. [LB947]

SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LB947]

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SENATOR SCHNOOR: THANK YOU, MR. SPEAKER. WE HEARD EARLIER BY SENATOR McCOY ABOUT LEGISLATION BACK IN 2009, WHICH IS LB403, WHICH IS NOW STATE STATUTE 4-108. AND 4-109 SPECIFIES THE PROFESSIONAL AND COMMERCIAL LICENSES. SO, SENATOR MELLO, WOULD YOU YIELD TO A QUESTION, PLEASE? [LB947]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD? [LB947]

SENATOR MELLO: OF COURSE I WOULD. [LB947]

SENATOR SCHNOOR: THANK YOU, SIR. DO YOU KNOW, DO YOU HAVE ANY DATA, AS, YOU KNOW, APPROXIMATE NUMBER OF LICENSES THAT HAVE BEEN DENIED BECAUSE OF THIS LEGISLATION FROM 2009? I MEAN, WOULD YOU HAVE ANYTHING THAT TELLS US IN THE LAST YEAR HOW MANY PEOPLE THIS HAS AFFECTED? [LB947]

SENATOR MELLO: SENATOR SCHNOOR, THAT'S A GREAT QUESTION. AND I'VE ASKED FOR SOME OF THAT DATA ACTUALLY FROM THE ADMINISTRATION AND, TO SOME EXTENT, THEY'RE TRYING TO GET ME SOME MORE INFORMATION IN REGARDS TO A SPECIFIC NUMBER OF INDIVIDUALS WHO RIGHT NOW WOULD HAVE APPLIED FOR THIS AND WOULD HAVE BEEN DENIED. MY UNDERSTANDING, IN TALKING WITH A NUMBER OF DIFFERENT ENTITIES WHO HAVE WORKED ON THIS BILL AND BROUGHT THIS BILL FORWARD TO ME, IS THAT THE REASON THAT THEY DON'T SEE A LOT OF PEOPLE APPLY IS BECAUSE IT'S VERY UP-FRONT AND FORWARD WITH AGENCIES OF SAYING, IF YOU DO NOT MEET BOTH THE QUALIFIED ALIEN STATUS AND THE LEGAL PRESENCE STATUS, YOU WILL NOT GET YOUR PERMIT OR YOU WILL NOT GET YOUR LICENSE OR OCCUPATIONAL LICENSE. SO WE'VE TAKEN IT MORE THAN ANYTHING ELSE BASED OFF THE DISCUSSION FROM LAST YEAR'S LB623. AND THE RESEARCH WE'VE DONE IS THAT THE REASON THAT WE THINK WE'RE NOT GOING TO SEE A CONSIDERABLE NUMBER OF PEOPLE DENIED FOR THIS RIGHT NOW IS BECAUSE A LOT OF PEOPLE ARE NOT APPLYING BECAUSE THEY ARE CALLING AGENCIES IN ADVANCE AND AGENCIES ARE TELLING THEM, YOU DON'T QUALIFY, BASED ON THE WAY LB403 IS WRITTEN IN COMPARISON TO WHAT YOU'RE AVAILABLE TO DO UNDER THE FEDERAL LAW. [LB947 LB623]

SENATOR SCHNOOR: OKAY. SO I GUESS WHAT I'M REALLY UNDERSTANDING IS WE DON'T KNOW HOW MANY PEOPLE THIS HAS AFFECTED BECAUSE YOU ARE

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SAYING THEY JUST DON'T APPLY BECAUSE THEY'RE TOLD THEY WILL NOT GET A LICENSE. IS THAT HOW I'M UNDERSTANDING THAT? [LB947]

SENATOR MELLO: I WOULD SAY, SENATOR SCHNOOR, PRIOR TO LAST YEAR, YES, THAT WOULD PROBABLY BE THE BEST INSTANCE. THIS PAST YEAR, I THINK IN LIGHT OF LB623 PASSING, WE KNOW, AS I MENTIONED, NEBRASKA CURRENTLY HAS OVER 2,000 WORK-AUTHORIZED RECIPIENTS OF THE SPECIFIC DACA PROGRAM. I MEAN YOU CAN LOOK AT THE COMMITTEE TESTIMONY, YOU CAN READ THE TRANSCRIPTS. YOU HAD A NUMBER OF THOSE PEOPLE WHO TESTIFIED AT THE JUDICIARY COMMITTEE HEARING, EVERYONE WHO IS GOING TO BE GRADUATING THIS SPRING WITH AN ACCOUNTING DEGREE WHO CAN'T BECOME AN ACCOUNTANT IN NEBRASKA BECAUSE THEY WOULD REQUIRE AN OCCUPATIONAL LICENSE, AND THAT RIGHT NOW IS VIEWED AS THAT THEY CAN'T GET THAT UNDER CURRENT NEBRASKA LAW. [LB947]

SENATOR SCHNOOR: ANOTHER QUESTION I HAVE IS, YOU KNOW, LAST YEAR I THINK YOU SAID THE NUMBER LB623 WITH DRIVER'S LICENSE. BUT WHAT JUST...BEFORE I GOT UP HERE, IT JUST CAME TO MIND. WHERE DOES COMMERCIAL DRIVER'S LICENSE FALL INTO THIS? DOES IT FALL UNDER THIS PROFESSIONAL AND COMMERCIAL LICENSING OR DOES THIS FALL UNDER JUST THE DRIVER'S LICENSE BILL THAT WE HAD LAST YEAR? [LB947 LB623]

SENATOR MELLO: NO, THIS BILL SPECIFICALLY, SENATOR SCHNOOR, TARGETS NOT THE DRIVING COMPONENT OF A COMMERCIAL DRIVER'S LICENSE. THIS TARGETS PROFESSIONAL LICENSING; OCCUPATIONAL LICENSE IS THE WAY THAT'S REFERRED TO. LAST YEAR LB623, AND WE DISCUSSED THIS BRIEFLY WITH...THE BEGINNING OF THE SESSION THERE WAS A QUESTION THAT WAS RAISED BY THE DEPARTMENT OF MOTOR VEHICLES. I THINK THEY UNDERSTOOD OBVIOUSLY, THE WAY WE DRAFTED THE BILL, IT DID NOT REFER TO COMMERCIAL DRIVER'S LICENSE, WHICH IS IN A COMPLETELY SEPARATE STATUTE. AND OUR FRIENDS ON THE TRANSPORTATION COMMITTEE NO DOUBT COULD TALK A LITTLE BIT MORE ABOUT THAT. THIS DEALS WITH THE PROFESSIONAL OCCUPATIONAL LICENSE COMPONENT THAT WE THINK IS NECESSARY FOR THESE WORK-AUTHORIZED NEBRASKANS TO BE ABLE TO GO PRACTICE THEIR TRADE OR THEIR PROFESSION. [LB947 LB623]

SENATOR SCHNOOR: OKAY. WELL, THANK YOU, SENATOR MELLO. I GUESS FROM MY VIEWPOINT... [LB947]

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SPEAKER HADLEY: ONE MINUTE. [LB947]

SENATOR SCHNOOR: THANK YOU, SIR. I GUESS FROM MY VIEWPOINT, YOU KNOW, IT'S...FROM WHAT SENATOR MELLO IS SAYING, IT'S A MATTER OF OPINION WHETHER WE HAVE A PROBLEM OR NOT. COULD THIS BE HAPPENING? ARE THERE IMMIGRANTS THAT AREN'T...THAT ARE QUALIFIED, YOU KNOW, THROUGH THEIR EDUCATION PROCESS, TO HAVE A LICENSE AND ARE NOT BEING DENIED? COULD BE, BUT WE REALLY DON'T KNOW. SO DO WE REALLY NEED TO DO THIS? I GUESS I'M WILLING TO LISTEN SOME MORE. I AM VERY INTERESTED IN WHAT SENATOR MURANTE HAD ABOUT AN AMENDMENT, SO... [LB947]

SPEAKER HADLEY: TIME, SENATOR. [LB947]

SENATOR SCHNOOR: THANK YOU, SIR. [LB947]

SPEAKER HADLEY: THOSE IN THE QUEUE: SENATORS KRIST, KOLOWSKI, KUEHN, JOHNSON, SCHUMACHER, AND OTHERS. SENATOR KRIST, YOU'RE RECOGNIZED. [LB947]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES, AND GOOD AFTERNOON, NEBRASKA. I AM ON THE JUDICIARY COMMITTEE AND I HEARD THE TESTIMONY OF THE FOLKS WHO CAME AND TALKED TO US. AND I GUESS, JUST TO PUT IT IN PERSPECTIVE--SENATOR SCHNOOR ASKED HOW MANY--I PERSONALLY WITNESSED WITHIN THAT, AND YOU CAN CHECK THE TESTIMONY OR ORDER A TRANSCRIPT BETWEEN NOW AND SELECT, BUT I PERSONALLY LISTENED TO THREE INDIVIDUALS WHO WERE EDUCATED, HIGH SCHOOL, COLLEGE, IN THE STATE OF NEBRASKA WHO WERE MOVING OUT OF STATE TO FINISH THEIR LICENSING PROCESS TO BECOME PROFESSIONALS BECAUSE THEY COULDN'T DO IT IN THE STATE OF NEBRASKA. AND WHEN WE ASKED THE QUESTION, I THINK MANY OF THE MEMBERS ON THE...ON OUR COMMITTEE, JUDICIARY COMMITTEE, WERE DUMBFOUNDED. WE ALLOWED A PERSON TO STUDY FOR A DEGREE TO BE X THAT WOULD REQUIRE CERTIFICATION, LICENSURE TO BE THAT X PROFESSION AND THEN WE SIMPLY SAID, HEY, THANKS FOR A 4.0, GO AWAY, YOU CAN'T PRACTICE YOUR PROFESSION HERE IN THE STATE OF NEBRASKA. THINK ABOUT THAT FOR A SECOND. SO IF OUR ARGUMENT HERE IS THAT WE SHOULDN'T DO THIS, THEN LET'S BACKTRACK BECAUSE WE'RE WASTING A LOT OF MONEY EDUCATING KIDS IN OUR STATE INSTITUTIONS, EVEN IF IT'S OUT-OF-STATE RESIDENTS. I DON'T KNOW WHAT THE NUMBER IS, AND I'M ON THE EDUCATION COMMITTEE, TOO,

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AND I PROBABLY SHOULD KNOW IT. BUT WHAT'S THE PORTION THAT THE STATE ACTUALLY PAYS FOR SOMEONE WHO GOES TO A STATE INSTITUTION, COLLEGE, UNIVERSITY, ETCETERA? BECAUSE WE'RE BASICALLY GIVING...60? SIXTY PERCENT? IS THAT THE NUMBER? SO I'M GIVING, I'VE BEEN TOLD BY A MEMBER, MY COLLEAGUE, SENATOR SCHEER, THAT IT'S 60 PERCENT. SO WE'RE WASTING 60 PERCENT, IF YOU WILL, OF THAT TUITION ON THAT PERSON. IT DOESN'T MAKE ANY SENSE TO ME. AND THE HEARING WAS ENLIGHTENING FOR ME, ENLIGHTENING TO KNOW OF THE THINGS THAT I DID NOT KNOW ABOUT THE LACK OF OPPORTUNITY. NOW I HAVE HEARD ON THIS FLOOR IN SEVEN YEARS OVER AND OVER AGAIN, WE WANT TO BRING NEW BUSINESSES IN, WE WANT TO KEEP OUR KIDS HERE, WE WANT TO, WE WANT TO, WE WANT TO. WELL, NOW WE'RE SAYING, WE DON'T WANT YOU, YOU MAY BE EDUCATED TO DO WHAT YOU NEED TO DO AND WE MAY HAVE EDUCATED YOU, BUT WE WANT YOU TO GO AWAY. SO IN MY OWN MIND I GO BACK TO A POINT. IF, INDEED, WE ARE ALLOWING LICENSES OR CERTIFICATION FOR SOME PEOPLE AND NOT FOR OTHERS THAT HAVE DACA STATUS OR ARE FALLING INTO THIS CATEGORY, THEN, FOLKS, I WANT TO REFER YOU TO OUR OWN CONSTITUTION, "I-3. DUE PROCESS OF LAW; EQUAL PROTECTION. NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY, OR PROPERTY, WITHOUT DUE PROCESS OF LAW, NOR BE DENIED EQUAL PROTECTION UNDER (SIC--OF) THE LAWS." AND IT GOES ON TO DELINEATE JUDICIAL DECISIONS, THE APPLICABILITY AND ACCOUNTABILITY. YOU CAN READ THE DOCUMENT FOR YOURSELF. I'M SURE YOU'VE ALL MEMORIZED THE NEBRASKA CONSTITUTION, AS I HAVE. BUT I WOULD BRING TO MIND THAT BASICALLY, IF WE DO HAVE HAVE AND HAVE-NOTS, WE'RE GUILTY OF AN UNCONSTITUTIONAL PROVISION. SO I THINK WE SHOULD HAVE A DISCUSSION ABOUT THIS, AND I THINK THAT IF... [LB947]

SPEAKER HADLEY: ONE MINUTE. [LB947]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. AND I THINK THAT IF THE CONSTITUTION IS WORTH THE PAPER IT'S WRITTEN ON, WE SHOULD AFFORD EQUAL PROTECTION. AND ALTHOUGH NOT A LAWYER, IN THE TIME THAT I'VE SPENT HERE, I THINK THE USE OF THE WORD "PERSON," "NO PERSON SHALL BE DEPRIVED OF LIFE, LIBERTY," IN MANY CASES THAT PERSON IS ALSO ATTACHED TO A CORPORATE ENTITY. SO I DON'T THINK WE'RE TALKING ABOUT A U.S. CITIZEN, A PERSON OF LEGAL STATURE, OR ANY OTHER KIND OF DEFINITION. WE'RE TALKING ABOUT HUMAN BEINGS. WE'LL PROBABLY DISCUSS THIS FOR QUITE A WHILE, BUT KEEP THAT IN MIND IN TERMS OF ITS CONSTITUTIONALITY AND IN TERMS OF THE WAY THAT WE ARE EDUCATING OUR KIDS AND THEN

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DEPRIVING THEM OF THE ACTUAL PRACTICE OF PROFESSION THAT WE ARE EDUCATING THEM IN. [LB947]

SPEAKER HADLEY: SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB947]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. SENATOR MELLO, WOULD YOU STAND FOR A QUESTION, PLEASE? [LB947]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD? [LB947]

SENATOR MELLO: OF COURSE. [LB947]

SENATOR KOLOWSKI: SENATOR MELLO, THE ROLE OF THE COMMUNITY COLLEGES ARE VERY IMPORTANT WITHIN OUR STATE AS FAR AS EDUCATION AND PREPARATION AND BACKGROUND IN A NUMBER OF AREAS. AND ALL THE COMMUNITY COLLEGES, FROM THE TIME WE WERE FIRST ESTABLISHED IN THE STATE, FROM THE METRO TECH COMMUNITY COLLEGE BACKGROUND TO THE CURRENT METRO COMMUNITY COLLEGE, WITH COLLEGE-ELIGIBLE COURSES AS WELL AS TRAINING IN THE TRADES AND MANY OTHER AREAS, DOES THAT CONTINUE TODAY WITHIN THE COMMUNITY COLLEGE RANKS... [LB947]

SENATOR MELLO: IT DOES. [LB947]

SENATOR KOLOWSKI: ...THAT WE WILL HANDLE A MULTITUDE OF POSSIBILITIES OF WHERE PEOPLE MIGHT FIND THEIR WORK DIRECTIONS IN THE FUTURE? [LB947]

SENATOR MELLO: ABSOLUTELY, SENATOR KOLOWSKI. I THINK THE COMMUNITY COLLEGES, AS WE KNOW, ARE BECOMING MORE AND MORE OF A VALUABLE ASSET IN OR WORK FORCE DEVELOPMENT SYSTEM BECAUSE MOST OF THE JOBS BEING CREATED OVER THE NEXT TEN YEARS DO NOT REQUIRE A FOUR-YEAR COLLEGE DEGREE AND REQUIRE SIMPLY SOME ASPECT OF POSTSECONDARY EDUCATION. [LB947]

SENATOR KOLOWSKI: AND WITHIN THOSE, MANY OF THE JOBS WITHIN THE UNION RANKS ARE ALSO PART OF THE TRAINING THAT YOU CAN RECEIVE AND GET THE CERTIFICATES OR CERTIFICATION THAT YOU NEED WITHIN COMMUNITY COLLEGES. IS THAT CORRECT? [LB947]

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SENATOR MELLO: THAT IS ALSO CORRECT. THERE'S A NUMBER, I WOULD SAY, OF TRADES-RELATED PROGRAMS THAT ARE BOTH CONNECTED TO UNION-BASED CONTRACTORS AND NON-UNION-BASED CONTRACTORS. AND SOME OF THOSE SPECIFIC OCCUPATIONS, SENATOR KOLOWSKI, THAT WOULD QUALIFY UNDER LB947 RANGES FROM ASBESTOS WORKERS TO CONTRACTORS, SUBCONTRACTORS, ELECTRICIANS, FIRE SPRINKLER CONTRACTORS, AND PLUMBERS, JUST TO NAME A FEW PROFESSIONS THAT WOULD BE ELIGIBLE UNDER THIS BILL BASED OFF WHAT WE KNOW COMMUNITY COLLEGES OFFER ACROSS THE STATE. [LB947]

SENATOR KOLOWSKI: I'LL GIVE YOU A PERSONAL STORY ON THIS THAT I THINK WILL DRIVE HOME SOME OF THE FACTS OF WHAT WE'RE MISSING IF WE DON'T HAVE A LARGER OPPORTUNITY FOR THESE YOUNG PEOPLE TO BE SUCCESSFUL IN OUR OWN STATE. DURING THE TIME I WAS HIGH SCHOOL PRINCIPAL AT MILLARD WEST HIGH SCHOOL, FROM THE BUILDING OF THE BUILDING IN 1993 THROUGH MY RETIREMENT IN 2008--WE HAD 15 YEARS OF MY TIME OR LEADERSHIP IN THAT BUILDING--WE ADDED THREE MAJOR ADDITIONS TO THE BUILDING, AS WELL AS THE ORIGINAL STRUCTURE ITSELF. I WORKED WITH THE UNIONS. I WORKED WITH THE ARCHITECTS, I WORKED WITH THE PARENTS, I WORKED WITH EVERYONE WHO WAS INVOLVED IN BUILDING THE BUILDING FOR THE FIRST TWO YEARS BEFORE WE OPENED OUR DOORS IN 1995. WE HAD A CREW OF 12 TO 13 BRICKLAYERS THAT LAID MILLIONS OF BRICKS, CINDER BLOCKS, BRICKS TO PUT THAT BUILDING TOGETHER. AND AS I WORKED WITH THE UNION, THE HEADS OF THE UNIONS ON THOSE PROJECTS, I ASKED THE BRICKLAYER FOREMAN ONE DAY, TELL ME ABOUT YOUR CREW. IT WAS ALL MALE AT THAT TIME AND HE HAD ABOUT 12 OR 13 MEMBERS ON HIS CREW. AND I SAID, I NOTICED SOMETHING ABOUT YOUR CREW, THEY'RE NOT VERY YOUNG. HE SAID, NO, I THINK THE YOUNGEST ONE MIGHT BE 40, AND ALL THE REST ARE OLDER THAN THAT, THEY'VE BEEN AT IT A LONG TIME. AND WE JUST CAN'T GET YOUNG PEOPLE TO SIGN UP FOR OUR PROGRAMS; WE CAN'T GET THEM INTO THE TRADES. SOMETIMES SCHOOLS ARE PUSHING THEM TOO MUCH TO THE COLLEGE DIRECTION AND THEN THEY FALL SHORT IN THE COLLEGE AREA AND THEN THEY WONDER WHAT THEY'RE GOING TO DO WITH THEMSELVES WHEN THEY COULD BE MAKING VERY GOOD EARNINGS AND LIVINGS WORKING WITH THE CONSTRUCTION TRADES AND GET INTO THE UNION PROCESS AND GETTING THEIR CERTIFICATION AND LICENSES AT AN EARLY AGE,... [LB947]

SPEAKER HADLEY: ONE MINUTE. [LB947]

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SENATOR KOLOWSKI: ...WHICH WOULD HELP THEM FOR THE REST OF THEIR LIVES. I THINK THAT'S REPEATED IN ALL OF THE TRADES THAT I SAW WORKING ON THAT CONSTRUCTION, AND NOT ONLY THE ORIGINAL CONSTRUCTION, BUT THREE ADDITIONS WE PUT ON THAT BUILDING. WE HAVE AN OPPORTUNITY HERE TO MAXIMIZE THE EDUCATIONAL POSSIBILITIES OF THESE YOUNG PEOPLE AS THEY WORK IN OUR COMMUNITIES. THEY WANT THE JOBS. THEY'LL DO A GREAT JOB WITH THE JOBS AND THEY WILL ASSIST OUR ECONOMY TO THE MAXIMUM. I HOPE WE CAN SEE OUR WAY CLEAR WITH THIS AMENDMENT AND THIS BILL, LB947, TO HIT THE GREEN LIGHT AND MOVE THIS FORWARD FOR OUR ECONOMIC AND WORK FORCE DEVELOPMENT WITHIN NEBRASKA. THANK YOU VERY MUCH. [LB947]

SPEAKER HADLEY: THANK YOU, SENATOR KOLOWSKI. SENATOR KUEHN, YOU'RE RECOGNIZED. [LB947]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. I DO WANT TO TAKE A PAUSE, JUST A MOMENT, AS A BODY AS WE THINK ABOUT EXACTLY WHAT WE ARE DOING WITH THIS LEGISLATION AND RECOGNIZE THAT IT IS DISTINCTLY DIFFERENT THAN THE DRIVER'S LICENSE ISSUE. I SUPPORTED THE DRIVER'S LICENSE ISSUE. I UNDERSTOOD THE COMPELLING ARGUMENT FOR IT. WE'RE DEALING WITH A DIFFERENT SET OF CIRCUMSTANCES HERE WITH REGARD TO PROFESSIONAL LICENSES. AND WHILE THERE CERTAINLY ARE A WIDE VARIETY OF PROFESSIONAL LICENSES THAT WE ARE TALKING ABOUT, ESPECIALLY WHEN WE TALK ABOUT SOME OF THE ADVANCED-PRACTICE TYPE PROFESSIONAL LICENSURES, WHETHER THAT'S PRACTICING MEDICINE AND OTHERS, THE PROCESS FOR WHICH NONCITIZENS BECOME LICENSED BECOMES INCREDIBLY COMPLICATED. AND IF YOU TALK TO MANY IN HEALTHCARE LICENSURE AND OTHERS, YOU RECOGNIZE THAT THERE IS AN EXTENSIVE AND COMPLICATED PROCESS FOR NONCITIZENS TO OBTAIN THE VISA STATUS, TO OBTAIN PROFESSIONAL LICENSURE IN THE STATE. IF YOU'VE DEALT WITH UNDERGRADUATES AND PROFESSIONAL STUDENTS WHO HAVE FOREIGN CITIZENSHIP AND ARE NOT U.S. CITIZENS, EVEN THOUGH THEY ARE HERE ON A STUDENT VISA AND UNDERSTAND THE COMPLICATING PROCESS OF OBTAINING THE VISA FOR LICENSURE, THIS IS A LOTTERY PROCESS, THIS IS A WAITING-IN-LINE PROCESS. THERE ARE REQUIREMENTS FOR THOSE INDIVIDUALS IN SOME CASES TO RETURN TO THEIR HOME COUNTRY OF CITIZENSHIP AND REAPPLY, RE-GO THROUGH THE LOTTERY PROCESS. SO IT'S NOT JUST SIMPLY A MATTER OF, IF YOU HAVE LAWFUL STATUS IN THE UNITED STATES ON A STUDENT VISA, THAT YOU ARE AUTOMATICALLY GRANT A LICENSE TO PRACTICE VETERINARY MEDICINE, MEDICINE, WHATEVER, IN THE UNITED STATES. IF YOU GRADUATE

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FROM UNMC, YOU ARE NOT AUTOMATICALLY GIVEN THE OPPORTUNITY TO APPLY FOR PROFESSIONAL LICENSURE IN THE STATE OF NEBRASKA. THE RULES GET VERY COMPLEX. AND IF YOU ARE AWARE OF OR FAMILIAR WITH HEALTHCARE PROFESSIONALS WHO HAVE COME TO THE UNITED STATES, WHO HAVE ESTABLISHED SUCCESSFUL PRACTICES, RAISED FAMILIES IN THE COMMUNITY ON A PROFESSIONAL VISA, WHICH IS A FEDERAL ISSUE, AND THEN HAD TO RETURN HOME, EITHER FOR A TEMPORARY PERIOD OF TIME OR EVEN PERMANENTLY BECAUSE THEY DIDN'T MAKE IT IN THE PROFESSIONAL LICENSURE VISA LOTTERY AND VISA STATUS, YOU ARE AWARE THAT THIS IS A MUCH MORE COMPLICATED SITUATION THAN SIMPLY SAYING WE HAVE INDIVIDUALS WHO DO NOT HAVE CITIZENSHIP OF DACA STATUS THAT THEY, THEREFORE, SHOULD AUTOMATICALLY BE GRANTED PROFESSIONAL LICENSURE. AGAIN, IT IS MUCH MORE COMPLICATED AT THE FEDERAL LEVEL. AND WHILE I UNDERSTOOD THE COMPELLING ARGUMENT FOR GIVING DRIVER'S LICENSES TO YOUTH WHO WERE BROUGHT HERE NOT OF THEIR OWN CONSENT AND NOT OF THEIR OWN VOLITION AND NEED TO HAVE PUBLIC SAFETY AND TRANSPORTATION, THIS IS DIFFERENT. IF THEY ATTENDED A PROFESSIONAL PROGRAM AND DID NOT HAVE CITIZENSHIP STATUS, THEY HAVE BEEN ADVISED ALL THE WAY ALONG ABOUT THE COMPLICATIONS ASSOCIATED WITH THEIR CHOICES OF STUDY AND MAJOR AND THE COMPLICATIONS THEY MAY HAVE WITH PROFESSIONAL LICENSURE THAT, IF THEY DON'T HAVE THE PROPER VISA STATUS, IF THEY DON'T HAVE THE PROPER IMMIGRATION STATUS, THAT THEY MAY BE DENIED LICENSURE. IF THEY DID NOT RECEIVE THAT INFORMATION, THAT'S A PROCESS OF THE HIGHER EDUCATION PROCESS I'M NOT ADVOCATING. I HAVE CERTAINLY WORKED WITH FOREIGN STUDENTS BEFORE AND MAKE THEM AWARE FROM DAY ONE OF THE CHALLENGES THAT THEY WILL HAVE IF THEY SEEK PROFESSIONAL LICENSURE. SO SIMPLY SAYING THAT THIS IS AN AUTOMATIC, SIMPLE ISSUE THAT NEEDS TO BE CORRECTED AND ADDRESSED, WHEN WE DEAL WITH PROFESSIONAL LICENSURES AND PEOPLE OF NON-U.S. CITIZENSHIP, IT BECOMES A CHALLENGE. JUST TO RENEW MY VETERINARY LICENSE, WHICH I DID ON-LINE A WEEK AGO AFTER FINISHING MY CE AND CONTINUING EDUCATION REQUIREMENTS, WE HAVE A SERIES OF QUESTIONS THAT WE ARE REQUIRED TO STATE ABOUT OUR CITIZENSHIP STATUS THAT THEN DETERMINES WHETHER OR NOT WE ARE ELIGIBLE FOR LICENSURE. [LB947]

SPEAKER HADLEY: ONE MINUTE. [LB947]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. THE OTHER CONCERN I HAVE IS THAT, SHOULD THEIR STATUS BE REVOKED AT THE FEDERAL LEVEL, THERE ISN'T A MECHANISM THAT ENSURES THAT THOSE INDIVIDUALS NO LONGER WOULD

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HAVE THEIR LICENSURE STATUS. IT WOULD COME UP ONLY AT THE PERIOD OF TIME FOR THEIR RENEWAL. SO WE HAVE AGAIN A WHOLE NOTHER SERIES OF ISSUES CREATED BY A FEDERAL PROGRAM, NOT A STATE PROGRAM, WHERE INDIVIDUALS MAY BE POTENTIALLY OVERSTAYING WITHOUT NECESSARILY HAVING THE STATE ABILITY TO TRACK THEIR LICENSURE. SO I THINK WE NEED TO HAVE A GOOD AND HEALTHY DEBATE MOVING FORWARD. I THINK WE NEED TO HAVE A GREATER DISCUSSION ABOUT WHAT IT MEANS TO OBTAIN THESE PROFESSIONAL LICENSURE AND THE PEOPLE WHO ARE WAITING PATIENTLY IN THE QUEUE THROUGH THE PROPER CHANNELS IN AN ATTEMPT TO OBTAIN THE FEDERAL STATUS TO BE ABLE TO OBTAIN THESE PROFESSIONAL LICENSURES. AND I THINK WE NEED TO CONTINUE THAT DEBATE FORWARD BEFORE WE JUST ASSUME THAT THIS IS AN EXTENSION OF DRIVER'S LICENSE. IT'S A VERY DIFFERENT PHENOMENON. THANK YOU, MR. PRESIDENT. [LB947]

SPEAKER HADLEY: THANK YOU, SENATOR KUEHN. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LB947]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. I, TOO, LIKE SENATOR KUEHN, LAST YEAR SUPPORTED THE DRIVER'S LICENSE BILL THAT WE HAD. AND I KNOW THERE WAS QUESTIONS AND CONTROVERSY ON THAT. AND I HAVE ALSO EMPLOYED PEOPLE THAT HAVE HAD A GREEN CARD; AND NOT THAT THEY NEEDED A PROFESSIONAL OR COMMERCIAL LICENSE AT THAT POINT, THEY WERE MORE ON THE LABOR SIDE. BUT I DO KNOW ALL THE ISSUES THAT ARE INVOLVED. EVEN THE PERSON THAT HELPED THEM GET THE GREEN CARD WAS NOT LICENSED TO DO SO, AND THIS GENTLEMAN HERE WAS DEPORTED IMMEDIATELY. AND THERE'S JUST ISSUES OUT THERE THAT ARE VERY COMPLICATED AND I THINK MOVING INTO THIS TOO FAST IS A LITTLE BIT OF JEOPARDY. I WANT TO REFER TO A SHEET OF PAPER THAT I WAS GIVEN TO I GUESS ANALYZE THIS. AND I DO HAVE SOME CONFUSION--THAT'S PROBABLY JUST MY LACK OF INFORMATION OR KNOWLEDGE--BUT IT TALKED ABOUT THE 2015 PROFESSIONAL AND COMMERCIAL LICENSES BY TYPE. AND THERE'S SEVERAL OF THEM LISTED IN THE AGRICULTURE AREA, OF WHICH I DEFINITELY HAVE AN INTEREST IN. THOSE THAT APPLIED FOR BENEFITS WERE AROUND 12,000. THIS GOES BACK TO 2015 AND I'M ASSUMING IT'S A CALENDER YEAR, BUT I MIGHT BE WRONG. THEN WE HAVE SEVERAL CATEGORIES THAT ARE BANKING AND FINANCE, AND IT LIST THOSE BY DIFFERENT CATEGORIES. THEN WE HAVE LUMPED TOGETHER HEALTH AND HUMAN SERVICES, ALL PUBLIC HEALTH LICENSES, AND THAT'S THE BIGGEST NUMBER, ABOUT 66,000; AND THEN DEPARTMENT OF INSURANCE, ALL LICENSED APPLICANTS, ABOUT 18,000. THE TOTAL OF ALL OF THESE IS ABOUT...ALMOST 126,000 PEOPLE THAT APPLIED FOR

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BENEFITS. THOSE THAT APPLIED INDICATING NONCITIZENSHIP WAS ABOUT 497, AND WE CAN ROUND THAT OFF TO 500. AND THEN THOSE THAT WERE DENIED, THOSE THAT DID NOT HAVE A GREEN CARD OR WERE NOT ELIGIBLE, THERE WAS ONE IN HEALTH AND HUMAN SERVICES AND THERE WAS TWO IN THE DEPARTMENT OF INSURANCE, SO A TOTAL OF THREE PEOPLE THAT WERE DENIED BECAUSE THEY DID NOT HAVE PROPER DOCUMENTATION. SO I DON'T KNOW WHETHER THIS IS SOMETHING WE DON'T NEED BECAUSE IT'S NOT AN ISSUE. WE'VE GOT FIVE...OR THREE PEOPLE, THREE APPLICANTS. OR IS THIS BECAUSE WE'RE DOING A GOOD JOB AND SORTING THROUGH THAT? SO I'M NOT SURE WE'RE READY TO MOVE SOMETHING FORWARD AT THIS TIME. I DEFINITELY WOULD AGREE WITH SENATOR KUEHN ON THAT. AND MAYBE SENATOR MURANTE'S AMENDMENT WILL QUANTIFY SOME THINGS A LITTLE BETTER. IF THE FEDERAL PROGRAM GOES AWAY OR CHANGED OR THE LICENSEES FOR SOME REASON AREN'T ELIGIBLE ANYMORE, THEIR APPLICATION HERE WOULD NEED TO BE DENIED. SO I'M GOING TO LISTEN A LITTLE BIT LONGER. I JUST AM CONCERNED THAT WE'RE MAYBE REACTING TO SOMETHING HERE THAT MAYBE WE DON'T HAVE A PROBLEM YET. THANK YOU. [LB947]

SPEAKER HADLEY: THANK YOU, SENATOR JOHNSON. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB947]

SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. AS WE'VE SAID BEFORE, IT IS NOT THE SMART WHO SURVIVE, IT IS NOT THE STRONG WHO SURVIVE, IT'S THE ADAPTABLE WHO SURVIVE. AND THE PLANNING COMMITTEE HAS JUST PUT TOGETHER, WITH THE HELP OF FOLKS FROM THE UNIVERSITY OF NEBRASKA AT OMAHA, A REPORT OF THE PROJECTIONS OF POPULATION IN THIS STATE, AND IT IS AVAILABLE FROM SENATOR COOK'S OFFICE IF ANYONE IS INTERESTED. IT SHOWS COUNTY BY COUNTY WHERE WE ARE GOING TO BE IN POPULATION. AND HOW DO THEY KNOW: SIMPLY BY TRACING BIRTH AND DEATHS. SO UNLESS THERE'S SOME TYPE OF A MIGRATION, WE ARE LOCKED IN. I VENTURE TO SAY WE WILL NOT TRIGGER ANY MIGRATION BY MESSING WITH THE TAX RATE BY A FRACTION OF A PERCENT. WE WILL NOT HAVE MUCH SUCCESS IN GROWING THE STATE BY CLAIMING WE'VE GOT THIS TYPE OF ECONOMIC INCENTIVE OR THE OTHER. WE HAVE HISTORICALLY BEEN ABLE TO GROW BY CATERING TO IMMIGRATION. AND SO I WOULD ENCOURAGE YOU, IF YOU'RE NOT IN THE OMAHA-LINCOLN METRO AREA, TO TAKE A LOOK AT THIS DOCUMENT. THE STATE ITSELF WILL GROW LESS THAN 3 PERCENT A DECADE THROUGH 2050. AND MOST OF YOUR COMMUNITIES, IF YOU'RE IN RURAL AREAS, ARE GOING DOWNHILL FAST. SO THINK ABOUT THAT. THIS BILL IS

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JUST ADAPTABILITY TO A SITUATION THAT WE'RE IN. AND I'D YIELD THE REST OF MY TIME TO SENATOR MELLO. [LB947]

SPEAKER HADLEY: SENATOR MELLO, YOU'RE YIELDED 3:20. [LB947]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I'LL TRY TO ADDRESS A COUPLE OF QUESTIONS OR COMMENTS FROM MY GOOD FRIENDS, SENATOR KUEHN AND SENATOR JOHNSON. I JUST GOT THE DOCUMENT THAT PRO JUST HANDED OUT AS WELL THAT SENATOR JOHNSON REFERENCED IN REGARDS TO WHY THERE IS NOT A LOT OF PEOPLE WHO ARE DENIED FOR THESE CERTAIN AGENCIES. AND I CAN TELL YOU, AS THEY HEARD...AS THE JUDICIARY COMMITTEE HEARD, PEOPLE ARE NOT APPLYING BECAUSE THEY'RE CALLING THE AGENCY IN ADVANCE AND THE AGENCY IS TELLING THEM THEY DON'T QUALIFY. THAT'S THE REASON YOU DON'T SEE A LOT OF DENIALS IS BECAUSE, IF YOU'RE TOLD YOU DON'T QUALIFY, WHY WOULD YOU SPEND THE MONEY THROUGH THE APPLICATION PROCESS ONLY TO BE DENIED? THAT'S THE FIRST ITEM. I HAVE ANOTHER ITEM I COULD TALK ABOUT LATER, BUT WE MAY WAIT AND SEE A LITTLE BIT OF HOW THE DIALOGUE GOES. SENATOR KUEHN'S POINT, WHILE HE'S A GOOD FRIEND OF MINE, I THINK HE'S TRYING TO MIX AN ORANGE AND AN APPLE A LITTLE BIT IN REGARDS TO THE CONVERSATION REGARDING WORK-AUTHORIZED INDIVIDUALS THROUGH THE MEDICAL AND HEALTHCARE INDUSTRY IN WHAT WE HAVE IN LB947. IF YOU'RE A DOCTOR FROM MUMBAI, YOU'RE COMING TO THE UNITED STATES ON A SPECIAL VISA PROGRAM THAT YOU KNOW IN ADVANCE YOU GET A PROFESSIONAL LICENSE BECAUSE YOU'RE HERE FOR A SET AMOUNT OF TIME. THE WORK AUTHORIZATION THAT WE'RE REFERRING TO IN LB947 IS A LIMITED THREE-YEAR TIME FRAME THAT THESE INDIVIDUALS ALSO KNOW THAT THEY ONLY ARE HERE AND HAVE A WORK AUTHORIZATION FOR THREE YEARS; THUS, THEIR PROFESSIONAL LICENSE WILL ALSO ONLY BE AVAILABLE FOR THREE YEARS. AND WHEN THAT PERIOD ENDS AND THEY DON'T GET REAUTHORIZED, THEY WILL NOT HAVE THE ABILITY TO WORK LEGALLY IN THE UNITED STATES. IT'S NO REAL DIFFERENCE, SENATOR KUEHN, THAN WHAT YOU DISCUSSED. BUT EVERYONE KNOWS AT THE FEDERAL LEVEL THERE IS A NUMBER OF DIFFERENT PROGRAMS TARGETING SPECIFIC INDUSTRIES AND SPECIFIC COUNTRIES AS IT RELATES TO DIFFERENT OCCUPATIONS AND SKILLS THAT WE WANT TO BRING IN THROUGH A NUMBER OF DIFFERENT VISA PROGRAMS. TO TRY TO EQUATE THOSE TWO PROGRAMS WITH WHAT WE HAVE IN LB947, WHICH IS ALLOWING ANYONE WHO--ANYONE, I REMIND YOU--WHO HAS A WORK AUTHORIZATION PERMIT AND HAS LAWFUL PRESENCE IN THE UNITED STATES TO QUALIFY FOR AN OCCUPATIONAL LICENSE, THAT ACTUALLY MAYBE SHOULD MAKE IT EASIER FOR THESE H-1B VISAS OR

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ANYONE ELSE WHY MAYBE GET CAUGHT UP IN DIFFERENT OCCUPATION VISA PROGRAMS TO QUALIFY FOR THEIR LICENSE. IT DOESN'T MEAN THAT THEIR LICENSE IS THERE FOREVER. IT DOESN'T MEAN THAT THEIR VISA MAY NOT EXPIRE AND THEY MAY NOT GET IT REAUTHORIZED. BUT THOSE WHO QUALIFY UNDER LB947 FIT THE SAME MOLD AS WHAT SENATOR KUEHN JUST SAID. [LB947]

SPEAKER HADLEY: ONE MINUTE. [LB947]

SENATOR MELLO: THEIR WORK AUTHORIZATION IS NOT INDEFINITE. IT HAS A SET PERIOD OF TIME IN WHICH THEY'RE ELIGIBLE TO BE ABLE TO WORK LEGALLY IN THE UNITED STATES. AND THEY KNOW THAT THAT MAY DISAPPEAR AT SOME POINT IN TIME IF THERE IS A CHANGE AT THE FEDERAL LEVEL. THAT COULD HAPPEN WITH OTHER PROGRAMS AS WELL. SO I THINK, WHILE MY GOOD FRIEND SENATOR KUEHN WAS TRYING TO MAKE A REFERENCE TO WE KNOW OTHER VISA-RELATED PROGRAMS THAT DEAL WITH OCCUPATIONAL LICENSING OF ENSURING THAT SOMEONE WHO COMES TO THE UNITED STATES FROM INDIA, CHINA, OR SOMEWHERE ELSE, WHO HAS A CERTAIN SKILL SET, A CERTAIN OCCUPATION, THEY HAVE THEIR OWN UNIQUE CHALLENGES, OBVIOUSLY, THROUGH THOSE PROGRAMS. WE'RE TRYING TO ADDRESS THE POPULATION, AS I LAID OUT EARLIER, THE LARGE NUMBER OF PEOPLE WHO QUALIFY FOR THIS, TO ENSURE THAT THEY QUALIFY FOR THEIR OCCUPATIONAL LICENSE, ALSO KNOWING THAT IT'S A TIME-LIMITED IN NATURE PROGRAM AS WELL. AND AS SENATOR MURANTE AND SENATOR McCOY MENTIONED EARLIER IN OUR DIALOGUE, THAT COULD GO AWAY SOMETIME IN THE NEAR FUTURE. BUT IN THE MEANTIME, WE THINK LB947 IS A GOOD PROCESS TO GET WORK-AUTHORIZED NEBRASKANS... [LB947]

SPEAKER HADLEY: TIME, SENATOR. [LB947]

SENATOR MELLO: ...THE ABILITY TO WORK IN THEIR TRADE. THANK YOU, MR. PRESIDENT. [LB947]

SPEAKER HADLEY: THANK YOU, SENATOR MELLO. SENATOR KINTNER, YOU ARE RECOGNIZED. [LB947]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, I THINK THIS IS ANOTHER BILL COMING OUT OF JUDICIARY THAT WE BETTER KEEP AN EYE ON HERE. I REALLY THINK THAT...AS I LOOK AT THIS, I LISTEN TO WHAT

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SENATOR KUEHN SAID AND THINK I PROBABLY EVEN HAVE MORE QUESTIONS NOW. WE'VE GOT SENATOR MELLO OVER HERE AND PRO OVER HERE, POLICY RESEARCH OFFICE. JEEZ, WHO SHOULD I BELIEVE, SENATOR MELLO OR THE GOVERNOR'S POLICY RESEARCH OFFICE? I BETTER SLEEP ON THAT, (LAUGHTER) LET YOU KNOW IN THE MORNING. I THINK THIS IS BAD POLICY. I DO AGREE WITH WHAT SENATOR KUEHN SAID. AS A MATTER OF FACT, MAYBE, SENATOR KUEHN, LET'S GO BACK TO SOME OF THE THINGS SENATOR KUEHN TALKED ABOUT. WOULD SENATOR KUEHN YIELD TO A FEW QUESTIONS? [LB947]

SPEAKER HADLEY: SENATOR KUEHN, WILL YOU YIELD? [LB947]

SENATOR KUEHN: YES, I WILL YIELD. [LB947]

SENATOR KINTNER: SO IF SOMEBODY IS IN A PROFESSIONAL PROGRAM BUT THEY DON'T HAVE A PROFESSIONAL LICENSE AND THEY'RE HERE WITHOUT STATUS, WHICH IS ILLEGALLY, HOW DOES THAT HAPPEN? HOW CAN YOU GET IN A PROGRAM AND BE HERE ILLEGALLY? YOU CAN DO THAT AT OUR UNIVERSITIES? IS THAT ALLOWED? [LB947]

SENATOR KUEHN: WELL, AS LONG AS YOU HAVE THE PRESENCE AND ARE ACCEPTED BY THE UNIVERSITY, WHETHER IT'S PUBLIC OR PRIVATE, YOU DON'T HAVE TO NECESSARILY HAVE A VISA OR DOCUMENTATION IN ORDER TO BE PRESENT THERE. NOW I PERSONALLY HAVE NOT DEALT WITH ANY DACA YOUTHS IN MY EXPERIENCE, BUT I HAVE DEALT WITH FOREIGN STUDENTS WHO APPLY AND COME IN WITH A FOREIGN STUDENT VISA AND HAVE THE ABILITY TO BE A STUDENT UNDER THE RESTRICTIONS OF THAT STUDENT VISA. BUT CERTAINLY, FOR ANY CITIZEN OR INDIVIDUAL WITH STATUS IN THE STATE, COMPLETION OF A PROFESSIONAL PROGRAM DOES NOT GUARANTEE LICENSURE. [LB947]

SENATOR KINTNER: CAN THE PERSON...THE PEOPLE THAT COME IN LEGALLY ON A LEGAL VISA CAN GET PROFESSIONALLY LICENSED THEN, RIGHT, OR...? [LB947]

SENATOR KUEHN: ONLY IF THEY MEET THE CRITERIA FOR CONTINUING THEIR STATUS, SO IF THEIR STUDENT VISA EXPIRES AND THEY NO LONGER ARE A STUDENT AND THEY'RE NO LONGER PRESENT ON THAT STUDENT VISA AND THEN MOVE INTO A WORK VISA, THEIR WORK VISA WOULD HAVE TO BE ACCOMMODATING WITH THAT PROFESSIONAL STATUS. [LB947]

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SENATOR KINTNER: SO IF SOMEBODY COMES IN, GETS A PROFESSIONAL LICENSE, AND YOU SAID THAT THEY KNOW THE STATUS, THEY KNOW WHEN THEY GET OUT THEY HAVE TO GO TO ANOTHER STATE, IF THEY'RE IN NEBRASKA, HAVE TO GO TO ANOTHER STATE THAT WILL ALLOW THEM TO GET LICENSED OR THEY'RE NOT GOING TO PRACTICE HERE. THEY KNOW THAT WHEN THEY'RE IN SCHOOL? [LB947]

SENATOR KUEHN: THEY SHOULD BE ADVISED THAT. I MEAN THE REQUIREMENTS FOR LICENSURE ARE SOMETHING GETS TALKED ABOUT IN PROFESSIONAL PROGRAMS FROM THE BEGINNING OF THE PROGRAM. [LB947]

SENATOR KINTNER: SO WHY DO YOU THINK THEY'RE STAYING HERE? IF THEY KNOW THAT THEY CAN'T GET A LICENSE, ARE THEY GAMBLING THAT THIS LEGISLATURE IS LIBERAL ENOUGH TO JUST GO AHEAD AND DO IT? [LB947]

SENATOR KUEHN: I GUESS I'M NOT GOING TO SPEAK TO WHETHER OR NOT...THE INTENT OF THE FULL LEGISLATURE AT THIS POINT. BUT I DO BELIEVE THAT THERE IS A FUNDAMENTAL ISSUE. CERTAINLY SENATOR MELLO IS TRYING TO SAY WE'RE CONFLATING THE TWO, AND I'M NOT. WE'RE SIMPLY SAYING THAT THERE IS ONE EXISTING PATHWAY THAT EXISTS; THERE IS ANOTHER IN WHICH WE'RE LOOKING AT INDIVIDUALS WHO ARE ESSENTIALLY JUMPING THAT LINE. AND MY ISSUE IS NOT A QUESTION OF TRYING TO SAY THE TWO ARE EQUITABLE; IT IS ONE OF WHAT DOES IT MEAN TO THE STUDENTS WHO HAVE COME HERE, WHO HAVE GONE THROUGH THE PROCESS AS APPROPRIATE AND LEGALLY AND MADE THE DECISIONS... [LB947]

SPEAKER HADLEY: ONE MINUTE. [LB947]

SENATOR KUEHN: ...AND HAVE TO BEAR THE CONSEQUENCES OF THAT. [LB947]

SENATOR KINTNER: WHAT DOES IT MEAN TO THEM? WILL YOU REPEAT THAT? I KNOW YOU'VE GOT INTO IT. WILL YOU REPEAT THAT AGAIN? [LB947]

SENATOR KUEHN: I THINK THAT WHEN WE HAVE STUDENTS WHO ARE FOREIGN NATIONALS AND ARE HERE AND GO THROUGH THE LEGAL STUDENT VISA PROCESS AND THEN APPLY THROUGH THE FEDERAL VISA PROCESS TO GAIN THOSE WORK PERMITS, THEY WAIT IN LINE, THEY SUFFER THE CONSEQUENCES IF THEY DON'T GET A LOTTERY VISA. AND I THINK THAT WHEN WE HAVE

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ANOTHER POPULATION OF INDIVIDUALS WHO DO NOT HAVE CITIZENSHIP STATUS, WHO HAVE NOT HAD TO GO THROUGH THE PROCESS OF OBTAINING AND ALL THE RESTRICTIONS OF A STUDENT VISA JUST BY VIRTUE OF A FEDERAL PROTECTIVE STATUS AND DACA, THAT IT EQUATES TO AN ISSUE OF FAIRNESS AND WHERE THEY ARE IN THE LINE AND IN THE SEQUENCE WITH THOSE STUDENTS WHO HAVE GONE THROUGH THE PROCESS FAIRLY. [LB947]

SENATOR KINTNER: THANK YOU VERY MUCH. I WANTED TO SHED A LITTLE LIGHT ON THAT. THANK YOU, MR. PRESIDENT. [LB947]

SPEAKER HADLEY: THANK YOU, SENATOR KINTNER. SENATOR BRASCH, YOU ARE RECOGNIZED. [LB947]

SENATOR BRASCH: THANK YOU, MR. SPEAKER. AND THANK YOU, COLLEAGUES AND TO THOSE WATCHING TODAY. I ASKED MY STAFF TO BRING ME THE FILE THAT WE HAD BUILT ON DACA SO I CAN REVIEW WHAT I THOUGHT I REMEMBERED FROM LAST YEAR. AND IN REVIEWING THIS, I DO HAVE SOME CONCERNS HERE AND BASICALLY BECAUSE DACA, MY UNDERSTANDING, IS A LIMITED CLASS, A CERTAIN GROUP OF INDIVIDUALS THAT WE HAVE ACCEPTED. THEY CAME HERE NOT ON THEIR OWN WILL BUT THEY CAME INTO THE COUNTRY BY THE WILL OF PARENTS OR FAMILY AND THEY HAVE STAYED AND THEY'RE HERE. YES, THEY WENT...ARE GOING TO SCHOOL OR WENT TO SCHOOL, BUT IT'S LIMITED THAT IT'S NOT A WIDE-OPEN BLANKET POLICY OF NEW IMMIGRATION. THIS IS STRICTLY THAT HOMELAND SECURITY WILL ACCEPT THAT WHEN: THE PERSON ILLEGALLY ENTERED HERE, POSSIBLY BY...WELL, BY AN ILLEGAL PARENT BEFORE THE AGE OF 16 OR THEY'RE AT LEAST CURRENTLY--AND THIS IS LAST YEAR--5 YEARS OLD; THEY MUST BE UNDER 31 YEARS OLD AS OF JUNE 15, 2007; THEY HAVE BEEN HERE CONTINUOUSLY FOR AT LEAST FIVE YEARS PRIOR TO JUNE 15, 2012, PHYSICALLY PRESENT IN THE UNITED STATES ON JUNE 15, 2012, CURRENTLY ENROLLED IN SCHOOL, OBTAINED A DIPLOMA, GED, OR HONORABLY DISCHARGED FROM THE U.S. COAST GUARD OR ARMED FORCES; THEY HAVE NOT BEEN CONVICTED OF A FELONY OR SIGNIFICANT MISDEMEANORS; THEY DO NOT POSSESS A THREAT TO NATIONAL SECURITY OR PUBLIC SAFETY. THAT'S WHO QUALIFIED TO APPLY OR TO BE DACA. DACA IS A DEFERRED STATUS. IT IS NOT LAWFUL STATUS. AND THIS BILL AS IT'S WRITTEN DOES NOT HAVE A SUNSET, YOU KNOW. AND WHEN WE TALKED ABOUT THE DACA, AND I'M ON THE TRANSPORTATION COMMITTEE, I WAS TOLD THAT IT'S A LIMITED NUMBER OF POPULATION. AND I THINK, YOU KNOW, THE NUMBERS WERE AROUND 3,000, MORE OR LESS, THAT WOULD APPLY. AND THIS IS JUST SAYING THAT A QUALIFIED ALIEN IN THE DACA...AGAIN, THAT

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POPULATION, SO THAT GRADUATE THAT WE EDUCATED AND ALLOWED TO BE HERE WILL BE OUTSIDE OF THIS WINDOW AT A CERTAIN POINT. MORE ILLEGAL ALIENS ENTERING OUR COUNTRY COULD THEN GET A LICENSE, CERTIFICATION, EVEN THOUGH THEY'RE ILLEGAL. AND MY CONCERN, YOU KNOW, JUST READING OVER ALL THE ARGUMENTS ON THE DRIVER'S LICENSE AND OUR CONCERNS THERE, WE'RE JUST BROADENING IT HERE INTO THE OCCUPATION. AND WE'RE BASICALLY TAKING OUR CURRENT IMMIGRATION LAWS, AND THERE IS A BACKLOG OF VISAS, AND TELLING INDIVIDUALS THAT ARE WAITING FOR LEGAL IMMIGRATION HERE THAT YOU CAN WORK HERE, YOU CAN DRIVE HERE, EVEN THOUGH YOU'RE NOT A LEGAL CITIZEN. AND THESE ARE PRIVILEGES THAT WE GRANT TO OUR CITIZENS HERE. SO I THINK WE NEED TO, YOU KNOW, REALLY LOOK CLOSELY AT THIS. IS IT JUST FOR DACA? MAYBE WE NEED TO WRITE THIS LAW FOR DACA-SPECIFIC, SO WE ARE TALKING ABOUT THE SAME GROUP OF INDIVIDUALS THAT CAME TO OUR HEARING... [LB947]

SPEAKER HADLEY: ONE MINUTE. [LB947]

SENATOR BRASCH: ...AND NOT JUST SAYING THAT WHOEVER COMES ACROSS THE BORDER FROM SOUTH AMERICA, THAT IS NOT...AND FROM ANY COUNTRY THAT IS NOT HERE LEGALLY, COULD JUST BASICALLY GET AN EDUCATION AND TAKE THEIR PLACE SIDE BY SIDE BY ONE WHO CAME HERE LAWFULLY. THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. [LB947]

SPEAKER HADLEY: THANK YOU, SENATOR BRASCH. SENATOR KINTNER, YOU ARE RECOGNIZED. [LB947]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. YOU KNOW, I JUST WANTED TO REVIEW SOMETHING FROM LAST YEAR. IF YOU REMEMBER, WE WERE DEBATING DACA: SHOULD THESE KIDS--AND THEY SAID THERE'S ABOUT 3,000 OF THEM THAT HAVE BEEN BROUGHT HERE AS KIDS, NOW THEY'VE GROWN UP HERE, AND THEY'RE ESSENTIALLY AMERICANS AND THEY'RE A PRETTY SYMPATHETIC GROUP WHEN YOU TALK TO THEM--SHOULD WE GIVE THEM A LICENSE? THAT WAS THE QUESTION. AND WE WERE DEBATING THAT AND THERE WAS A RUSH TO PUSH THAT THROUGH AND GET IT DONE. THEN WE FIND OUT THERE IS AN AMENDMENT, AND NOT ONLY IS IT FOR DACA, BUT IT'S FOR ANYONE WHO HAS, QUOTE, A LEGAL PRESENCE, WHATEVER IN THE HECK THAT MEANS. LET ME TELL YOU WHAT THAT MEANS. IF THE PRESIDENT ALL OF A SUDDEN SAYS EVERY SINGLE ILLEGAL ALIEN IN OUR COUNTRY, 12 MILLION, 15 MILLION, 20 MILLION, WHATEVER IT IS, NOW HAS A LEGAL PRESENCE--AND HE'S

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BEEN KNOWN TO DO STUFF WITH NO AUTHORIZATION FROM CONGRESS--THEN BECAUSE OF WHAT WE PASS WITH THAT AMENDMENT, WE ARE COMPELLED TO ISSUE THEM A DRIVER'S LICENSE. THEN THE PRESIDENT LEAVES, DACA IS OVER, AND ALL THOSE THINGS ARE OVER WHEN A NEW PRESIDENT COMES IN AND RESCINDS THEM. NOW HOW DO WE GET THOSE DRIVER'S LICENSES BACK? HOW DO WE GET THE PROFESSIONAL LICENSES BACK? WE CREATED QUITE A PROBLEM FOR OURSELVES LAST YEAR WHEN THAT THING GOT PUSHED THROUGH. IN THE RUSH TO GET IT DONE, WHEN SENATOR GROENE STOOD UP AND SAID, HOLD IT FOLKS, DO YOU KNOW WHAT YOU'RE DOING, THERE WAS A COLLECTIVE YAWN--SIT DOWN, GROENE, WE'LL FIGURE IT OUT--AND WE JUST WENT AHEAD AND OVERRODE THE GOVERNOR'S VETO AND DID IT. SO WE COULD BE IN A BIND IF THE PRESIDENT DECIDES TO DO THAT. WOULD SENATOR KUEHN YIELD TO ANOTHER QUESTION? [LB947]

SPEAKER HADLEY: SENATOR KUEHN, WILL YOU YIELD TO A QUESTION? [LB947]

SENATOR KUEHN: YES, I WILL YIELD. [LB947]

SENATOR KINTNER: IF SOMEBODY WITH A PROFESSIONAL LICENSE, LET'S SAY A VETERINARIAN, AND WE PASS THIS BILL AND THEN THE STATUS IS REVOKED WITH A NEW PRESIDENT, YOU SAID IT MIGHT BE TROUBLE GETTING THAT LICENSE BACK. HOW DO YOU GET A LICENSE BACK? IS THERE...HOW DO YOU REVOKE A PROFESSIONAL LICENSE? [LB947]

SENATOR KUEHN: LOTS OF WAYS YOU CAN REVOKE A PROFESSIONAL LICENSE--WE DON'T WANT TO GO INTO THAT ON THE FLOOR. THE RENEWAL PROCESS, FOR EXAMPLE, MY VETERINARY LICENSE IS RENEWED ON APRIL 1 EVERY OTHER YEAR, SO YOU HAVE A TWO-YEAR PERIOD FOR RENEWAL OF YOUR LICENSE. AND PART OF MY RENEWAL PROCESS INCLUDES THAT I STATE WHAT MY STATUS IS. SO I AM A U.S. CITIZEN, SO I HAVE THAT STATUS. IF YOU'RE NOT A CITIZEN, THERE ARE A SERIES OF ADDITIONAL QUESTIONS THAT DETERMINE YOUR LAWFUL STATUS. IF YOUR STATUS CHANGES, THERE'S NO AUTOMATIC TIE-TOGETHER PROCESS BY WHICH YOUR LICENSE, YOU WOULD BE SOUGHT OUT AND YOUR LICENSE WOULD BE EITHER REVOKED OR YOU WOULD STOP FROM PRACTICING. SO THAT IS, I GUESS, ANOTHER CONCERN THAT I HAVE IN TERMS OF THE INTEGRITY OF THE LICENSING PROCESS IS, IF THE STATUS SHOULD CHANGE IN WHICH THAT INDIVIDUAL NO LONGER WOULD HAVE A VALID LICENSE, THERE DOESN'T EXIST A MECHANISM TO ENSURE THAT THAT

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INDIVIDUAL IS STILL NOT PRACTICING UNDER A LICENSE WHICH NO LONGER LEGALLY HAS STATUS OR EXISTS. [LB947]

SENATOR KINTNER: I JUST THOUGHT OF SOMETHING. YOU'RE NOT AN EXPERT IN THIS ANY MORE THAN I AM, BUT LET ME JUST THROW SOMETHING OUT. IF THE LEGAL STATUS WAS REVOKED AND SOMEBODY HAD A PROFESSIONAL LICENSE AND THE FEDERAL GOVERNMENT OR SOMEONE CAME AND ROUNDED UP AND SAID, YOUR TIME TO GO, WOULDN'T, IF HE SAID, HEY, I GOT A PROFESSIONAL LICENSE, I'M AT LEAST GOOD FOR ANOTHER SIX MONTHS, WOULDN'T THAT STRENGTHEN HIS ARGUMENT TO LET HIM STAY. I DON'T KNOW. WOULD IT? [LB947]

SENATOR KUEHN: I CAN'T SPEAK TO THAT, SENATOR KINTNER. I DON'T HAVE ANY EXPERIENCE OR BASIS BY WHICH I COULD EVEN SPECULATE. [LB947]

SENATOR KINTNER: AND I SURE AS HECK DON'T EITHER. THANK YOU, SENATOR KUEHN. SO YOU CAN SEE WHAT WE ARE DOING HERE IS WE ARE OPENING A POSSIBLE PANDORA'S BOX WHEN WE SIMPLY HAVE A NEW ADMINISTRATION COMING IN LESS THAN SIX MONTHS AFTER THIS WOULD TAKE EFFECT. SO IT LOOKS LIKE WE'RE GOING TO TRY TO BATTLE IT OUT, SO FOR LESS THAN 6 MONTHS, AN UNKNOWN TOTAL NUMBER OF PROFESSIONALS THAT ARE HERE WITHOUT LEGAL STATUS, I MEAN FOR A LICENSE--THEY'VE GOT FEDERAL LEGAL PRESENCE--AND THEN WE'LL...IF WE PASS THIS, THEY'LL HAVE A LICENSE FOR LIKE FIVE MONTHS OR SOMETHING LIKE THAT? I MEAN, THIS IS...LOOKS LIKE AN AWFUL LOT OF WORK... [LB947]

SPEAKER HADLEY: TIME, SENATOR. [LB947]

SENATOR KINTNER: ...FOR A LITTLE BIT OF GAIN. THANK YOU. [LB947]

SPEAKER HADLEY: TIME, SENATOR. THANK YOU, SENATOR KINTNER. SENATOR MELLO, YOU ARE RECOGNIZED. [LB947]

SENATOR MELLO: THANK YOU. THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. I'M GOING TO DO MY BEST TO OBVIOUSLY REMAIN CIVIL IN REGARDS TO SOME OF THE MOST OUTLANDISH THINGS I THOUGHT I JUST HEARD IN REGARDS TO A Q&A WITH MY GOOD FRIENDS, SENATOR KINTNER AND KUEHN. THE LOGIC TRAIN THAT WAS JUST USED WOULD SAY THAT IF I, AS A

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U.S. CITIZEN, HAD MY LICENSE, SO TO SPEAK, THAT I DIDN'T QUALIFY FOR IT BEFORE MY RENEWAL PERIOD ENDED, THE STATE COULDN'T COME AND TAKE MY LICENSE FROM ME RIGHT NOW. SO THE DIALOGUE YOU JUST HEARD, COLLEAGUES, IS SO ILLOGICAL I DON'T KNOW HOW TO RESPOND TO IT. BUT NONETHELESS, SENATOR KINTNER, I UNDERSTAND YOU DO NOT LIKE BARACK OBAMA, YOU DO NOT LIKE ANYTHING THAT HAS BEEN DONE AT THE FEDERAL LEVEL, YOU DO NOT BELIEVE THE STATE OF NEBRASKA SHOULD BE RECOGNIZING EDUCATED, HIGHLY SKILLED, WORK-AUTHORIZED NEBRASKANS TO GO BECOME DOCTORS, NURSES, CONTRACTORS, ELECTRICIANS, WHATEVER IT MAY BE OF THESE 170 OCCUPATIONS. I GET THAT. THERE IS NO QUESTION THAT YOU CAN ASK THAT I CAN GIVE YOU AN ANSWER TO THAT'S GOING TO SATISFY YOUR POLITICAL DISLIKING OF BARACK OBAMA AND WHAT HIS ADMINISTRATION HAS DONE. I'M NOT HERE TO DEFEND THAT. I'M SIMPLY HERE TO TRY TO ADDRESS A PROBLEM WE HAVE IN REGARDS TO A WORK FORCE ISSUE OF HIGHLY SKILLED NEBRASKANS WHO WANT TO BECOME ELECTRICIANS, WANT TO BECOME NURSE'S ASSISTANTS, WANT TO GO BECOME ACCOUNTANTS AND ENGINEERS, WHO ARE GETTING THE EDUCATION THAT WE'RE HELPING PAY FOR. THE FEDERAL GOVERNMENT HAS DESIGNATED THEM LAWFULLY PRESENT SO THEY CAN GET A JOB, GET A SOCIAL SECURITY NUMBER, AND PAY TAXES TO OUR STATE BECAUSE THAT, COLLEAGUES, IS WHAT OUR ECONOMY NEEDS RIGHT NOW. YOU CAN'T GROW NEBRASKA, COLLEAGUES, YOU CAN'T USE THAT TAG LINE, YOU CAN'T MAKE THAT ARGUMENT, AND THEN SAY WE WANT TO SHIP HIGHLY SKILLED PEOPLE OUT OF OUR STATE. YOU CAN'T DO THAT. AND THE DIALOGUE BETWEEN SENATOR KUEHN AND SENATOR KINTNER, I STILL DON'T KNOW HOW TO ADDRESS. MY GOOD FRIEND SENATOR KUEHN WELL KNOWS THAT THE FEDERAL VISA PROGRAMS ARE A COMPLETELY DIFFERENT PROGRAM WITH DIFFERENT CRITERIA. SENATOR KINTNER, THOSE PROGRAMS HAVE A DIFFERENT CRITERIA THAN WHAT THE DACA PROGRAM OR ALL OF THESE OTHER CLASSIFICATIONS THAT FALL UNDER THE REAL ID ACT. THEY'RE A SEPARATE PROGRAM, SEPARATE CRITERIA, SEPARATE LENGTHS OF TIME IN THE UNITED STATES. AND, YES, THEY QUALIFY FOR OCCUPATIONAL LICENSES, AS LONG AS THEY MEET THE PROFESSIONAL REQUIREMENTS. WHAT WE'RE TALKING ABOUT IN LB947 IS WE'RE ALLOWING PEOPLE WHO ALSO QUALIFY FOR THOSE PROFESSIONAL LICENSE, WHO HAVE A DIFFERENT KIND OF STATUS UNDER A DIFFERENT TYPE OF PROGRAM, TO BE ABLE TO APPLY FOR THAT PROFESSIONAL LICENSE. THERE'S NO OVERLAP, COLLEAGUES, THERE'S NO COMPETITION. THEY'RE DIFFERENT PROGRAMS, DIFFERENT PURPOSES, AND THEY'RE STILL TRYING TO ADDRESS A SIMILAR ISSUE, WHICH IS BRINGING AND KEEPING HIGHLY SKILLED INDIVIDUALS IN OUR STATE AND OUR ECONOMY AND IN OUR COUNTRY, FOR THAT MATTER. YES, WE'RE WORKING ON THE

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AMENDMENT, AS I SAID EARLIER TO SENATOR MURANTE, TO CLARIFY THE BILL THAT IF YOUR WORK AUTHORIZATION PERMIT NO LONGER IS VALID, NEITHER IS YOUR PROFESSIONAL LICENSE. THAT'S A VERY SIMPLE AMENDMENT THAT I AGREE WE'VE BEEN TALKING ABOUT IT TODAY OF TRYING TO IDENTIFY HOW DIFFERENT AGENCIES DO THAT WORK. AND DIFFERENT AGENCIES HAVE DIFFERENT PERIODS OF TIME IN WHICH YOUR CERTIFICATION OR YOUR LICENSE IS GOOD FOR. BUT I THINK SENATOR MURANTE'S INITIAL QUESTIONS AS WE STARTED THIS DEBATE WAS VERY...I THINK WAS DEAD ON WITH WHAT WE'VE BEEN TRYING TO DISCUSS AND FIGURE OUT. SO WE'RE TRYING TO GET THAT AMENDMENT IDEALLY HERE THIS AFTERNOON ON GENERAL FILE. WE'RE JUST WAITING TO GET IT BACK FROM BILL DRAFTERS. BUT, COLLEAGUES, THIS BILL, READING THE COMMITTEE TESTIMONY, IF YOU HAVEN'T DONE SO, PLEASE, DO IT. WE DIDN'T JUST GET SUPPORT FROM THE NEBRASKA BUSINESS COMMUNITY, THE NEBRASKA CATTLEMEN,... [LB947]

SPEAKER HADLEY: ONE MINUTE. [LB947]

SENATOR MELLO: ...BUT, COLLEAGUES, WE HEARD PERSONAL STORIES OF EDUCATED YOUTH IN THE STATE THAT HAVE NO OTHER CHOICE BUT TO LEAVE OUR STATE AND GO TO IOWA TO BECOME A NURSE, TO BECOME AN ENGINEER, TO BECOME AN ARCHITECT, BECAUSE OUR STATE DOES NOT GIVE THEM THE ABILITY TO APPLY AND QUALIFY FOR THIS LICENSE THE WAY THE LAW IS DRAFTED RIGHT NOW. THEY KNOW TO SOME EXTENT THAT IS A TIME FRAME-LIMITED PROGRAM, THAT THEIR LICENSE MAY DISAPPEAR WITH THEIR WORK AUTHORIZATION PERMIT. BUT IF THEY ARE ABLE TO STAY IN NEBRASKA FOR THREE YEARS AND CONTRIBUTE TAX DOLLARS, PAY INCOME TAXES, PROPERTY TAXES, SALES TAXES, CONTRIBUTE TO OUR STATE'S OVERALL ECONOMY, IMPROVE OUR COMMUNITIES, AND GIVE BACK TO THE STATE IN WHICH THEY'VE BEEN EDUCATED, COLLEAGUES, THAT IS GOOD FOR OUR STATE, IT'S GOOD FOR OUR ECONOMY, AND IT'S GOOD FOR OUR COMMUNITIES. HOPEFULLY THAT ANSWERS SOME OF THE QUESTIONS THAT MY GOOD FRIEND SENATOR KINTNER ASKED. [LB947]

SPEAKER HADLEY: TIME, SENATOR. [LB947]

SENATOR MELLO: I JUST CAN'T...THANK YOU, MR. PRESIDENT. [LB947]

SPEAKER HADLEY: THANK YOU, SENATOR MELLO. SENATOR GROENE, YOU'RE RECOGNIZED. [LB947]

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SENATOR GROENE: THANK YOU, MR. SPEAKER. AS OF THE DACA LAW, I'D LIKE TO REMIND FOLKS, THESE ARE NOT ILLEGAL ALIENS, THEY ARE CITIZENS OF ANOTHER COUNTRY. THEY WERE BORN IN ANOTHER COUNTRY, THEIR PARENTS BROUGHT THEM HERE, AND THEY ARE CITIZENS OF WHERE THEY CAME FROM AND THEY ARE CITIZENS NOW OF ANOTHER COUNTRY, NOW LIVING IN OUR COUNTRY AND DISOBEYING OUR VISA LAWS, STAYING HERE WHEN THEY SHOULD GO BACK HOME TO THE COUNTRY THEY ARE CITIZENS OF. THE COUNTRIES THEY COME FROM ARE GOOD, SOLID COUNTRIES. I GOT SOME QUESTIONS FOR SENATOR MELLO, IF HE'D TAKE THEM. [LB947]

SPEAKER HADLEY: SENATOR MELLO, WILL YOU YIELD? [LB947]

SENATOR MELLO: I WILL, ONLY IF HE ALLOWS ME TO ANSWER THE QUESTIONS, YES. [LB947]

SENATOR GROENE: AS LONG AS YOU'RE SHORT AND BRIEF, BECAUSE I ONLY GET FIVE MINUTES. BUT THESE INDIVIDUALS ARE STILL ILLEGAL ALIENS, RIGHT, THAT HAVE DEFERRED STATUS? [LB947]

SENATOR MELLO: NO, THEY ACTUALLY...THE FEDERAL GOVERNMENT HAS RECOGNIZED THEM THROUGH...AND GIVEN THEM TEMPORARY LAWFUL PRESENCE SO, NO, THEY ARE NOT ILLEGAL ALIENS. THEY HAVE SOME FORM OF LEGAL, LAWFUL PRESENCE IN THE UNITED STATES. I WILL REFER TO THAT LAWFUL PRESENCE IN THE UNITED STATES WHICH WOULD NOT CLASSIFY THEM, QUOTE UNQUOTE, AS ILLEGAL ALIENS. [LB947]

SENATOR GROENE: SO, BUT THEY'RE NOT CITIZENS. [LB947]

SENATOR MELLO: THEY ARE NOT U.S. CITIZENS, YOU ARE CORRECT. [LB947]

SENATOR GROENE: ALL RIGHT. SO AS NOT U.S. CITIZENS, COULD THEY BUY A MEDICAL PRACTICE? COULD THEY BUY A VETERINARY PRACTICE? COULD THEY BUY A BUILDING AND START A CPA PRACTICE? [LB947]

SENATOR MELLO: SENATOR GROENE, I BELIEVE, WITH THE ADOPTION OF...WITH THE PASSAGE OF LB947 AND THEY WERE ABLE TO GET THEIR PROFESSIONAL LICENSE, THEY COULD PURCHASE A PRACTICE, YES; AND IF THEY HAVE THE PROFESSIONAL LICENSE, THEY COULD PRACTICE THEIR...THEY COULD BECOME

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AN ACCOUNTANT, THEY COULD BECOME A DOCTOR, OR WHATEVER THE PROFESSIONAL LICENSE ALLOWED. [LB947]

SENATOR GROENE: BUT COULD THEY PHYSICALLY OWN A PRACTICE BECAUSE... [LB947]

SENATOR MELLO: YES. YES. [LB947]

SENATOR GROENE: ...AND A BUILDING? THEY COULD? [LB947]

SENATOR MELLO: YES, OF COURSE. [LB947]

SENATOR GROENE: SO... [LB947]

SENATOR MELLO: OF COURSE THEY COULD. [LB947]

SENATOR GROENE: SO ILLEGAL ALIENS WHO HAVE DEFERRED STATUS CAN NOW OWN PROPERTY. [LB947]

SENATOR MELLO: TEMPORARY LAWFUL STATUS, YES, COULD PURCHASE A BUILDING, COULD PURCHASE A PRACTICE, AND UNDER LB947 COULD GET THEIR OCCUPATIONAL LICENSE TO PRACTICE THEIR TRADE. YOU'RE CORRECT. [LB947]

SENATOR GROENE: THANK YOU. ANYWAY, I JUST HAVE A STRONG BELIEF THAT WE'RE RULE OF LAW, WE'RE A COUNTRY OF LAWS. THIS HAS GOT NOTHING TO DO ABOUT BEING NICE TO ONE PERSON IF THEY...OR ANOTHER IF...NO MATTER WHAT COUNTRY THEY ARE CITIZENS OF. IRELAND, GERMANY, MEXICO, THEY ARE STILL CITIZENS OF THOSE COUNTRIES, EVEN THOUGH THEIR PARENTS BROUGHT THEM HERE. AND THIS REMINDS ME OF THE PROSTITUTE BILL EARLIER WHERE... WHY DO WE EVEN HAVE LAWS IF WE JUST SAY, YOU KNOW, YOU'RE A SEX SLAVE NOW AND NOW YOU'RE NOT A PROSTITUTE ANYMORE AND YOU CAN'T BE PROSECUTED? WHY DO WE EVEN HAVE... WHY DO WE HAVE CITIZENSHIP LAWS ANYMORE, BECAUSE THERE'S ALWAYS A WAY AROUND IT ANYMORE? AND IT'S A PRECEDENT WE KEEP SETTING BECAUSE WE WANT TO BE NICE TO THIS PERSON OR THAT PERSON. BUT THERE'S A REASON YOU HAVE A SOVEREIGN COUNTRY, THERE'S A REASON YOU HAVE BORDERS, THERE'S A REASON YOU HAVE CITIZENSHIP REQUIREMENTS. AND IS IT SELFISH FOR US TO SAY, OH, WE EDUCATED THEM? WELL, YOU WANTED TO BE NICE AND EDUCATED

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THEM. THAT'S FINE. AND EDUCATE THEM, I GUESS WE DID THAT. BUT NOW WE SAY NOW WE HAVE A DUTY TO LICENSE THEM AND GIVE THEM FULL COMPETITIVE ADVANTAGES AGAINST THOSE CITIZENS THAT LIVE HERE? WHERE DO YOU DRAW THE LINE? I'M TRYING TO STILL FIGURE THAT OUT. WE SEEM TO KEEP FUDGING THE LINES OF WHAT IS...WHAT OUR STATUES AND WHAT OUR RULE OF LAW, WHERE DOES IT STAND, BECAUSE WE FEEL THIS OR WE FEEL THAT AND WE WANT TO HELP THAT PERSON BUT NOT THIS ONE. [LB947]

SPEAKER HADLEY: ONE MINUTE. [LB947]

SENATOR GROENE: WE'RE FUDGING THE LINES, FOLKS, AND WE KEEP DOING IT AND WE KEEP DOING IT, AND PRETTY SOON WE ARE GOING TO BE, AS SOME WOULD SAY, IN A COUNTRY IN CHAOS. JUST FOLLOW HISTORY OF CIVILIZATIONS THAT HAVE STARTED DOWN THAT PATH. IT NEVER ENDS UP GOOD. SO I WILL ERR ON THE SIDE OF THE RULE OF LAW AND I WILL VOTE RED ON LB947 AND AM2148. IF I LIVED IN THEIR COUNTRY, THEY WOULD SEND ME HOME. SO AS SOMEBODY SAID EARLIER ABOUT THE GOLDEN RULE, I COULDN'T GET A LICENSE DOWN THERE BY JUST WALKING ACROSS THEIR BORDER, AND NEITHER COULD MY SON, ON ANY OF THE COUNTRY IN THE WORLD. SO THAT'S THE GOLDEN RULE TO ME. THANK YOU. [LB947]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SEEING NO ONE ELSE IN THE QUEUE, SENATOR SEILER, YOU ARE RECOGNIZED TO CLOSE ON THE JUDICIARY AMENDMENTS. [LB947]

SENATOR SEILER: I DON'T KNOW HOW TO ANSWER SOME OF THOSE QUESTIONS. THAT'S BEYOND BELIEF. UNIVERSITY OF NEBRASKA, CREIGHTON, UNO EDUCATES THESE PEOPLE. THEY GET DEGREES. THEY'RE PROFESSIONAL DEGREES. THEY CAN WALK ACROSS THE BRIDGE, THE KERREY BRIDGE, AND GET A FULL-BLOWN PROFESSIONAL LICENSE AND START PRACTICING THEIR PROFESSION IN IOWA. AND THEN WE'VE GOT A BIG BUDGET FOR EVERYBODY TO RUN AROUND THE COUNTRY SAYING, GROW NEBRASKA, GROW NEBRASKA! HOW CRAZY IS THAT? THANK YOU. [LB947]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON THE JUDICIARY COMMITTEE AMENDMENTS. THE QUESTION IS THE ADOPTION OF THE JUDICIARY COMMITTEE AMENDMENTS. ALL IN FAVOR VOTE AYE; OPPOSED VOTE NO. SENATOR MELLO. [LB947]

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SENATOR MELLO: MR. PRESIDENT, I COULD DO A CALL OF THE HOUSE. [LB947]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST FOR A CALL OF THE HOUSE.
ALL IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB947]

CLERK: 29 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LB947]

SPEAKER HADLEY: THE HOUSE IS UNDER CALL. MEMBERS OUTSIDE THE
CHAMBER PLEASE RETURN TO THE CHAMBER. ALL UNAUTHORIZED PEOPLE
PLEASE LEAVE THE FLOOR. THE HOUSE IS UNDER CALL. SENATORS KEN HAAR,
SCHNOOR, BURKE HARR, GLOOR, SMITH, COASH, GROENE, FRIESEN, CHAMBERS,
HUGHES, DAVIS, SCHILZ, AND GARRETT, THE HOUSE IS UNDER CALL. SENATOR
GARRETT AND SENATOR GLOOR, THE HOUSE IS UNDER CALL. SENATOR MELLO,
HOW WOULD YOU LIKE TO PROCEED? [LB947]

SENATOR MELLO: CALL-IN VOTES ARE FINE. [LB947]

SPEAKER HADLEY: WE HAVE A...CALL-INS ACCEPTED, YES. [LB947]

CLERK: THANK YOU, MR. PRESIDENT. SENATOR COASH VOTING YES. SENATOR
CHAMBERS VOTING YES. SENATOR GLOOR VOTING YES. SENATOR KEN HAAR
VOTING YES. EXCUSE ME. SENATOR GARRETT VOTING... [LB947]

SPEAKER HADLEY: RECORD, MR. CLERK. [LB947]

CLERK: I WILL, MR. PRESIDENT. I'M TRYING TO FIND SENATOR GARRETT'S NAME
ON MY SCREEN. OH. [LB947]

SENATOR KINTNER: ROLL CALL VOTE, PLEASE. [LB947]

SPEAKER HADLEY: THERE HAS BEEN A REQUEST FOR A ROLL CALL VOTE. [LB947]

CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1194.) 31 AYES, 5
NAYS, MR. PRESIDENT, ON THE COMMITTEE AMENDMENTS. [LB947]

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SPEAKER HADLEY: THE JUDICIARY AMENDMENT IS ADOPTED. I RAISE THE CALL. SEEING NO ONE ELSE IN THE QUEUE, SENATOR MELLO, YOU ARE RECOGNIZED TO CLOSE ON LB947. [LB947]

SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. AND FOR THE MOST PART, I APPRECIATE THE THOROUGH DISCUSSION THIS AFTERNOON, QUESTIONS FROM COLLEAGUES; EVEN THOSE WHO I KNOW, AND WHO APPROACHED ME, THEY WERE GOING TO OPPOSE THE BILL IN ADVANCE, I APPRECIATE THEIR THOUGHTFULNESS. AS I MENTIONED, I'LL BE BRINGING A SELECT FILE AMENDMENT TO ADDRESS THE Q&A THAT SENATOR MURANTE AND I HAD DISCUSSED. I THINK THERE WAS MAYBE SOME MISCOMMUNICATION IN REGARDS TO WHETHER OR NOT...WHICH ONE OF US WERE GOING TO DRAFT THAT AMENDMENT AND BRING IT. SO I'VE HAD THE BILL DRAFTERS FOR ME TO BRING ON SELECT FILE TO ENSURE THAT IF SOMEONE'S WORK AUTHORIZATION PERMIT EXPIRES, IT IS NO LONGER VALID, NEITHER WOULD THEIR PROFESSIONAL OCCUPATIONAL LICENSE. BUT FOR THE MOST PART, COLLEAGUES, LB947 IS A SIMPLE BILL THAT DOES EXTRAORDINARY ECONOMIC ACTIVITY FOR OUR STATE BECAUSE, AS YOU HEARD FROM JUDICIARY COMMITTEE MEMBERS WHO WERE THERE AND HEARD THE TESTIMONY, WE HAVE THOUSANDS OF LAWFULLY PRESENT, WORK-AUTHORIZED NEBRASKANS WHO ARE GOING TO BE CHOOSING WHERE THEY'RE GOING TO MOVE AND RAISE A FAMILY AND START A CAREER, STARTING CAREERS, COLLEAGUES, IN WHITE-COLLAR PROFESSIONS, SUCH AS BEING AN ARCHITECT, A NURSE, A NURSE PRACTITIONER, A CHIROPRACTOR, AN ENGINEER, AMONGST MANY OTHER OF THE 170 OCCUPATIONS THAT REQUIRE SOME KIND OF PROFESSIONAL LICENSE. COLLEAGUES, WHAT WE HAVE IN FRONT OF US IS A WAY TO KEEP THOSE WORK-AUTHORIZED NEBRASKANS IN NEBRASKA, WORKING IN OUR ECONOMY, PAYING TAXES. AND, YES, WHETHER YOU LIKE IT OR NOT, THEY DO HAVE TEMPORARY LAWFUL STATUS, WHICH MEANS THEY ARE ABLE AND HAVE THE AUTHORIZATION TO BE ABLE TO CONTINUE TO WORK HERE IN OUR STATE, PAY TAXES, CONTRIBUTE TO OUR COMMUNITIES, AND ADDRESS THE WORK FORCE SHORTAGES THAT YOU HAVE CONSISTENTLY HEARD FROM THE BUSINESS COMMUNITY AND THE AG COMMUNITY OVER THE LAST COUPLE OF YEARS, WHICH IS WHY THE NEBRASKA CATTLEMEN CAME IN SUCH STRONG SUPPORT OF THIS BILL. COLLEAGUES, THIS IS AN ISSUE THAT CUTS ACROSS PARTISANSHIP, CUTS ACROSS IDEOLOGY. IT CUTS ACROSS THEM BECAUSE IT'S COMMON SENSE. IF WE'RE GOING TO EDUCATE SOMEONE AT OUR UNIVERSITY, PUBLIC OR PRIVATE UNIVERSITIES, WHY WOULD WE WANT THEM TO LEAVE OUR STATE? WHY WOULD WE WANT TO MAKE AN INVESTMENT IN THEM ONLY TO HAVE THEM MOVE TO IOWA, TO MOVE TO MINNESOTA, TO MOVE

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TO COLORADO, WHERE THEY THEN COULD GO MAKE SIX-FIGURE SALARIES AND RAISE THEIR FAMILY AND CONTRIBUTE TO THEIR ECONOMIES, TO THEIR SCHOOLS, AND LOWER THEIR PROPERTY TAXES IN THE PROCESS. COLLEAGUES, WE DON'T WANT TO DO THAT. I THINK THE OVERWHELMING VOTE FROM THE JUDICIARY COMMITTEE WHICH CLARIFIED AND CLEANED UP SOME COMPONENTS OF THE BILL IS APPRECIATED. AND I'D URGE EVERYONE WHO VOTED FOR THE COMMITTEE AMENDMENT TO MOVE FORWARD AND VOTE FOR LB947. THANK YOU, MR. PRESIDENT. [LB947]

SPEAKER HADLEY: YOU'VE HEARD THE CLOSING ON LB947. THE QUESTION FOR THE BODY IS THE ADOPTION OF LB947. ALL IN FAVOR VOTE AYE; ALL OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB947]

CLERK: 27 AYES, 7 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF THE BILL. [LB947]

SPEAKER HADLEY: LB947 ADVANCES. MR. CLERK. [LB947]

CLERK: MR. PRESIDENT, SOME ITEMS, IF I MAY: AMENDMENTS TO BE PRINTED TO LB768 BY SENATOR KEN HARR AND SENATOR CHAMBERS. I HAVE NEW RESOLUTIONS: LR515 BY SENATOR BOLZ, LR516 BY SENATOR KINTNER. THOSE WILL BOTH BE LAID OVER. NEW A BILL, LB1110A, BY SENATOR MELLO. (READ LB1110A BY TITLE FOR THE FIRST TIME.) MR. PRESIDENT, ENROLLMENT AND REVIEW REPORTS LB679, LB736, LB881, LB887, AND LB891 AS CORRECTLY ENGROSSED. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1195-1198.) [LB768 LR515 LR516 LB1110A LB679 LB736 LB881 LB887 LB891]

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

CLERK: MR. PRESIDENT, LB886 IS A BILL BY SENATOR DAVIS. (READ TITLE.) INTRODUCED ON JANUARY 11, REFERRED TO THE REVENUE COMMITTEE, ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB886]

SPEAKER HADLEY: SENATOR DAVIS, YOU ARE RECOGNIZED TO OPEN ON LB886. [LB886]

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SENATOR DAVIS: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. FIRST OF ALL, I WANT TO SAY THANK YOU TO THE 27 COSPONSORS OF THIS BILL WHO SIGNED ON EITHER INITIALLY OR SOMEWHAT LATER, VERY MUCH APPRECIATE THAT. THIS IS A PIECE OF LEGISLATION THAT'S VERY DEAR TO MY HEART BECAUSE I COME FROM WHAT I CALL VOLUNTEER COUNTRY, OUT IN THE WESTERN PART OF THE STATE, WHERE WE RELY ON VOLUNTEERS TO DO A LOT OF THE PUBLIC SAFETY WORK THAT IS REQUIRED AND NECESSARY TO KEEP PEOPLE'S HOMES AND LIVES SAFE. SO I WANTED TO TALK A LITTLE BIT ABOUT LB886. AND AT SOME POINT LATER ON I'LL GIVE YOU A LITTLE MORE PERSONAL INFORMATION ON THAT. LB886 CREATES THE VOLUNTARY EMERGENCY RESPONDER INCENTIVE ACT AND PROVIDES A \$250 REFUNDABLE TAX CREDIT FOR VOLUNTEER EMERGENCY RESPONDERS WHO MEET A DEFINED CRITERIA. MANY IF NOT ALL OF YOU ARE FAMILIAR WITH THE PROGRAM AND AS IT WAS PREVIOUSLY INTRODUCED IN A DIFFERENT FORM BY SENATOR GLOOR. I WANTED TO BRIEFLY WALK YOU THROUGH HOW IT WORKS AND HOW IT IS DIFFERENT FROM PREVIOUSLY INTRODUCED BILLS. FIRST, THERE ARE THREE TYPES OF VOLUNTEER EMERGENCY RESPONDERS IN THE BILL: AN ACTIVE EMERGENCY RESPONDER WHICH IS A VOLUNTEER MEMBER WHO IS PERFORMING SERVICES AS BOTH A FIREFIGHTER AND ON A RESCUE SQUAD; AN ACTIVE RESCUE SQUAD MEMBER IS A VOLUNTARY MEMBER WHO IS PERFORMING SERVICES AS PART OF A RESCUE SQUAD; AND AN ACTIVE VOLUNTEER FIREFIGHTER IS A VOLUNTEER MEMBER WHO IS PERFORMING SERVICES AS A FIREFIGHTER. SECONDLY, LB886 REQUIRES THAT CERTAIN CRITERIA HAVE TO BE MET IN ORDER FOR A VOLUNTEER EMERGENCY RESPONDER, WHICHEVER TYPE, TO QUALIFY FOR THE REFUNDABLE TAX CREDIT. THIS CRITERIA IS DRAWN DIRECTLY FROM THE VOLUNTEER EMERGENCY RESPONDERS RECRUITMENT AND RETENTION ACT WHICH HAD BEEN MADE INTO LAW IN 1999. THIS ACT IS A VOLUNTARY SERVICE AWARD BENEFIT PROGRAM THAT CITIES OF THE FIRST OR SECOND CLASSES, VILLAGES, RURAL FIRE PROTECTION DISTRICTS, OR SUBURBAN FIRE PROTECTION DISTRICTS MAY ADOPT. THE CRITERIA IS A POINT SYSTEM COMPRISED OF POINTS FOR PARTICIPATION IN ACTIVITIES, VARYING FROM EMERGENCY RESPONSE CALLS, TRAINING COURSES, PARTICIPATION IN DRILLS, AND FIRE PREVENTION EDUCATION ACTIVITIES. IN ADDITION TO LB886 REQUIRING CERTAIN CRITERIA BE MET, THERE IS A CERTIFICATION PROCESS OUTLINED WHICH INCLUDES DESIGNATION OF A CERTIFICATION ADMINISTRATOR. THIS PERSON IS RESPONSIBLE FOR KEEPING AND MAINTAINING RECORDS ON THE ACTIVITIES OF ALL THE VOLUNTEER MEMBERS AND AWARD POINTS FOR EACH ACTIVITY BASED UPON THE STANDARD CRITERIA FOR QUALIFIED ACTIVE SERVICE. THIS ADMINISTRATOR MUST PROVIDE NOTICE TO EACH VOLUNTEER OF

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THE TOTAL NUMBER OF POINTS ACCUMULATED DURING EACH SIX-MONTH PERIOD. THE ADMINISTRATOR MUST ALSO SUBMIT ANNUALLY, WITHIN 30 DAYS OF THE END OF EACH CALENDAR YEAR, A REPORT ULTIMATELY SPECIFYING WHICH VOLUNTEERS QUALIFIED TO THE APPROPRIATE GOVERNING BODY. ONCE THAT BODY CERTIFIES THE LIST, IT IS SUBMITTED TO THE DEPARTMENT OF REVENUE. FINALLY, THERE IS ONE VERY IMPORTANT DISTINCTION TO LB886 AND THAT IS THAT IT INCLUDES A ONE-YEAR PERIOD IN WHICH THE VOLUNTEER MUST MEET THE CRITERIA BEFORE RECEIVING THE CREDIT. IN OTHER WORDS, THE VOLUNTEER MEMBER MUST ACTIVELY HAVE TWO FULL YEARS OF CERTIFICATION BEFORE THE REFUNDABLE CREDIT INITIALLY KICKS IN AND THEN AFTER THAT THE REFUNDABLE CREDIT IS AVAILABLE EACH YEAR THE CRITERIA IS MET. I ADDED THE ONE-YEAR PRECERTIFICATION REQUIREMENT BECAUSE THERE HAS ALWAYS BEEN A QUESTION AS TO HOW MANY VOLUNTEERS WOULD ACTUALLY QUALIFY FOR THE TAX CREDIT. WITH THIS ADDITIONAL YEAR WE WILL HAVE A GOOD SENSE OF HOW MANY VOLUNTEERS ARE LIKELY TO QUALIFY FOR THE TAX CREDIT IN A SUCCEEDING YEAR. THIS WILL ALSO ALLOW THE DEPARTMENT OF REVENUE TO MAKE ANY NECESSARY FISCAL PROJECTIONS AND, QUITE FRANKLY, IDENTIFY MORE ACCURATELY THE COST OF THE PROGRAM. IN CONCLUSION, LB886 WOULD PROVIDE REFUNDABLE TAX CREDITS OF \$250 PER YEAR WHEN THE VOLUNTEER MEMBER HAS MET CERTAIN CRITERIA. THE CRITERIA IS DRAWN FROM THE VOLUNTEER EMERGENCY RESPONDERS RECRUITMENT AND RETENTION ACT. FINALLY, THE PROGRAM HAS A ONE-YEAR PRECERTIFICATION REQUIREMENT FOR EVERY VOLUNTEER MEMBER. IT IS ANTICIPATED THAT ALL INTERESTED MEMBERS WILL MEET THE CRITERIA IN 2016 AND 2017 AND, THUS, QUALIFY FOR THE TAX CREDIT FOR THEIR 2017 TAX CREDIT. HOWEVER, KEEP IN MIND, IF A VOLUNTARY MEMBER DOES NOT MEET THE CRITERIA, FOR EXAMPLE, IN 2016, HE OR SHE WILL HAVE TO MEET THAT CRITERIA IN BOTH 2017 AND 2018 TO RECEIVE THE REFUNDABLE TAX CREDIT IN 2018. WE ALL KNOW HOW IMPORTANT THE WORK IS OF OUR VOLUNTEER EMERGENCY RESPONDERS. THIS IS JUST A MINIMUM RECOGNITION OF ALL OF THE GOOD THEY DO FOR OUR CITIZENS AND I ASK THAT YOU ADVANCE LB886 IN APPRECIATION OF THEIR WORK, AS WELL AS ENCOURAGEMENT FOR THEM TO CONTINUE THEIR WORK AND TO RECRUIT OTHERS. THANK YOU, MR. PRESIDENT. [LB886]

SENATOR KRIST PRESIDING

SENATOR KRIST: THANK YOU, SENATOR DAVIS. YOU'VE HEARD THE OPENING ON LB886. SENATOR CAMPBELL, YOU ARE RECOGNIZED. [LB886]

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SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I HAVE A GREAT RESPECT FOR VOLUNTEER FIREMEN AND RESCUE PEOPLE. WE'VE TALKED ABOUT THEM TO SOME EXTENT IN THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR WATERMEIER BROUGHT A BILL THIS YEAR, HAD AN INTERIM STUDY LAST SUMMER, AND WE'VE SPENT QUITE A BIT OF TIME ON IT AND TRYING TO LOOK AT A PATHWAY FOR THE FUTURE WHEN IT'S BECOMING HARDER AND HARDER TO FIND THOSE VOLUNTEERS. SO MY SUPPORT CERTAINLY IS THERE FOR THE VOLUNTEER. I DO HAVE A QUESTION FOR SENATOR DAVIS IF HE WOULD YIELD. [LB886]

SENATOR KRIST: SENATOR DAVIS, WILL YOU YIELD? [LB886]

SENATOR DAVIS: CERTAINLY. [LB886]

SENATOR CAMPBELL: SENATOR DAVIS, IN LANCASTER COUNTY WE HAD SOME LINCOLN FIREMEN WHO SERVED AND WERE PAID BY A FIRE DISTRICT OR A RESCUE UNIT, SERVED AS THE CAPTAIN. AND SOME OF THEM I THINK WERE PAID JUST TO SERVE ON THAT. YOUR SENSE AND WHAT THE BILL MEANS IS TRULY VOLUNTEER--THIS PERSON DOES NOT GET A SALARY OR HEALTH INSURANCE OR ANY RETIREMENT--CORRECT? [LB886]

SENATOR DAVIS: THAT IS CORRECT, SENATOR CAMPBELL. [LB886]

SENATOR CAMPBELL: AND THAT... [LB886]

SENATOR DAVIS: IF I CAN QUALIFY THAT... [LB886]

SENATOR CAMPBELL: SURE. [LB886]

SENATOR DAVIS: ...WITH JUST MAKING ONE COMMENT, AND I REFER TO THE RETIREMENT ACT OF 1999 WHICH DOES PERMIT SOME COMMUNITIES TO OFFER STIPENDS OF SOME KIND OR ANOTHER. THAT DOES TAKE PLACE IN A FEW SPECIFIC COMMUNITIES--VERY, VERY FEW THOUGH--AND IT'S ABOUT \$300 TO \$500. [LB886]

SENATOR CAMPBELL: IT'S NOT A GREAT AMOUNT. THANK YOU, SENATOR DAVIS. I APPRECIATE THAT. I THINK IT'S IMPORTANT FOR US TO UNDERSTAND THAT WHAT SENATOR DAVIS IS TRYING DO HERE IS REALLY TO RECOGNIZE THE IMPORTANT

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WORK OF THE TRUE VOLUNTEER ALL ACROSS THE STATE OF NEBRASKA AND OUR COMMUNITIES WHO STEP FORWARD, DO A GREAT AMOUNT OF TRAINING HOURS AWAY FROM THEIR FAMILIES, AND AT A MOMENT'S NOTICE CAN BE CALLED TO BE OF ASSISTANCE. I CERTAINLY SUPPORT THE TRUE VOLUNTEER NATURE OF WHAT WE ARE HERE. BUT I THINK SENATOR WATERMEIER IS GOING TO FOLLOW UP WITH SOME ADDITIONAL WORK ON HIS BILL. THERE IS GOING TO HAVE TO BE A VERY GOOD DISCUSSION OF WHAT HAPPENS TO ALL OF THE FIRE DISTRICTS AND RURAL RESCUE UNITS AND SO FORTH AS VOLUNTEERS MAY DWINDLE AND HARDER TO ENLIST THOSE PEOPLE. AND THAT IS A DISCUSSION THAT THE LEGISLATURE SHOULD HAVE AT SOME POINT TO LOOK INTO THE FUTURE. THANK YOU, MR. PRESIDENT. [LB886]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL AND SENATOR DAVIS. THOSE STILL WISHING TO SPEAK: SENATORS WATERMEIER, WILLIAMS, AND KOLTERMAN. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LB886]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I'M JUST GOING TO SPEAK OFF THE CUFF A LITTLE BIT ON THIS BILL. I APPRECIATE SENATOR DAVIS BRINGING THIS PART FORWARD, BUT JUST REMIND THE BODY A LITTLE BIT IS THAT I HAD A RESOLUTION THIS SUMMER AND THROUGH HHS. AND I REALLY APPRECIATE ALL THE EFFORT THAT SENATOR CAMPBELL'S OFFICE PUT INTO THIS, TOO, BECAUSE WE HAD A VERY LONG, EXTENSIVE HEARING ON THIS, THIS AFTERNOON. AND SO WE HAD THREE PARTS TO THE GIST OF OUR RESOLUTION. ONE IS TO RECOGNIZE AND HOPEFULLY HELP TO PAY FOR SOME OF THE COSTS THAT VOLUNTEERS HAVE. AND THEN ON MY BILL WE TALKED ABOUT ACTUALLY THE COUNTY JURISDICTION AND THEN CHANGING THE BOARD OF HEALTH. SO EARLIER TODAY ON SELECT FILE WE ACTUALLY CHANGED THE BOARD OF HEALTH BUT WE HAVE NOT BEEN ABLE TO ADDRESS THE OVERALL ISSUE ABOUT IN THE STATE OF NEBRASKA WE DON'T...WE ARE NOT PROVIDING, MANDATING, IF YOU CALL IT, AND I HATE TO USE THAT WORD, BUT WE'RE NOT REALLY CLARIFYING WHO IS RESPONSIBLE FOR EMS IN THE STATE OF NEBRASKA. STATE OF NEBRASKA GEOGRAPHICALLY IS COVERED BY...75 PERCENT OF THE STATE OF NEBRASKA GEOGRAPHICALLY IS COVERED BY VOLUNTEERS; 45 PERCENT OF THE STATE'S POPULATION IS COVERED BY PAID INDIVIDUALS. SO OBVIOUSLY WHAT YOU KNOW IN LINCOLN, OMAHA, GRAND ISLAND, EVEN NEBRASKA CITY, IS A PAID GROUP. WE'VE GOT A SERIOUS PROBLEM IN THE STATE OF NEBRASKA. I SERVED ON A RESCUE FOR A NUMBER OF YEARS JUST AS A DRIVER BUT WAS ACTIVE AND INVOLVED AND IT WAS A STRETCH TO BECOME AND RECRUIT MEMBERS. AND I REALLY APPRECIATE SENATOR DAVIS' EFFORT ON THIS BILL. THIS HAS GOT A FISCAL NOTE TO IT AND

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IT'S DIFFICULT FOR ME TO TALK ABOUT THIS. BUT WE ARE OBLIGATED, I BELIEVE, IN THE STATE OF NEBRASKA FOR THIS DISCUSSION. SO I WOULD JUST LIKE TO THANK SENATOR DAVIS FOR INTRODUCING THE BILL AND SENATOR CAMPBELL'S POINTS ABOUT WE HAVE A LONGER DISCUSSION IN THE FUTURE ABOUT FIGURING THIS OUT. EVEN THOUGH IT'S GOT A SIGNIFICANT FISCAL NOTE IN THE FUTURE, I AM GOING TO SUPPORT THE IDEA BECAUSE WE'VE GOT TO ADDRESS THE ISSUES ABOUT HOW WE PROVIDE EMS SERVICE IN THE STATE. WE PROVIDE POLICE PROTECTION, WE PROVIDE FIRE, AND EVERYONE ASSUMES WE PROVIDE RESCUE AND EMERGENCY MEDICAL SERVICES. WE DO NOT. WE REALLY HAVE TO MAKE THE PUBLIC AWARE OF THAT. THANK YOU, MR. PRESIDENT. [LB886]

SENATOR KRIST: THANK YOU, SENATOR WATERMEIER. SENATOR WILLIAMS, YOU ARE RECOGNIZED. [LB886]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I WOULD AGAIN LIKE TO THANK SENATOR DAVIS FOR BRINGING LB886. IN MY DISTRICT WE DEPEND 100 PERCENT ON VOLUNTEERS TO PROVIDE THE EMT SERVICES, FIRE SERVICES, RESCUE SERVICES, ALL OF THOSE KIND OF THINGS. THEY ALSO DO THE TRANSFERS THAT ARE NECESSARY FOR PATIENTS GETTING FROM THE VARIOUS HOSPITALS WE HAVE IN THE DISTRICT TO OTHER LOCATIONS. AND RECOGNIZING THAT VOLUNTEERING IS WHAT IT'S ABOUT IN MANY THINGS THAT WE DO, BUT THERE IS A SIGNIFICANT COST TO THAT VOLUNTEERING FOR SOME OF THESE PEOPLE. AND WE OFTENTIMES IN THESE AREAS COUNT ON YOUNG MEN AND WOMEN WITH FAMILIES AT HOME. THEY DEVOTE SIGNIFICANT HOURS OF TIME TO MEET THE QUALIFICATIONS FOR THE ENDORSEMENTS AND THE LICENSING FOR THESE POSITIONS. AND I THINK IT'S ONLY FITTING THAT WE FIND A WAY TO REWARD THEM. AND I WOULD ECHO WHAT SENATOR WATERMEIER TALKED ABOUT OF ADDRESSING THIS AS A BIGGER ISSUE IN THE FUTURE. SO I WOULD ENCOURAGE EVERYONE TO SUPPORT THIS BILL. THANK YOU, MR. PRESIDENT. [LB886]

SENATOR KRIST: THANK YOU, SENATOR WILLIAMS. SENATOR KOLTERMAN, YOU'RE RECOGNIZED. [LB886]

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I RISE IN STRONG SUPPORT OF LB886, REALLY APPRECIATE THE WORK THAT SENATOR DAVIS AND SENATOR WATERMEIER HAVE DONE ON THIS. I WAS PRIVILEGED TO BE ABLE TO SIT ON A TASK FORCE THIS SUMMER AS WELL

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AND LISTEN TO THE CONCERNS OF THE EMS AS WELL AS THE FIREFIGHTERS. I'M HERE TO TELL YOU TODAY THAT VOLUNTEERS IN RURAL NEBRASKA AS WELL AS IN OUR URBAN CENTERS ARE ALIVE AND WELL. EVEN IF YOU GO SOUTH LINCOLN, WE HAVE A VOLUNTEER FIRE DEPARTMENT THAT CHASES FIRES AND THEY ALSO GO OUT ON EMS CALLS. TO BECOME AN EMS PROVIDER IT TAKES APPROXIMATELY 160-SOME HOURS OF CLASSROOM. THAT'S A LOT OF TIME FOR A VOLUNTEER. AND THEN THEY HAVE TO TAKE A TEST AND THEY HAVE TO PASS THAT TEST. AND EACH COMMUNITY THAT FUNDS THIS IS PAYING APPROXIMATELY \$1,000 PER CANDIDATE TO GET THEM THROUGH THE TRAINING AND GET THEM THROUGH THE TESTING. WE LEARNED FROM THIS SUMMER THAT SOME AREAS OF THE STATE HAVE VERY LITTLE PARTICIPATION AND IT'S GETTING VERY DIFFICULT TO GET VOLUNTEERS. IT'S NOT THAT THEY DON'T WANT TO, BUT THERE IS A TREMENDOUS AMOUNT OF TIME AND EFFORT AND DEDICATION TO THIS PROCESS. SO I KNOW THIS HAS A FISCAL NOTE, BUT I BELIEVE THAT THE FISCAL NOTE IS WELL DESERVING. SENATOR DAVIS HAS GONE TO A LOT OF WORK, AND IN THE PAST, SENATOR GLOOR. THIS IS LEGISLATION THAT NEEDS TO PASS. WE NEED TO CONTINUE TO WORK ON...ADVANCE SENATOR WATERMEIER'S BILL AND THEN WE NEED TO FIGURE OUT WHO IS GOING TO BE RESPONSIBLE FOR EMS GOING FORWARD AS WE TAKE...GO THROUGH THE NEXT FEW YEARS. I REALLY WOULD ENCOURAGE YOU TO SUPPORT THIS BILL, GET BEHIND IT, AND LET'S TAKE CARE OF THE VOLUNTEERS WHO AT SOME POINT MIGHT END UP TAKING CARE OF US. THANK YOU. [LB886]

SENATOR KRIST: THANK YOU, SENATOR KOLTERMAN. RECOGNIZE SENATOR HADLEY FOR AN ANNOUNCEMENT. [LB886]

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF BODY, I JUST WANTED TO GIVE YOU A LITTLE INFORMATION ABOUT TOMORROW. WE WILL BE HAVING FINAL READING TOMORROW. THE BUDGET BILLS WILL BE ON FINAL READING TOMORROW. PLUS, THEN WE WILL ALSO HAVE FINAL READING ON OTHER BILLS. AND OF COURSE I BELIEVE IT'S RULE 8--AM I RIGHT, SENATOR MELLO?--ANY BILL WITH A GENERAL FUND IMPACT WILL NOT BE READ TOMORROW ON FINAL READING. THEY WILL NOT BE READ UNTIL ALL VETOES, POTENTIAL VETOES ON THE BUDGET BILLS ARE TAKEN CARE OF. WE WILL THEN, AFTER WE ARE DONE WITH THE FINAL READINGS, WE WILL GO BACK TO THE GENERAL FILE BILLS WHERE WE LEAVE OFF TODAY, AND WE WILL BE DONE AT 2:00 TOMORROW. THE REVENUE COMMITTEE HAS TO HAVE A HEARING TOMORROW ON...INVOLVING SOME PROPERTY TAXES, SO WE WILL BE DONE BY 2:00 TOMORROW. THANK YOU, MR. PRESIDENT.

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SENATOR KRIST: THANK YOU, MR. SPEAKER. SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB886]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. AS AN 18-YEAR MEMBER OF HENDERSON'S FIRE DEPARTMENT, I STAND IN STRONG SUPPORT OF THIS BILL. MY WIFE WAS ALSO AN EMT. AND THE TRAINING THAT SHE WENT THROUGH, WE PUT IN A LOT OF HOURS THERE AND IT WAS ONE OF THE MOST ENJOYABLE EXPERIENCES I'VE EVER HAD. BUT IT IS GETTING MORE AND MORE DIFFICULT TO GET PEOPLE TO VOLUNTEER AND THEY ARE RUNNING SHORT OF MEMBERS. AND THIS TOKEN AMOUNT THAT WILL BE GIVEN TO THEM FOR THEIR TIME INVESTED AND OUT-OF-POCKET COSTS THAT THEY INCUR, MANY OF OUR TRAINING, THINGS LIKE THAT, THE EVENTS WE WENT TO WERE PAID FOR OUT OF OUR OWN POCKETS OR ELSE WE DID FUND-RAISERS. THIS IS JUST A SMALL AMOUNT OF REIMBURSEMENT FOR THE TIME INVESTED. SO I URGE EVERYONE TO SUPPORT THIS BILL. THANK YOU, MR. PRESIDENT. [LB886]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN. SENATOR KEN HAAR, YOU ARE RECOGNIZED. [LB886]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I JUST WANT TO THANK SENATOR DAVIS FOR BRINGING THIS BILL. I LIVE ON AN ACREAGE BY BRANCHED OAK LAKE. AND I DON'T KNOW, NOW IT'S THREE OR FOUR YEARS AGO, BUT MY BROTHER-IN-LAW STUMBLED DOWN A SET OF STAIRS, MISSED A STAIR, AND WE FOUND HIM IN A POOL OF BLOOD AT THE BOTTOM OF THE STAIRS, A VERY SCARY SITUATION. AND OF COURSE THIS IS ALMOST THE MIDDLE OF THE NIGHT AND THE VOLUNTEER FIRE DEPARTMENTS FROM MALCOLM AND RAYMOND CAME OUT AND I'M SURE SAVED HIS LIFE. AND THEN ANYTIME, AND MAYBE WE'RE ALL AWARE OF THIS, BUT ANYTIME THERE IS AN ACCIDENT ON THE INTERSTATE OR HIGHWAY 34, WHATEVER, IT'S THE VOLUNTEER FIRE PEOPLE, THE EMTs, THE VOLUNTEER EMTs THAT COME TO THE RESCUE, TO SERVICE. AND SO I AM A STRONG SUPPORTER OF THIS. I THINK WE NEED TO GIVE THE PEOPLE WHO DO THIS SOME INCENTIVE AND HOPEFULLY DRAW SOME MORE YOUNG PEOPLE INTO THE PROCESS BECAUSE, WITH FEW EXCEPTIONS, MOST OF THE PEOPLE OF NEBRASKA ARE SERVED BY VOLUNTEER FIRE DEPARTMENTS. AND I WANT TO THANK THEM AND I WILL GIVE MY SUPPORT TO THIS BILL. THANK YOU. [LB886]

SENATOR KRIST: THANK YOU, SENATOR HAAR. SENATOR GROENE, YOU'RE RECOGNIZED. [LB886]

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SENATOR GROENE: THANK YOU, MR. PRESIDENT. I BELIEVE I COSIGNED THIS BILL. I WAS NEVER ABLE TO BE ON A VOLUNTEER FIRE DEPARTMENT OR A RESCUE SQUAD BECAUSE I ALWAYS TRAVELED FOR A LIVING AND WAS NEVER HOME. BUT I'VE HAD MY EXPERIENCE WITH A HOUSE FIRE ONCE WHERE EVERYBODY CAME. IT WAS A SUNDAY MORNING AND THEY ALL CAME OUT OF CHURCH AND 21 OUT OF 23 FIREMEN SHOWED UP AND SAVED OUR HOUSE. MY SON-IN-LAW IS DEEPLY INVOLVED IN IT. IT'S A GOOD THING; IT HAS A FISCAL NOTE. I WAS TRYING TO FIND INFORMATION. IT JUST POPPED INTO MY HEAD THERE'S A THING CALLED MUTUAL AID AGREEMENT WHERE WE PAY ON YOUR HOME INSURANCE. YOU'LL SEE A FEE IN THERE AND IT GOES INTO A FUND. AND WHAT IT'S USED FOR IS FIRE DEPARTMENTS ACROSS THE STATE, WITHIN COUNTY BORDERS, IF THEY AGREE TO HELP EACH OTHER, THEY CAN DRAW FROM THIS FUND. AND I GOT TO THINKING. LAST TIME I LOOKED INTO IT--ON A COUNTY ISSUE--IT WAS NEVER DRAWN DOWN. NOT A LOT OF COUNTIES DID IT. THERE WAS ALWAYS EXTRA FUNDS. SO I'M GOING TO APPROACH SENATOR DAVIS IN SECOND ROUND. IF WE LOOK INTO THAT, THEN MAYBE WE COULD FUND THAT WITH THAT MONEY BECAUSE IT'S ON THE SAME PLANE OF WHERE MONEY COMES FROM AND GOING TO THE SAME PLACE. SO I WOULD LIKE TO ASK SENATOR DAVIS A QUESTION. [LB886]

SENATOR KRIST: SENATOR DAVIS, WILL YOU YIELD? [LB886]

SENATOR DAVIS: I WILL. [LB886]

SENATOR GROENE: I DIDN'T WANT TO BLINDSIDE YOU WITH THIS. BUT, AL, DO YOU KNOW OF...SENATOR DAVIS, DO YOU KNOW OF THAT MUTUAL AID FUND? HAVE YOU HEARD OF IT? [LB886]

SENATOR DAVIS: I HAVEN'T HEARD OF IT, SENATOR GROENE. IT'S THE FIRST I'VE HEARD OF IT WHEN YOU BROUGHT IT UP RIGHT NOW. [LB886]

SENATOR GROENE: WELL, WE USE IT IN OUR COUNTY. SO I'M GOING TO LOOK INTO THAT BETWEEN GENERAL AND SELECT, AND I'D LIKE TO SIT DOWN AND VISIT WITH YOU ABOUT IT. [LB886]

SENATOR DAVIS: THAT WOULD BE GOOD. [LB886]

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SENATOR GROENE: ALL RIGHT, THANK YOU. THANK YOU, MR. PRESIDENT.
[LB886]

SENATOR KRIST: THANK YOU, SENATOR GROENE AND SENATOR DAVIS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR DAVIS, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. [LB886]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. SO I WANT TO TAKE A LITTLE BIT OF TIME TO TALK ABOUT WHY I THINK THIS IS IMPORTANT. I DIDN'T DO THAT AT THE BEGINNING. SERVING ON THE TASK FORCE THIS SUMMER WITH SENATOR WATERMEIER AND SENATOR KOLTERMAN, WE HAD A LOT OF TESTIMONY FROM A LOT OF VOLUNTEERS, PRIMARILY EMS BUT ALSO WITH THE FIRE SERVICE, WHO CAME TO US AND TALKED ABOUT THE AMOUNT OF HOURS AND HOURS OF TRAINING THAT GOES INTO ESPECIALLY THAT EMS JOB AND ALL THE DIFFICULTIES THAT GO ALONG WITH THAT. ONE OF THE PROFESSIONAL PAID STAFF PEOPLE WHO IS ON THE COMMISSION TESTIFIED THAT DAY AND ONE OF THE THINGS THAT RESONATED WITH ME WAS HIS COMMENT THAT VOLUNTEERISM WAS DEAD IN NEBRASKA AND WE NEEDED TO JUST FACE THE FACT THAT IT WAS OVER AND DONE WITH AND WE NEEDED TO MOVE ON TO A PROFESSIONAL AND PAID APPROACH. SO I JUST DID A LITTLE BACK-OF-THE-ENVELOPE STUDY OF MY OWN, GRANT COUNTY, NEBRASKA, POPULATION, AROUND 700 PEOPLE. IF YOU ARE GOING TO PROVIDE AN AMBULANCE SERVICE, YOU HAVE TO HAVE 24-HOUR-A-DAY SERVICE. SO YOU'RE GOING TO HAVE TO HAVE MORE THAN TWO PEOPLE, GOT TO HAVE SEVERAL PEOPLE EMPLOYED THERE. AND I FIGURED JUST THE SALARIES ALONE FOR GRANT COUNTY, POPULATION 700, TO DO THAT AS A PROFESSIONAL WOULD BE AROUND \$500,000 A YEAR. YOU CAN SEE WHAT AN IMPACT THAT WOULD HAVE ON THE STATE OF NEBRASKA. THESE PEOPLE THAT ARE SERVING IN THESE JOBS, IN MY PARTICULAR SITUATION, THEY MAY REPLY TO A CALL THAT'S 60 MILES AWAY EVEN IN ANOTHER COUNTY, IN ANOTHER FIRE DISTRICT, A CAR ACCIDENT THAT MIGHT TAKE PLACE ON THE ROAD, SOMEWHERE ELSE THAT THE ROADS BELONG TO THE STATE OF NEBRASKA. SO IN SO MANY WAYS I THINK THIS IS A STATE RESPONSIBILITY RATHER THAN SIMPLY A LOCAL COUNTY OR LOCAL DISTRICT RESPONSIBILITY OR A LOCAL FIRE DISTRICT RESPONSIBILITY. AND I CAME INTO THIS SESSION IN 2013 AFTER HAVING BEEN ELECTED IN 2012 IN THE MIDST OF THE HOTTEST AND DRIEST SUMMER THAT I CAN REMEMBER AND I THINK THAT ANYONE WOULD REMEMBER. I TALKED TO PEOPLE WHO ARE 90-SOME YEARS OLD WHO HAVE NEVER SEEN A YEAR LIKE IT. AND AT THAT TIME WE HAD TWO HUGE FIRES IN MY DISTRICT. ONE WAS IN THE NIOBRARA VALLEY AND ONE WAS IN THE PINE RIDGE. BRAD FIALA IS THE FIRE CHIEF AT AINSWORTH AND BRAD

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SENT ME A NOTATION OF SUPPORT FOR THIS BILL, BUT HE JUST TALKED ABOUT WHO WENT TO THAT FIRE IN THE NIOBRARA VALLEY. AND THEY HAD 80 VOLUNTEER FIRE DEPARTMENTS THAT SHOWED UP THERE, 80 PEOPLE, 80 TEAMS OF PEOPLE WHO LEFT THEIR HOME, LEFT THEIR WORK, LEFT THEIR COMMUNITIES, DROVE TO THE AINSWORTH AREA, AND STAYED THERE FOR SEVERAL DAYS GETTING THAT FIRE PUT OUT. AND A LOT OF THOSE FOLKS HAD TO FORGO HOURS AT WORK OR TAKE VACATION DAYS OR SOMETHING ELSE. AND THE SAME CAN BE SAID FOR EMS. SO, YOU KNOW, I WAS AN EMT AT ONE TIME AND THE CALLS WHERE I CAME FROM TAKE A LONG, LONG TIME. THESE VOLUNTEERS ARE THE LIFEBLOOD OF OUR RURAL COMMUNITIES AND IT'S GETTING HARDER AND HARDER TO RECRUIT. THIS IS A TOOL THAT IS HOPEFULLY GOING TO HELP KEEP PEOPLE INTERESTED AND ENGAGED AND ENTHUSIASTIC, KEEP THEM ON THE ROLLS, KEEP OUR VOLUNTEERS ACTIVE. AND I THINK IT'S JUST ABSOLUTELY NECESSARY OR WE'RE GOING TO END UP IMPOSING HUGE PROPERTY TAX BURDENS TO PROVIDE THESE SERVICES THAT ARE BEING TAKEN CARE OF BY THE VOLUNTEERS TODAY. SO WITH THAT, I WOULD URGE YOU ALL TO VOTE GREEN ON THE BILL AND MOVE ON TO THE NEXT ROUND. THANK YOU, MR. PRESIDENT. [LB886]

SENATOR COASH PRESIDING

SENATOR COASH: THANK YOU, SENATOR DAVIS. MEMBERS, YOU'VE HEARD THE CLOSING TO LB886. THE QUESTION FOR THE BODY IS, SHALL LB886 ADVANCE? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE ALL VOTED WHO WISH? RECORD, MR. CLERK. [LB886]

CLERK: 34 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB886. [LB886]

SENATOR COASH: LB886 DOES ADVANCE. NEXT ITEM, MR. CLERK. [LB886]

CLERK: MR. PRESIDENT, LB886A BY SENATOR DAVIS. (READ TITLE.) [LB886A]

SENATOR COASH: SENATOR DAVIS, YOU'RE RECOGNIZED TO OPEN ON LB886A. [LB886A]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT, JUST TALK ABOUT THE FISCAL NOTE A LITTLE BIT. WHAT WE ARE DOING HERE IS ADDING A LINE TO THE TAX

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RETURN, AND THE FISCAL NOTE IS \$55,000. IT'S ONLY THIS YEAR. BECAUSE OF THE TWO-YEAR QUALIFICATION PROCESS, THE IMPACT OF THE FISCAL NOTE WILL BE BORNE AND THE NEXT LEGISLATURE WILL NEED TO DETERMINE THE FUNDING SOURCE FOR THAT. THAT IS AROUND \$2 MILLION. [LB886A]

SENATOR COASH: THANK YOU, SENATOR DAVIS. MEMBERS, YOU'VE HEARD THE OPENING ON TO LB886A. SENATOR KINTNER, YOU'RE RECOGNIZED. [LB886A]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. TWO MILLION DOLLARS, HOLY COW! SENATOR DAVIS, I SUPPORT THE BILL. I'M GOING TO VOTE FOR IT. BUT I CERTAINLY HOPE THAT WE CAN LOCATE SOME OTHER FUNDS SOMEWHERE. I THINK THAT WE MIGHT HAVE SOME IDEAS AND WE CAN FUND THE BULK OF THIS WITH SOME OTHER FUNDS OR PART OF IT WITH OTHER FUNDS. I WOULD THINK THAT WOULD BE CERTAINLY PREFERABLE. SO I'M GOING TO VOTE FOR IT, GET OVER TO SELECT, AND WE CAN LOOK AROUND AND SEE IF THERE IS SOME OTHER FUNDING SOMEWHERE, AND THERE VERY WELL MIGHT BE. AND I'M HOPING WE CAN BECAUSE THAT'S...\$2 MILLION IS A LOT OF MONEY. BUT I KNOW THAT IT'S SOMETHING THAT WE NEED TO DO. SO WITH THAT BEING SAID, I WILL YIELD THE REMAINDER OF MY TIME TO SENATOR DAVIS IF HE WOULD LIKE IT; AND IF NOT, THAT'S IT. THANK YOU. [LB886A]

SENATOR COASH: SENATOR DAVIS, YOU'VE BEEN YIELDED 4:15. [LB886A]

SENATOR DAVIS: THANK YOU, SENATOR KINTNER. I APPRECIATE THAT AND I APPRECIATE YOUR SUPPORT FOR THE BILL AND FOR THE IDEA HERE. SO LET ME JUST TALK ABOUT THE...HOW THE FISCAL NOTE WAS DETERMINED. I THINK THERE ARE 8,000 ANTICIPATED VOLUNTEERS AND I BELIEVE THE FISCAL OFFICE FIGURED EVERYBODY WOULD QUALIFY. WE REALLY DON'T THINK THAT IS GOING TO BE THE CASE, BECAUSE OF THE LEVELS OF CRITERIA THAT ARE IN THE BILL. SO I DON'T THINK IT WILL BE THAT MUCH, BUT THE WORST-CASE SCENARIO IS AROUND A \$2 MILLION FISCAL NOTE. THANK YOU. [LB886A]

SENATOR COASH: THANK YOU, SENATOR DAVIS AND SENATOR KINTNER. SENATOR GLOOR, YOU'RE RECOGNIZED. [LB886A]

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. AND I WOULD LIKE TO BE ABLE TO TELL SENATOR KINTNER THAT I HAVE AN ANSWER FOR HIM. IT'S CALLED A TOBACCO TAX BILL, LB1013. THE DOLLARS ARE IN THERE WERE ALLOCATED TOWARDS PAYING FOR THIS PROGRAM SPECIFICALLY BOTH THIS YEAR AND

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WHEN I FIRST BROUGHT IT UP TWO YEARS AGO. IT DOES PROVIDE ME THE OPPORTUNITY TO SAY THAT FUNDING PROGRAMS AND TAX RELIEF ARE GOING TO REQUIRE US TO LOOK AT SOME SOURCES OF FUNDING. AND SALES TAX SEEMS TO BE AN APPROPRIATE THING TO LOOK AT AND TOBACCO TAX IS A SALES TAX. JUST THOUGHT I WOULD POINT OUT WHAT TO ME IS A VERY, VERY OBVIOUS SOLUTION TO A LOT OF OUR FUNDING NEEDS. THANK YOU, MR. PRESIDENT. [LB886A LB1013]

SENATOR COASH: THANK YOU, SENATOR GLOOR. SEEING NO OTHER MEMBERS WISHING TO SPEAK, SENATOR DAVIS, YOU'RE RECOGNIZED TO CLOSE ON LB886A. SENATOR DAVIS WAIVES. THE QUESTION FOR THE BODY IS, SHALL LB886A ADVANCE? ALL THOSE IN FAVOR VOTE AYE; OPPOSED VOTE NAY. RECORD, MR. CLERK. [LB886A]

CLERK: 36 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB886A. [LB886A]

SENATOR COASH: LB886A DOES ADVANCE. ITEMS, MR. CLERK? [LB886A]

CLERK: THANK YOU, MR. PRESIDENT. AN AMENDMENT TO BE PRINTED, SENATOR BURKE HARR, TO LB843. HEARING NOTICE FROM EDUCATION COMMITTEE, CONFIRMATION HEARING NOTICE. ENROLLMENT AND REVIEW REPORTS LB894 AND LB1093 AS CORRECTLY ENGROSSED. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 1199-1200.) [LB843 LB894 LB1093]

SENATOR COASH: THANK YOU, MR. CLERK. WE'LL GO TO THE NEXT ITEM ON THE AGENDA.

CLERK: MR. PRESIDENT, WITH RESPECT TO LR378CA, SENATOR CHAMBERS HAS FILED A MOTION TO INDEFINITELY POSTPONE, PURSUANT TO RULE 6, SECTION 3(f). [LR378CA]

SENATOR COASH: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LR378CA]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WANT TO FACILITATE THE PROCESS THIS AFTERNOON. THIS BILL, IN MY OPINION, DOES NOT HAVE 33 VOTES. IT MAY NOT EVEN HAVE 25. IT OUGHT

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NOT BE HERE. THE COMMITTEE, THE AG COMMITTEE, VOTED THE FIRST TIME AROUND TO DEADLOCK IT. THE GOVERNOR GOT BUSY, TALKED TO SOME OF THE MEMBERS, AND IT'S OUT HERE. THAT DOESN'T MAKE IT ANY BETTER. SO RATHER THAN TAKE UP ALL OF THE TIME THAT I HAVE WITH MY ARGUMENTS, I WANT TO READ SOMETHING THAT I HANDED OUT TODAY BECAUSE I THINK IT KIND OF SUMS THINGS UP. THIS WAS A RHYME I HANDED OUT. PART OF IT'S A RHYME; OTHER IS TESTIMONY. "IN THE MOUTH OF WITNESSES THREE MAY EVERY WORD, ESTABLISHED, BE." SAINT MATTHEW 18:16. THE RHYME: WITNESSES. "HERE--NOT ONE, NOT TWO, BUT THREE: FARM BUREAU, HUMANE SOCIETY, AND ME. THO' ON THIS, WE AGREE TOGETHER, WE ARE HARDLY 'BIRDS OF A FEATHER.' THIS EXPLAINS WHY MATTHEW WAS MOVED TO PEN: 'BY THREE WITNESSES, ALL WORDS ARE PROVED.' SCRIPTURE, BEING FULFILLED, I EXPECT SENATORS, THIS FLAWED SCHEME, TO REJECT." THERE'S NO MERIT WHATSOEVER. WHEN THE BILL CAME BEFORE US, SENATOR KUEHN COULD NOT DEFINE THE TERMS, COULD NOT STATE THE SCOPE OF THE BILL. HE KNEW NOTHING ABOUT IT TO SPEAK OF, OTHER THAN THAT SOME OTHER STATES HAD DONE THE SAME THING, AND HE BROUGHT IT. AND I BELIEVE HE'S PROBABLY WORKING IN LEAGUE WITH THE GOVERNOR, WHICH HE'S ENTITLED TO DO. BUT THIS IS NOT SOMETHING THAT WILL BENEFIT AGRICULTURE. AND BELIEVE IT OR NOT, MOST OF THE CALLS THAT I'VE GOTTEN, AND I GOTTEN MORE CALLS ON THIS THAN ANY AG ITEM I'VE BEEN CONNECTED WITH, AGAINST IT. THEY'RE WORRIED ABOUT WHAT IT WOULD DO TO HURT AG. AND SOME CALL IT "THE RIGHT TO HARM." BUT I'M GOING TO READ FROM A SUNDAY WORLD-HERALD. IT'S CALLED THE "MIDLAND VOICES" SECTION, AND IT'S BY STEVE NELSON, WHO IS PRESIDENT OF THE NEBRASKA FARM BUREAU FEDERATION. AND HE FARMS WITH HIS SON NEAR AXTELL, NEBRASKA. THIS IS HEADLINED, "MORE STUDY NEEDED ON 'RIGHT TO FARM.'" FOOTBALL FANS AND THE MAJORITY OF NEBRASKANS ARE FAMILIAR WITH THE TERM "HAIL MARY"--YOU KNOW, THE DESPERATION TOSS AT THE END OF THE GAME WHEN THERE'S NO TIME LEFT AND YOUR TEAM IS TRAILING, PRAYING FOR A MIRACLE. ONE THING ABOUT THE HAIL MARY IS THAT YOU DON'T START THE GAME THAT WAY, WITH THAT PLAY. THE START AND MAJORITY OF THE GAME IS RESERVED FOR PLAYS FROM THE PLAYBOOK, A WELL-THOUGHT-OUT COLLECTION DEVELOPED TO PLAY TO A TEAM'S STRENGTHS WHERE THERE IS AN EXPECTATION SUCH PLAYS WILL RESULT IN A HIGHER SUCCESS RATE THAN SIMPLY CHUCKING THE BALL TO THE END ZONE. LEGISLATIVE RESOLUTION 378CA, A MEASURE NOW BEFORE THE LEGISLATURE, WOULD PURPORTEDLY PROTECT FARMING AND RANCHING PRACTICES THROUGH THE NEBRASKA CONSTITUTION. BUT IT FEELS STRANGELY LIKE AN EFFORT TO EXECUTE A HAIL MARY ON THE FIRST PLAY OF THE GAME. THE LEGISLATURE SHOULD MAKE THE SMART PLAY ON THE RIGHT TO FARM AND

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SEND THIS MEASURE BACK TO THE AGRICULTURE COMMITTEE FOR MORE STUDY. AGRICULTURE IS CRITICAL TO NEBRASKA'S ECONOMY. NO ONE IS MORE CONCERNED THAN NEBRASKA FARM BUREAU ABOUT ENSURING THAT FARM AND RANCH FAMILIES CONTINUE TO HAVE THE ABILITY TO USE NEW PRACTICES AND EMPLOY NEW TECHNOLOGIES IN THEIR OPERATIONS. HOW WE GO ABOUT PROTECTING THOSE PRACTICES LIES AT THE HEART OF THE CONCEPT OF "RIGHT TO FARM." THERE ARE NUMEROUS WAYS TO PRESERVE OUR AGRICULTURAL HERITAGE INTO THE FUTURE, BUT IT'S VITAL WE TAKE A JUDICIOUS APPROACH IN DOING SO BECAUSE OF THE COMPLEXITIES OF THE MATTER. AT THIS STAGE, NEBRASKA DOES NOT NEED A HAIL MARY CONSTITUTIONAL AMENDMENT. WE NEED A BROADER DISCUSSION AND A REASONABLE APPROACH TO MAKE SURE "RIGHT TO FARM" IS DONE THE RIGHT WAY. IT'S BEEN ONLY IN THE LAST FEW YEARS THAT TWO STATES--NORTH DAKOTA IN 2012 AND MISSOURI, 2014--MODIFIED THE HISTORICAL CONCEPT OF "RIGHT TO FARM" BY ADOPTING CONSTITUTIONAL AMENDMENTS. THESE AMENDMENTS SEEM TO PROVIDE BROAD PROTECTION FOR FARMERS AND FARMING PRACTICES THAT HAVE BEEN UNDER ATTACK BY ANIMAL RIGHTS AND ENVIRONMENTAL ACTIVISTS. OUR COUNTERPARTS IN THOSE STATES HAVE COUNSELED US TO PROCEED WITH CAUTION ON THIS APPROACH, TO MAKE SURE THIS WILL WORK FOR OUR STATE. MAKE NO MISTAKE, THERE ARE INTERESTS WHO HAVE PAINTED A TARGET ON AGRICULTURE AND PART OF THEIR REASON FOR EXISTENCE IS TO TAKE SCIENCE-BASED FARMING AND RANCHING PRACTICES AND TECHNOLOGIES OUT OF FARM AND RANCH FAMILIES' TOOLBOXES. THE CONVERSATION ABOUT HOW WE PRESERVE A FUTURE FOR AGRICULTURE IS CLEARLY WARRANTED BECAUSE OF THESE THREATS TO AGRICULTURE. WHEN IT COMES TO "RIGHT TO FARM," WE NEED TO MAKE SURE WE CLEARLY UNDERSTAND AND DEFINE WHAT PROTECTIONS ARE TRYING TO BE ACHIEVED. WE NEED TO MAKE SURE ANY ACTIONS WE TAKE WILL TRULY PROVIDE THE PROTECTIONS THAT ARE BEING SOUGHT. WE NEED TO MAKE SURE OUR ACTIONS DON'T OPEN THE DOOR FOR ENDLESS LEGAL CHALLENGES WHERE JUDGES DECIDE WHAT AN AGRICULTURE OPERATION IS AND WHAT PRACTICES ARE AND ARE NOT PROTECTED. AND WE NEED TO MAKE SURE THE ACTIONS TAKEN TODAY DON'T COME BACK TO HARM THE GENERATIONS THAT FOLLOW IN AGRICULTURE. FROM OUR PERSPECTIVE, A CONSTITUTIONAL AMENDMENT AT THIS TIME DOES NOT PROVIDE ENOUGH ANSWERS TO THESE CRITICAL QUESTIONS. BOTH BOB DEVANEY AND TOM OSBORNE WERE MASTERS AT BUILDING PLAYBOOKS THAT LED TO UNPRECEDENTED SUCCESS IN NEBRASKA FOOTBALL. WE NEED TO DO THE SAME THING FOR NEBRASKA AGRICULTURE WITH A WELL-CONCEIVED AND WELL-THOUGHT-OUT GAME PLAN. THAT STARTS WITH SENATORS SENDING LR378CA BACK TO COMMITTEE SO THIS IMPORTANT ISSUE CAN BE FULLY

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EXAMINED. BY WORKING WITH THE NEBRASKA LEGISLATURE, WE CAN WORK TOGETHER TO PUT...TO NOT ONLY IDENTIFY WHAT'S BEST FOR AGRICULTURE TODAY BUT WELL INTO THE FUTURE. A HAIL MARY CONSTITUTIONAL AMENDMENT RIGHT NOW IS SIMPLY THE WRONG PLAY AT THE WRONG TIME. AND THE OTHER INFORMATION ON THAT SHEET YOU CAN READ. I WANTED THAT IN THE RECORD FOR SURE. I GOT WORD THAT THERE ARE AN ADDITIONAL WITNESSES WHO ARE AGAINST THIS BILL, IN ADDITION TO THE THREE I GAVE. BUT I WILL LET SOMEBODY ELSE REVEAL THAT TO THE LEGISLATURE, EVEN THOUGH I'D LIKE TO SPILL ALL OF THE BEANS MYSELF. BUT WE SHOULD BE CAREFUL, MY PHILOSOPHY IS, ON WHAT WE PUT INTO THE CONSTITUTION ANYWAY. THIS IDEA OF HUNTING, TRAPPING, AND FISHING WAS PUT IN, AND I TOLD YOU WHAT HAD HAPPENED WHEN SOME DUNDERHEADS FROM PHILADELPHIA TRIED TO DO THE SAME THING THAT DUNDERHEADS IN NEBRASKA SUCCEEDED IN DOING. THEY WERE HAVING A DISCUSSION ABOUT WHAT RIGHTS OUGHT TO BE ENUMERATED IN THE CONSTITUTION, AND THE ARGUMENT WAS MADE THAT ON THE LEGAL PRINCIPLE THAT WHATEVER IS NOT INCLUDED IS EXCLUDED. SO IF YOU LIST OUT CERTAIN RIGHTS, YOU ARE SAYING, IN THE ALTERNATIVE, THAT THOSE THINGS YOU DON'T LIST ARE NOT REALLY WORTHY OF THAT KIND OF CONSIDERATION. AND YOU'RE NOT IN A POSITION TO ARGUE THAT THEY REALLY ARE BECAUSE YOU WOULD HAVE ENUMERATED THEM. SO WHILE THIS DEBATE WAS GOING ON, THIS IS WHAT TOOK PLACE. AND WHAT I'M READING COMES FROM A BOOK CALLED ORIGINAL MEANINGS. IT WAS WRITTEN IN 1996 BY JACK N.--I PRONOUNCE IT--RAKOVE, R-A-K-O-V-E, AND HE GOT A PULITZER PRIZE. BUT ANYWAY, THIS IS VERY BRIEF: TO PROVE THE ABSURDITY OF ENUMERATING RIGHTS, FEDERALISTS LAMPOONED SOME OF THE AMENDMENTS PROPOSED BY THE MINORITY IN THE PENNSYLVANIA CONVENTION WHICH WOULD HAVE AFFIRMED THAT AMERICANS WOULD RETAIN THE, QUOTE, LIBERTY TO FOWL AND HUNT IN SEASONAL TIMES AND ON LANDS THEY HOLD AND IN LIKE MANNER TO FISH IN ALL NAVIGABLE WATERS AND OTHERS NOT PRIVATE PROPERTY WITHOUT BEING RESTRAINED BY CONGRESS. NEARLY TRANSPORTED BY LAUGHTER, NEARLY TRANSPORTED BY LAUGHTER BY THIS CLAUSE, NOAH WEBSTER PROPOSED FURTHER... [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR CHAMBERS: ...RESTRICTION ON CONGRESS, THAT CONGRESS SHALL NEVER RESTRAIN ANY INHABITANT OF NEBRASKA FROM EATING AND DRINKING AT SEASONABLE TIMES OR PREVENT HIS LYING ON HIS LEFT SIDE IN A LONG WINTER'S NIGHT OR EVEN ON HIS BACK WHEN HE IS FATIGUED BY LYING ON HIS

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RIGHT. THIS KIND OF STUFF IS WHAT MAKES A STATE A LAUGHINGSTOCK. BUT THERE ARE OTHERS WHO HAVE THEIR VIEWS AS TO WHY THIS SHOULD NOT BE DONE, SO I'M GOING TO SIT BACK THIS TIME AND ENJOY AND HAVE MY EDUCATION IMPROVED. AND WHEN SENATOR KUEHN SPEAKS, BECAUSE HE HAS THAT OPPORTUNITY FIRST, I THINK HE SHOULD EXPLAIN WHAT ALL THESE TERMS MEAN THAT HE IS SO SURE ARE GOING TO PROTECT AGRICULTURE. THANK YOU, MR. PRESIDENT. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR CHAMBERS. MEMBERS, YOU'VE HEARD THE OPENING TO THE MOTION TO INDEFINITELY POSTPONE. SENATOR KUEHN, YOU'RE RECOGNIZED. [LR378CA]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. I OBVIOUSLY STAND IN OPPOSITION TO THE MOTION TO INDEFINITELY POSTPONE. I'M WELL AWARE THAT THIS IS AN ISSUE WHICH IS GOING TO WARRANT A SIGNIFICANT AMOUNT OF DISCUSSION AND DELIBERATION BY THE BODY. I CERTAINLY DO NOT TAKE LIGHTLY THE OPPORTUNITY TO PROPOSE BEFORE THE VOTERS OF NEBRASKA AN OPPORTUNITY TO AMEND OUR CONSTITUTION. I DO STAND, HOWEVER, AND SUPPORT THE IDEA AND THE CONCEPT AND THE LR378CA LANGUAGE THAT WE WILL BE DISCUSSING AND DEBATING AND POTENTIALLY AMENDING OVER THE COURSE OF THE NEXT FEW HOURS OF DEBATE FOR A VERY IMPORTANT REASON. AGRICULTURE IS OUR NUMBER ONE INDUSTRY: \$26 BILLION OF ECONOMIC OUTPUT, ONE IN FOUR JOBS. NO ONE HERE DOUBTS THE ROLE THAT AGRICULTURE PLAYS IN NEBRASKA. THE QUESTION BECOMES, WHY A CONSTITUTIONAL RIGHT TO FARM AND WHY NOW? BOTH ARE VERY IMPORTANT ISSUES AND ONES THAT WE AS A BODY SHOULD NOT TAKE LIGHTLY. THERE ARE A NUMBER OF MATERIALS WHICH HAVE BEEN PASSED OUT. WE WILL LOOK AT THEM AND WE WILL DISCUSS THEM THROUGH THE COURSE OF THE EVENING. THOSE MATERIALS INCLUDE SOME LANGUAGE AS IT WOULD APPEAR WITH SOME AMENDMENTS THAT ARE REFERRED, SO YOU CAN GET AN ENTIRE IDEA AND CONCEPT ON ONE SHEET OF THE POTENTIAL LANGUAGE THAT WE WILL LOOK AT IN DEBATE; INCLUDES A LIST OF ALL OF THE AGRICULTURE GROUPS WHICH ARE ACTIVELY SUPPORTING LR378CA, THE RIGHT TO FARM AND RANCH. YOU'LL NOTE THAT ALL OF THE MAJOR COMMODITY AND PRODUCER GROUPS OF THE STATE HAVE ENDORSED THE CONSTITUTIONAL AMENDMENT AND THE CONSTITUTIONAL APPROACH. YOU WILL ALSO SEE A LISTING OF THE STATES THAT HAVE PASSED A CONSTITUTIONAL RIGHT TO FARM AMENDMENT THROUGH THEIR CHAMBER. YOU HAVE AN OPPORTUNITY TO LOOK AT THE LANGUAGE, THEIR VOTE COUNTS TO SEE EXACTLY THE BIPARTISAN SUPPORT WITHIN THE THREE STATES THAT HAVE MODELED THIS, AS WELL AS

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INFORMATION REGARDING ALL OF THE POTENTIAL THREATS OF ENDLESS LEGAL LITIGATION AND OTHERS THAT OCCURS AND THE FEARS WITH REGARD TO PASSAGE OF THIS PARTICULAR CONSTITUTIONAL AMENDMENT. AND YOU WILL SEE THAT THAT LIST IS VERY SHORT. AND THE VICTORIES WITH REGARD TO LITIGATION OF OPPOSITION HAVE BEEN ZERO. I ALSO HAVE IN FRONT OF YOU INFORMATION REGARDING STATUTORY DEFINITIONS OF LIVESTOCK SO WE CAN ADDRESS A VERY REAL ISSUE AND A VERY LARGE REASON FOR THE URGENCY BEHIND THIS CONSTITUTIONAL AMENDMENT. THERE ARE INDIVIDUALS, ACTIVIST GROUPS, AND OTHERS WHO HAVE NO REGARD FOR WHAT THE FACTS AND TRUTH ARE BUT SIMPLY HAVE AN AGENDA THAT SAYS WE WILL IMPEDE AGRICULTURE IN WHATEVER WAY POSSIBLE. IT'S NOT GOING TO BE WITH A BROAD SWORD IN BOLD STROKES. IT WILL BE INCREMENTALLY, ONE REGULATION, ONE LAW AT A TIME. GROUPS EXPLOIT INDIVIDUALS' FEELINGS FOR THEIR PETS, EXPLOIT THEIR AFFECTION FOR THE ANIMALS THAT ARE MEMBERS OF THEIR FAMILY, AND USE THOSE FUND-RAISING EFFORTS AND THAT GOODWILL AND SENTIMENT TO ACCOMPLISH AN AGENDA THAT IS DISTINCTLY ANTI-AGRICULTURE AND ONE STEP AT A TIME CHIPS AWAY AT OUR ABILITY TO PRODUCE LIVESTOCK, TO EMPLOY CROP PRODUCTION TECHNOLOGY, AND TO ULTIMATELY DO WHAT WE DO IN THE STATE OF NEBRASKA, ECONOMICALLY AND CULTURALLY, IN AGRICULTURE. YOU ALSO HAVE BEFORE YOU SOME FACTS REGARDING THE CONSTITUTION THAT WE WILL DISCUSS. MANY WILL TALK ABOUT THE IMPORTANCE AND THE SANCTITY OF THE NEBRASKA CONSTITUTION. I COULD NOT AGREE MORE. AND WE'LL LOOK AT SOME OF THE OTHER FACTS REGARDING HOW FREQUENTLY OUR CONSTITUTION HAS BEEN AMENDED, THE NATURE OF SOME OF THOSE AMENDMENTS, AND THE REALITY THAT A STATE CONSTITUTION IS DISTINCTLY DIFFERENT IN LENGTH AND IN SCOPE THAN OUR FEDERAL CONSTITUTION. NEBRASKA'S STATE CONSTITUTION IS A LIVING DOCUMENT THAT REFLECTS THE WILL OF THE PEOPLE AND ADOPTS AND CHANGES OVER TIME. AND NEBRASKA VOTERS HAVE CHANGED, HAVE GROWN,... [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR KUEHN: ...HAVE EXPANDED THAT DOCUMENT--THANK YOU, MR. PRESIDENT--228 TIMES. I LOOK FORWARD TO THE DISCUSSION THAT COMES FORWARD. I LOOK FORWARD TO HEARING FROM MY COLLEAGUES WHO ARE INVOLVED IN AGRICULTURAL PRODUCTION, WHO WILL HELP US AS A CHAMBER UNDERSTAND NOT ONLY THE IMPORTANCE AND VALUE OF A CONSTITUTIONAL RIGHT TO FARM TO NEBRASKA AGRICULTURE BUT THE REASON WHY DELAY IS NOT HELPFUL, WHY FURTHER STUDY SIMPLY IS KICKING THE CAN DOWN THE

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ROAD, AND HOW WE HAVE BEFORE US TODAY AN OPPORTUNITY TO PUT THE ISSUE BEFORE THE VOTERS OF NEBRASKA AND PROTECT OUR NUMBER ONE INDUSTRY. THANK YOU, MR. PRESIDENT. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR KUEHN. MEMBERS, WE WILL NOW BEGIN DISCUSSION ON THE MOTION. THOSE WISHING TO SPEAK: SENATORS BURKE HARR, SCHNOOR, KINTNER, KUEHN, HUGHES, HANSEN, AND OTHERS. SENATOR BURKE HARR, YOU ARE RECOGNIZED. [LR378CA]

SENATOR HARR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I VOTED AGAINST THIS BILL IN COMMITTEE, AND I WANT TO EXPLAIN MY REASONING FOR DOING THAT. I'M NOT GOING TO SAY...SIT UP HERE AND PRETEND LIKE I'M IGNORANT AND THEN DROP SOME BOMB ON YOU. THAT'S NOT WHAT I'M GOING TO DO. WHAT I AM GOING TO DO IS TELL YOU THAT I HAVE A BASIC UNDERSTANDING OF AG. I'VE SAT ON THE AGRICULTURE COMMITTEE NOW FOR FIVE YEARS, SIX YEARS. AND IF I WERE ON REVENUE THAT LONG IT WOULD QUALIFY ME AS AN EXPERT, BUT IN AG IT DOES NOT. NOT SURE WHY OR WHAT THE DIFFERENCE IS, BUT THERE IS A DIFFERENCE. WHAT I'LL TELL YOU IS OVER THAT TIME I HAVE FOUND THAT...WELL, I'LL SAY THIS. IN REVENUE WE LIKE TO SAY, PASS BILLS, TAX BILLS, AND WE LIKE TO TALK ABOUT THE FAMILY FARM. AND WE TALK ABOUT THE SANCTITY OF THE FAMILY FARM. I GO OVER TO AGRICULTURE AND IT'S ABOUT THE BUSINESS OF AGRICULTURE. AND IT IS THE BUSINESS OF AGRICULTURE AND IT'S VERY IMPORTANT TO OUR STATE. AS SENATOR KUEHN RIGHTLY POINTED OUT, IT'S THE LARGEST ECONOMIC DRIVER. AND SO MY QUESTION IS, WHY DOES IT NEED TO BE CONSTITUTIONALLY PROTECTED? WHAT MAKES IT SO MUCH MORE SPECIAL THAN IT IS TO ANY OTHER PROFESSION? WHETHER THAT BE AS A TEACHER, A FIREFIGHTER, A POLICE OFFICER, A STATE SENATOR, A LAWYER, ACCOUNTANT, DOCTOR, INSURANCE SALESMAN, GO DOWN THE LIST, WHY IS THERE A SPECIAL RIGHT? AND WHAT IS THAT SPECIAL RIGHT? IT'S A PROPERTY RIGHT. AND I'LL GET INTO THAT EVENTUALLY LATER ABOUT THE PROPERTY RIGHT. SENATOR KUEHN WAS RIGHT, THERE ARE OUTSIDE INTERESTS COMING INTO THIS STATE, TRYING TO CONTROL OUR LEGISLATION AND LEGISLATURE. I'LL TALK ABOUT ONE FIRST. THAT'S THE CENTER FOR CONSUMER FREEDOM. THEY WERE INVITED INTO THIS STATE BY SENATOR KUEHN. I HAVE NO IDEA WHO THEY ARE. GO LOOK THEM UP. THERE'S ALMOST NOTHING ON THEM. WHO FUNDS THEM? THEY WON'T TELL US. THEY DON'T KNOW. HOW MANY MEMBERS DO THEY HAVE? THEY WON'T TELL US. THEY DON'T KNOW. LOOK AT THE TRANSCRIPT. HOW MUCH DO YOU USE YOUR MONEY TO FUND ANTI-HSUS? I DON'T KNOW AND I CAN'T TELL YOU, WAS THE RESPONSE WE GOT. THERE IS A SIREN SOUND OUT THERE, SONG, THAT WE

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HAVE TO PROTECT AG. FOLKS, WE ARE PROTECTING AG. WE ARE THAT PROTECTOR. WHAT THIS AMENDMENT SAYS IS DON'T TRUST YOUR STATE LEGISLATURE. YOU CAN'T TRUST THEM. THAT'S WHAT THIS SAYS--YOU CAN'T BE TRUSTED. WE TRUST POLITICAL SUBDIVISIONS, BECAUSE THEY CAN PASS BILLS...OR THEY CAN PASS LAWS TO PROTECT FARMERS AND TO LIMIT, BUT THE LEGISLATURE CAN'T. YOU CAN'T BE TRUSTED. READ IT. IT SAYS THE LEGISLATURE IS NOT ALLOWED TO DO THAT. IT TAKES 33 VOTES, PROBABLY, TO PASS SOMETHING OF HSUS. THAT'S THE OTHER PERSON WE'RE AFRAID OF. THAT'S WHAT THIS IS, WHAT IS DRIVING THIS. HSUS HAS BEEN LARGELY INNOCUOUS IN THIS STATE. AND I BELIEVE AS LONG AS WE'RE AN AG STATE THEY WILL REMAIN INNOCUOUS. WE'RE CHASING AFTER SOMETHING THAT DOESN'T EXIST. WE CAN HAVE A CONVERSATION, AND WE CAN TALK ABOUT HOW WE CAN SUPPORT OUR BROTHERS AND SISTERS IN AG, BUT BY CREATING THIS HIGHER RIGHT THAT NO OTHER PROPERTY ENJOYS IS NOT THE ANSWER. I'LL CONTINUE TO SPEAK MORE ON THIS LATER. [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR HARR: THANK YOU. BUT THE IMPORTANT THING TO REMEMBER HERE IS THIS IS NOT ABOUT ARE YOU PRO-AG OR ARE YOU ANTI-AG. THIS IS ABOUT PROPERTY RIGHTS. AND DO WE WANT TO GIVE GREATER PROPERTY RIGHTS TO ONE TYPE OF PROPERTY OVER ANOTHER? AND WHAT ARE THE RAMIFICATIONS IF WE DO? JUST QUICKLY, IF YOU HAVE DRIFT, AND WE WANT TO PASS LEGISLATION BECAUSE WHAT YOU'RE DOING AFFECTS SOMEONE ELSE'S PROPERTY, UNDER THIS BILL IT WOULD BE DARN NEAR, IF NOT COMPLETELY, IMPOSSIBLE. SO THINK ABOUT THE RAMIFICATIONS, THINK ABOUT HOW MUCH FARM TECHNOLOGIES HAVE CHANGED FROM THE 1940s TO THE 1980s TO TODAY. NOWHERE IS THAT DEFINED IN HERE. AND I'LL GET INTO THAT MORE A LITTLE BIT LATER. THANK YOU, MR. PRESIDENT. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR HARR. SENATOR SCHNOOR, YOU'RE RECOGNIZED. [LR378CA]

SENATOR SCHNOOR: THANK YOU, MR. PRESIDENT. I AM IN STRONG SUPPORT OF THIS. I COSIGNED IT, OH, PROBABLY A WEEK AFTER WE CAME HERE IN JANUARY. WE'VE SEEN SEVERAL STATES THAT HAVE PASSED RIGHT TO FARM AMENDMENTS, NORTH DAKOTA, MISSOURI BEING TWO OF THEM. AND IT IS IMPORTANT BECAUSE OF WHAT SENATOR KUEHN WAS SAYING. THERE ARE ACTIVIST GROUPS OUT HERE THAT WOULD LOVE TO DO NOTHING MORE THAN

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SHUT DOWN, MOST PARTICULARLY, ANIMAL AGRICULTURE, NOT JUST IN NEBRASKA. THEY'D JUST AS SOON DO IT EVERYWHERE ELSE AND HAVE EVERYBODY EATING VEGETABLES. THAT'S THE HUMANE SOCIETY OF THE UNITED STATES, WHO ACTUALLY THEIR NAME, HUMANE SOCIETY, HAS NOTHING TO DO WITH WHAT THEY DO. IT'S JUST A NAME. THEY HAVE NOTHING TO DO WITH THE HUMANE SOCIETIES HERE IN OUR STATE THAT DO A GREAT JOB. THE HUMANE SOCIETY OF THE UNITED STATES WANTS TO SHUT DOWN ANIMAL AGRICULTURE. AND A CONSTITUTIONAL AMENDMENT FOR OUR STATE GIVES US, AS FARMERS AND ANIMAL PRODUCERS, CATTLE FEEDERS, HOG FEEDERS, POULTRY PRODUCERS, IT GIVES US AN ADDED MEASURE OF PROTECTION. SENATOR HARR WAS RIGHT, WE ARE...OUR AGRICULTURE IS OUR NUMBER ONE INDUSTRY HERE IN NEBRASKA. WITHIN THAT, WE ARE THE NUMBER ONE CATTLE PRODUCER IN THE NATION. SO ANY PROTECTION WE CAN GET FROM THESE ACTIVIST GROUPS OF COURSE I WILL SUPPORT, AND THAT'S WHAT THIS CONSTITUTIONAL AMENDMENT DOES. FARMERS DON'T HAVE TIME TO FIGHT GROUPS LIKE THIS BECAUSE THEY'RE OUT WORKING. THEY'RE OUT EARNING A LIVING. THESE ORGANIZATIONS HAVE TIME AND MONEY AND NOTHING ELSE TO DO BUT TRY TO RUIN OUR LIVELIHOODS HERE IN NEBRASKA. YOU'RE GOING TO HEAR...I'VE BEEN GETTING ALL KIND OF E-MAILS ABOUT PUPPY MILLS. NOW HOW PUPPY MILLS GET INVOLVED IN A CONSTITUTIONAL RIGHT TO FARM I'M NOT QUITE SURE. I HAVEN'T QUITE FIGURED THAT OUT. BUT THAT'S HOW TWISTED SOME PEOPLE LOOK AT THIS. NOW THAT WAS DEBATED, I THINK THAT WAS LAST YEAR. [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR SCHNOOR: THANK YOU. THAT WAS DEBATED HERE ON THE FLOOR. BUT THAT HAS ABSOLUTELY NOTHING TO DO WITH THIS. DOGS AREN'T EVEN CONSIDERED LIVESTOCK. THEY'RE COMPANION ANIMALS. THEY DON'T FALL IN ANY OF OUR STATUTES CONSIDERED WHEN IT'S A...WHEN WE'RE TALKING ABOUT LIVESTOCK. SO THERE'S ALL KINDS OF TWISTED INFORMATION THAT'S THROWN AT PEOPLE, ALL KINDS OF MISINFORMATION. SO JUST REMEMBER, WE'RE JUST TRYING TO PROTECT OUR INDUSTRY AND PROTECT OUR ANIMAL PRODUCERS SO WE CAN CONTINUE TO BE THAT NUMBER ONE INDUSTRY IN NEBRASKA... [LR378CA]

SENATOR COASH: TIME, SENATOR. [LR378CA]

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SENATOR SCHNOOR: ...AND THE NUMBER ONE IN THE NATION. THANK YOU.
[LR378CA]

SENATOR COASH: THANK YOU, SENATOR SCHNOOR. SENATOR KINTNER, YOU'RE
RECOGNIZED. [LR378CA]

SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. LOOKING AT THIS,
TRYING TO GET TO THE BOTTOM OF IT, SEEING WHAT THESE THING MEANS.
WOULD SENATOR KUEHN YIELD TO A FEW QUESTIONS? [LR378CA]

SENATOR COASH: SENATOR KUEHN, WILL YOU YIELD? [LR378CA]

SENATOR KUEHN: YES, I WILL. [LR378CA]

SENATOR KINTNER: SENATOR KUEHN, WE'VE GOT SOME OTHER STATES HAVE
PASSED THE SAME RIGHT TO FARM. FIRST ONE WAS NORTH DAKOTA. TELL ME
ABOUT THAT. WHAT HAPPENED WHEN THEY PASSED IT? [LR378CA]

SENATOR KUEHN: NORTH DAKOTA PASSED RIGHT TO FARM IN 2012 ON A BALLOT
INITIATIVE PROCESS. AND AS YOU HAVE BEFORE, IT WAS RESOLUTELY PASSED
BY THEIR ELECTORATE, 66.89 PERCENT IN SUPPORT. AND TO DATE THERE HAS
BEEN NO LITIGATION AGAINST OR AS A RESULT OF THE RIGHT TO FARM
CONSTITUTIONAL AMENDMENT. [LR378CA]

SENATOR KINTNER: HOW CLOSE IS THE ONE THAT YOU'RE PROPOSING TO NORTH
DAKOTA'S? [LR378CA]

SENATOR KUEHN: YOU'LL NOTE THAT THE LANGUAGE IS VERY SIMILAR. IF YOU
TAKE A LOOK AT THE HANDOUT THAT I HAVE PROVIDED, THE LANGUAGE,
INCLUDING MANY OF THE TERMS WHICH HAVE BEEN UP FOR DISCUSSION, ARE
ALSO EMPLOYED, INCLUDING MODERN FARMING AND RANCHING PRACTICES,
AND SO VERY SIMILAR. OUR PROPOSED AMENDMENT INCLUDES ADDITIONAL
LANGUAGE THAT IS UNIQUE TO NEBRASKA TO ENSURE WE HAVE COMPLETE
AUTHORITY TO PROTECT NEBRASKA'S WATER AND WATER MANAGEMENT AND
WATER USE, AND THAT'S AN ISSUE WE'LL DISCUSS AND TALK ABOUT DURING
FURTHER DEBATE. [LR378CA]

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SENATOR KINTNER: ANOTHER STATE WAS OKLAHOMA. WHAT'S THE STATUS OF THEIRS? [LR378CA]

SENATOR KUEHN: OKLAHOMA'S PASSED THE OKLAHOMA LEGISLATURE LAST YEAR, AND IS SLATED TO BE ON THE NOVEMBER 2016 BALLOT. [LR378CA]

SENATOR KINTNER: HAS IT BEEN LITIGATED AT ALL? [LR378CA]

SENATOR KUEHN: THERE HAVE BEEN SOME INITIAL CLAIMS WITH REGARD TO SOME WATER ISSUES, WHICH AGAIN, BASED ON THE LANGUAGE WHICH WE HAVE LOOKED AT AND IS PROPOSED, WOULD NOT BE AN ISSUE WITH THE NEBRASKA LR378CA. [LR378CA]

SENATOR KINTNER: AND I GUESS THERE'S MISSOURI RIGHT NOW. WHAT'S THE STATUS OF THAT ONE? [LR378CA]

SENATOR KUEHN: MISSOURI PASSED THEIRS IN 2014. IT PASSED THEIR BODY IN 2013, AND WAS PASSED BY THE VOTERS IN 2014. IT DID HAVE A LEGAL CHALLENGE REGARDING THE LANGUAGE AND WHETHER OR NOT IT WAS TOO VAGUE OR UNSPECIFIC, AND IT SURVIVED THAT LEGAL CHALLENGE AND REMAINS IN EFFECT TODAY. [LR378CA]

SENATOR KINTNER: ALL RIGHT. WELL, THAT'S A GOOD START. THANK YOU. YOU KNOW, ONE OF THE THINGS SENATOR HARR SAID HE ASKED IS, DO YOU NOT TRUST THE LEGISLATURE? (LAUGH) GO AHEAD AND ASK A TAXPAYER, DO YOU TRUST THE LEGISLATURE? THEY'D PROBABLY SAY, WELL, PROBABLY NOT. AND THAT'S PROBABLY A GOOD IDEA. I MEAN WE SOMETIMES GET IT RIGHT DOWN HERE, SOMETIMES WE GET IT WRONG DOWN HERE, BUT DON'T TRUST US. DON'T TRUST 49 POLITICIANS. KEEP YOUR EYE ON US. ALWAYS SEE WHAT WE'RE DOING. THAT'S PROBABLY A GOOD QUESTION HE ASKED. I THINK THE QUESTION SHOULD BE, NO, DON'T TRUST THE LEGISLATURE. KEEP YOUR EYE ON US. SEE WHAT YOU'RE DOING. AND SOMETIMES YOU'LL FIND WE'RE RIGHT, SOMETIMES WE GET IT WRONG, SOMETIMES WE COME BACK AND GET IT WRONG THE FIRST TIME, WE GET IT RIGHT THE SECOND TIME. BUT DON'T FALL ASLEEP AND JUST TRUST US TO DO WHAT'S RIGHT. I THINK SENATOR HARR MADE A GOOD QUESTION THERE, AND I THINK THE ANSWER IS DON'T TRUST US, KEEP AN EYE ON US, AND DON'T EVER FALL ASLEEP AT THE SWITCH. MAKE SURE WE'RE DOING THE RIGHT THING. AND IF I HAVE ANY REMAINING TIME, I DID MENTION

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SENATOR HARR, I'LL YIELD MY TIME REMAINING TO HIM, IF THERE IS ANY.
[LR378CA]

SENATOR COASH: SENATOR BURKE HARR, YOU'VE BEEN YIELDED 1:15. [LR378CA]

SENATOR HARR: THANK YOU. I'M SAYING THIS AMENDMENT SAYS WE DON'T TRUST OURSELVES. AND, YES, A LITTLE HEALTHY SKEPTICISM GOES A LONG WAY AND IT DOES A GOOD THING. DON'T DISAGREE WITH THAT. [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR HARR: THANK YOU. WHAT MY ISSUE IS, THOUGH, IS THAT, TRUST US OR NOT TRUST US, YOU'RE COMPLETELY TAKING US OUT OF THE EQUATION. THIS BILL SAYS LEGISLATURE SHALL PASS NO LAWS WHICH ABRIDGE, WHICH MEANS CURTAIL. THAT MEANS WE CAN'T PASS A LAW UNLESS IT MEETS STRICT SCRUTINY, A COMPELLING STATE INTEREST. THAT'S A HIGH BURDEN. RIGHT NOW, TODAY, THE SUPREME COURT RULED...HEARD SOMETHING REGARDING STRICT SCRUTINY, AND IT WAS THE SISTERS OF THE POOR AND WHETHER HAVING TO STATE THAT THEY DO NOT PROVIDE FUNDING FOR CONTRIBUTION IS TOO MUCH. AND GUESS WHAT. IN THE EIGHTH CIRCUIT, WHERE WE LIVE, THEY SAID, YES, THAT IS TOO MUCH OF A BURDEN ON THE SISTERS OF THE POOR. WELL, IF THAT'S TOO MUCH OF A BURDEN, HOW ARE WE EVER, EVER GOING TO BE ABLE TO PASS ANY SET OF LEGISLATION AS A RESULT OR REGARDS TO...
[LR378CA]

SENATOR COASH: TIME, SENATOR. [LR378CA]

SENATOR HARR: ...LITIGATION...OR AGRICULTURE. THANK YOU. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR KINTNER AND SENATOR HARR.
SENATOR KUEHN, YOU'RE RECOGNIZED. [LR378CA]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. AND AGAIN, COLLEAGUES, I APPRECIATE YOUR DILIGENCE IN LISTENING TO THE DEBATE AS IT MOVES FORWARD. I WOULD LIKE TO MOVE AND MOVE US FORWARD INTO DISCUSSING SOME OF THE FACTS OF THE LANGUAGE, SINCE A NUMBER OF YOU HAVE EXPRESSED THAT YOU WANT TO THOUGHTFULLY LISTEN TO THE DEBATE AND UNDERSTAND EXACTLY WHAT WE'RE TALKING ABOUT. I'VE HANDED OUT A

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HANDOUT, AMENDED LANGUAGE OF LR378CA. WE HAVE THE GREEN COPY. THERE IS A COMMITTEE AMENDMENT WHICH ATTEMPTED TO MAKE SURE WE ADDRESSED SOME CONCERNS ABOUT LOCAL MANAGEMENT OF ZONING AND OTHERS. AND THERE'S AN ADDITIONAL AMENDMENT TO THAT COMMITTEE AMENDMENT WHICH I HAVE FILED WHICH CLARIFIES SOME OF THOSE ISSUES WITH REGARD TO POLITICAL SUBDIVISIONS, ENSURING THAT WE ALLOW OUR NRDS, OUR CITIES, OUR COUNTIES, OUR FIRE DISTRICTS THE ABILITY TO MANAGE THEIR GOVERNMENTS LOCALLY. THE KEY TO UNDERSTANDING THE AMENDED LANGUAGE, THE GREEN COPY LANGUAGE IS ASSOCIATED, THE BOLDED IS INCLUDED IN THE COMMITTEE AMENDMENT. THAT WHICH IS HIGHLIGHTED IS THE LANGUAGE CHANGE IN MY AMENDMENT TO THE COMMITTEE AMENDMENT. AND I WANT TO BE CLEAR THAT AS WE DISCUSS WHAT LR378CA DOES AND DOES NOT DO, IT DOES RESTRICT THE LEGISLATURE FROM MAKING A LAW WHICH WOULD ABRIDGE THE RIGHT TO FARMING AND RANCHING PRACTICES WITHOUT A COMPELLING STATE INTEREST. AND THAT IS A VERY HIGH TEST. CERTAINLY THE LEGISLATURE STILL CAN PASS A LAW. IT DOES NEED TO MEET THAT LEGAL STANDARD. THAT SAID, RECOGNIZE THAT IN ORDER FOR THAT LAW TO BE STRUCK DOWN REQUIRES A LITIGANT. SO CERTAINLY GIVING US PAUSE AS A BODY AND FORCING US AS A BODY TO DEBATE WHETHER OR NOT THE LAWS THAT WE PASS REGARDING THE RESTRICTION OF AGRICULTURAL PRACTICES MEET THE COMPELLING STATE INTERESTS, MEANING THAT THEY NOT ONLY ARE COMPELLING IN THEIR REQUIREMENT BUT ALSO THE LEAST RESTRICTIVE MEANS POSSIBLE, IS CERTAINLY A LAUDABLE GOAL. TO SIMPLY SAY IT TIES OUR HANDS COMPLETELY IS NOT TRUE. IT DOES, HOWEVER, MAKE US BE RESPONSIBLE AND REFLECTIVE ABOUT THE LAWS THAT THE LEGISLATURE SHOULD PASS. I WOULD ALSO LIKE TO POINT YOU TO SOME LANGUAGE REGARDING MANAGEMENT OF NEBRASKA'S WATER AND ENVIRONMENTAL PROGRAMS, INCLUDING THAT THE SECTION WILL NOT BE CONSTRUED TO MODIFY ANY PROVISION OF LAW RELATING TO TRESPASS, EMINENT DOMAIN, DOMINANCE OF MINERAL INTERESTS, EASEMENTS, RIGHT OF WAY, APPLYING ANY WATERS OF THE STATE TO BENEFICIAL USE, WATER DIVERSION OR APPROPRIATION, OR ANY OTHER PROPERTY RIGHTS; THAT NOTHING IN THIS SECTION SHALL BE CONSTRUED TO MODIFY OR AFFECT ANY STATUTE ENACTED BY THE LEGISLATURE, OR ANY STATUTE ENACTED BY THE LEGISLATURE TO IMPLEMENT OR MAINTAIN FEDERALLY DELEGATED ENVIRONMENTAL PROTECTION PROGRAMS. IT IS IMPORTANT THAT WE UNDERSTAND AND RECOGNIZE THAT THERE IS NO INTENTION TO HAMSTRING OUR ABILITY TO MANAGE WATER OR THE ENVIRONMENT, TO ENSURE THAT AGRICULTURE AND EVERY INDUSTRY IN NEBRASKA MAINTAINS ITS RESPONSIBILITY TO OUR COMMON GOOD, THAT

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BEING OUR NATURAL RESOURCES AND OUR ENVIRONMENT. THIS IS LANGUAGE WHICH HAS BEEN DERIVED FROM CONSULTATION WITH STAFF ATTORNEYS IN THE DEPARTMENT OF NATURAL RESOURCES AND THE DEPARTMENT OF ENVIRONMENTAL EQUALITY. I WOULD ALSO LIKE TO RECOGNIZE THAT THERE HAVE BEEN ADDITIONAL LEGAL EXPERTS WITH EXPERTISE IN WATER AND WATER MANAGEMENT WHICH HAVE PROPOSED AND INTRODUCED SOME SLIGHTLY MODIFIED AND ALTERNATIVE LANGUAGE, WHICH I AM VERY OPEN TO. AND IN THE EVENT THAT LR378CA CONTINUES TO MOVE FORWARD IN THIS PROCESS WITH AMENDMENTS, I AM VERY HAPPY TO SIT DOWN WITH ALL OF THE LEGAL INTERESTS IN WATER TO MAKE SURE THAT ALL OF THE LANGUAGE DOES WHAT WE NEED IT TO DO AND DOES NOT IMPEDE THE RIGHT AND ABILITY OF NEBRASKA TO MANAGE ITS GROUNDWATER, ITS SURFACE WATER, OR ITS WATER QUALITY. SO WITH THAT, WE HAVE AN OPPORTUNITY... [LR378CA]

SENATOR GARRETT PRESIDING

SENATOR GARRETT: ONE MINUTE. [LR378CA]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT...TO BEGIN ADDRESSING SOME OF THE OTHER ISSUES THAT HAVE BEEN BROUGHT UP WITH REGARD TO LR378CA. THERE'S AN ADDITIONAL HANDOUT WHICH IS IN FRONT OF YOU WHICH LOOKS AT STATUTORY DEFINITIONS OF LIVESTOCK, WHICH IS ONE THAT ADDRESSES THE ISSUE WITH REGARDS TO PUPPY MILLS. CERTAINLY I HAVE A STRONG PERSONAL BELIEF AND A STRONG PROFESSIONAL COMMITMENT TO RESTRICTING AND ELIMINATING INAPPROPRIATE COMMERCIAL BREEDING OF PETS, OFTEN REFERRED TO AS PUPPY MILLS. I INTRODUCED BEFORE THIS BODY LAST YEAR LB389, WHICH WAS INCORPORATED INTO THE AGRICULTURE COMMITTEE PRIORITY BILL, WHICH FURTHER INCREASED THE ABILITY OF THE STATE TO HAVE THE RESOURCES IT NEEDS TO INSPECT AND TO RESTRICT PUPPY MILL ACTIVITY. THAT SAID, NEBRASKA IN ITS STATUTES DEFINES LIVESTOCK IN 14 DIFFERENT PLACES, AND YOU HAVE THOSE STATUTORY REFERENCES IN FRONT OF YOU, NONE OF WHICH INCLUDE DOGS, CATS, OR OTHER... [LR378CA LB389]

SENATOR GARRETT: TIME, SENATOR. [LR378CA]

SENATOR KUEHN: ...COMPANION ANIMALS. THANK YOU, MR. PRESIDENT. [LR378CA]

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SENATOR GARRETT: SENATOR HUGHES, YOU'RE RECOGNIZED. [LR378CA]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. GOOD AFTERNOON, COLLEAGUES. I WANT TO THANK SENATOR KUEHN FOR BRINGING THIS LEGISLATION. IT PROVIDES US AN OPPORTUNITY IN AGRICULTURE TO EDUCATE THE MEMBERS OF THE BODY HERE AND THE REST OF NEBRASKA AND WHOEVER ELSE MAY BE WATCHING ABOUT WHY AGRICULTURE IS UNDER ASSAULT, NOT ONLY IN NEBRASKA OR THE U.S. BUT AROUND THE WORLD, AND THAT IT'S IMPORTANT WHY WE PASS THIS TYPE OF LEGISLATION. I WISH THIS HAD BEEN NAMED A PERSONAL PROPERTY RIGHTS BILL. I THINK IT WOULD BE MORE APPROPRIATE, BECAUSE ANYONE WHO NOT ONLY HAS A FARM OR A RANCH BUT LIVES ON AN ACREAGE, THERE ARE FORCES OUT THERE THAT ARE WILLING TO TAKE OUR PERSONAL PROPERTY RIGHTS AWAY FROM US, TO SAY HOW WE CAN USE OUR LAND, WHAT WE CAN RAISE ON OUR LAND, WHAT SIZE OF PENS WE CAN HAVE OUR LIVESTOCK IN. THERE ARE VERY SERIOUS, WELL-FUNDED PEOPLE OUT THERE WHO WANT TO TAKE AWAY OUR RIGHTS. BUT I WANT TO TALK A LITTLE BIT MORE ABOUT A LARGER NATIONAL, INTERNATIONAL VIEW, BECAUSE THAT'S KIND OF MY BACKGROUND. BUT THIS IS ALSO ABOUT A MATTER OF CHOICE OF WHAT KIND OF FOOD YOU WANT TO BUY. AND AS A FARMER IN A FREE MARKET SYSTEM, I WHOLLY SUPPORT YOUR MATTER...OR YOUR RIGHT TO CHOOSE WHETHER YOU HAVE GMO, ORGANIC, FREE-RANGE, THOSE TYPE OF THINGS. AS MANY OF YOU KNOW, I'M A FAMILY FARMER. I FARM WITH MY WIFE, MY DAUGHTER, MY SON AND MY DAUGHTER-IN-LAW. WE HAVE NO LIVESTOCK, BASICALLY GRAIN PRODUCTION. PREVIOUSLY TO COMING TO THE LEGISLATURE, I HAD THE OPPORTUNITY TO BE IN THE WHEAT INDUSTRY AT THE STATE, NATIONAL, AND INTERNATIONAL LEVELS. SO I WANT TO TALK A LITTLE BIT ABOUT GMO, GENETICALLY MODIFIED ORGANISM. WE'VE ALL SEEN THE COMMERCIALS ABOUT "FRANKEN FOODS," THE SCARE TACTICS THAT THE ANTI-GMO CROWD TRIES TO DO, CREATES FOR THE PUBLIC, AND A LITTLE BIT ABOUT WHY THE ORGANIC MOVEMENT IS CATCHING FIRE. IN MY INTERNATIONAL EXPERIENCE, I HAD THE OPPORTUNITY TO VISIT MANY COUNTRIES AROUND THE WORLD, AND IT'S PRETTY AMAZING THAT THE ATTITUDE TOWARD GMO DEPENDS A LOT ON YOUR DISPOSABLE INCOME. IF IT'S A COUNTRY THAT HAS FAIRLY HIGH DISPOSABLE INCOME, THAT HAS THE ABILITY TO CHOOSE MORE, THEY ARE MORE SELECTIVE ABOUT GMO, NOT ALWAYS. BUT IF IT'S A POORER COUNTRY, THEY'RE MORE CONCERNED ABOUT JUST EATING AND SURVIVING, AND THEY'RE HAPPY TO BUY ANY TYPE OF GRAIN THAT WE'RE WILLING TO SEND THEM, WHETHER IT'S GMO OR NOT. BUT THERE ARE SERIOUS FORCES THROUGHOUT THE WORLD WHO ARE WILLING TO TAKE GMO OFF THE TABLE, WHICH IS A TREMENDOUS PRODUCTION ADVANTAGE TO

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FEED THE PEOPLE OF THE WORLD. AND ME AS A FARMER, THE WORST THING THAT COULD HAPPEN IS STARVING PEOPLE. I'M NOT DOING MY JOB. I WANT TO TALK JUST A LITTLE BIT ABOUT GMO... [LR378CA]

SENATOR GARRETT: ONE MINUTE. [LR378CA]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT...GMO CHEERIOS. YOU HAVE NORMAL CHEERIOS, AND I'LL PULL SOME NUMBERS OUT OF THE AIR, \$3 A BOX. YOU HAVE ORGANIC CHEERIOS WHICH ARE \$10 A BOX. GENERAL MILLS SAW AN OPPORTUNITY FOR MARKETING AND THEY MARKETED NON-GMO CHEERIOS. OATS IS NOT A GMO CROP. THE ONLY THING IN THAT BOX OF CHEERIOS, THE \$3 BOX, WAS A LITTLE TINY BIT OF SUGAR. SUGAR BEETS ARE A GMO CROP. SUGAR CANE IS NOT. THEY CHANGED FROM SUGAR BEET SUGAR TO SUGAR CANE SUGAR, 7 BUCKS A BOX. MAYBE .2 CENTS WORTH OF SUGAR DOUBLED OR TRIPLED THEIR PROFIT PER BOX BY PUTTING NON-GMO ON THE LABEL. [LR378CA]

SENATOR GARRETT: TIME, SENATOR. [LR378CA]

SENATOR HUGHES: THANK YOU. [LR378CA]

SENATOR GARRETT: SENATOR HANSEN, YOU'RE RECOGNIZED. [LR378CA]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE TODAY WITH SOME CONCERNS OVER LR378CA AND WILL BE CONTINUING TO LISTEN TO THE DEBATE AND DISCUSSION. ONE THING, AND I'VE SAVED IT FOR THIS BILL, ALTHOUGH IT'S BEEN ON MY MIND FOR I GUESS A DAY NOW, IS I BELIEVE, COLLEAGUES, WE GOT A HANDOUT FROM SENATOR KUEHN FROM AN OPTIMIST PARTNER POLLING FIRM, I THINK IN THEORY TO SHOW US THAT NEBRASKANS OVERALL HOW THEY WOULD VOTE ON A RIGHT TO FARM AMENDMENT. THE THING THAT JUMPED OUT TO ME, IT'S ON THE TOP OF THE BACK OF THE PAGE, OF WHAT ISSUE IS MOST IMPORTANT TO YOU. AND OF THAT, THE NUMBER ONE IS THE ECONOMY AND JOBS. AND THE NUMBER TWO IS HEALTHCARE, HEALTH. SO JUST TO REPHRASE, HEALTHCARE, ACCORDING TO THIS SURVEY, IS THE SECOND MOST IMPORTANT THING TO OUR CONSTITUENTS. IT BEATS OUT TAXES, BEATS OUT GOVERNMENT OVERSPENDING, BEATS OUT PUBLIC SAFETY. PEOPLE ARE WORRIED ABOUT HEALTHCARE. WE'RE GOING TO HAVE SOME OPPORTUNITIES THIS YEAR TO DEBATE THAT AND HOW WE COULD BEST SERVE OUR CONSTITUENTS. SO IF WE'RE TAKING SURVEYS LIKE THIS FOR VALID AS TO HOW

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PEOPLE FEEL ABOUT RIGHT TO FARM, LET'S MAKE SURE WE PAY ATTENTION WHEN WE GET TO ISSUES RELATING TO HEALTHCARE. WITH THAT, SINCE I'M INTERESTED IN HEARING MORE ABOUT THE DEBATE, I'D YIELD THE BALANCE OF MY TIME TO SENATOR BURKE HARR. [LR378CA]

SENATOR GARRETT: SENATOR HARR, YOU'VE BEEN RECOGNIZED. YOU HAVE 3:35. [LR378CA]

SENATOR HARR: THANK YOU, SENATOR HANSEN. THANK YOU, MR. PRESIDENT. YOU KNOW, I FIND IT IRONIC. THIS MORNING WE WERE TALKING ABOUT CIVIL LIBERTY RIGHTS, LGBTQ RIGHTS. AND THE PARTIES AGAINST PROVIDING MORE RIGHTS SAID THIS IS NOT A RIGHT, WE SHOULD NOT HAVE THIS. AND IT WAS, THIS WILL LEAD TO COSTLY LITIGATION. SENATOR BRASCH STATED, YOU KNOW WHAT, GO OUT AND EARN IT, GO EARN THE RIGHT; NOTHING WAS GIVEN TO ME, WE HAD TO GO OUT AND EARN IT, WE HAD TO GO OUT AND PROVE OURSELVES EVERY DAY. WELL, THE BODY SPOKE, AND THEY WERE...BODY SAID, YEAH, GO OUT AND EARN YOUR RIGHTS. AND NOW WE SIT HERE AT THE TWILIGHT, 4:50 OF THE DAY, WITH A STORM ROLLING IN, AND WE GET, WE NEED THIS PROTECTION, WE NEED TO BE PROTECTED, NEVER MIND THAT IT WOULD BE ABSOLUTELY LUDICROUS FOR THE STATE TO ATTACK ITS MOST IMPORTANT INDUSTRY. I CAN'T FATHOM US DOING THAT. I CAN'T. BUT LET'S SET THAT ASIDE FOR A SECOND, AND LET'S SAY THESE INDIVIDUALS WHO HAVE NOT BEEN DISCRIMINATED AGAINST, BUT MAY BY AN OUTSIDE INTEREST GROUP THAT WOULD HAVE TO GET PAST US FIRST, WELL, WE GOT TO FEAR THAT DEVIL. WE GOT TO CREATE THIS NEW RIGHT, THIS EXTRAORDINARY RIGHT IN OUR STATE CONSTITUTION, WITHOUT KNOWING WHAT IT EVEN MEANS. I HAVE ABSOLUTELY NO IDEA WHAT AGRICULTURAL TECHNOLOGY IS. I HAVE NEVER REALLY HEARD THAT TERM OF ART USED BEFORE THIS BILL, THIS LEGISLATIVE RESOLUTION. THERE'S NO COMMONLY ACCEPTED. I WOULD THINK AGRICULTURAL TECHNOLOGY, AGAIN FROM THE '40s TO THE '80s TO TODAY, HAVE CHANGED. AND YOU KNOW, WHEN WE DO PASS CONSTITUTIONAL AMENDMENTS, LIKE WE DID A NUMBER OF YEARS AGO FOR TIF, YOU THEN ENACT ENABLING LEGISLATION THAT DEFINES WHAT THOSE TERMS ARE. FOR INSTANCE TIF, WE DEFINED WHAT BLIGHTED AND SUBSTANDARD IS. [LR378CA]

SENATOR GARRETT: ONE MINUTE. [LR378CA]

SENATOR HARR: THANK YOU. AND WE CAN TURN THAT DEFINITION ON ITS HEAD AND SAY BLIGHTED AND SUBSTANDARD IS WHATEVER THE HECK WE WANT IT

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TO BE. WELL, WE CAN'T DO THAT HERE. WE CAN'T CREATE ENABLING LEGISLATION TO DEFINE WHAT THESE TERMS ARE, SO IT WOULD BE NONENFORCEABLE BECAUSE IF WE DEFINE WHAT IT IS, WE'RE SAYING WHAT IT'S NOT. AND WHEN WE SAY WHAT IT'S NOT, WE'RE LIMITING IT, AND WE'RE ABRIDGING IT, AND THE LANGUAGE IS CLEAR THE LEGISLATURE SHALL PASS NO LAW WHICH ABRIDGES, MEANING LIMITS, THE RIGHTS OF CITIZENS AND THE LAWFUL RESIDENTS OF NEBRASKA TO EMPLOY AGRICULTURAL TECHNOLOGY. WELL, WE CAN'T DEFINE IT. AND IF YOU CAN'T DEFINE IT, YOU CAN'T DEFEND IT. THIS WILL LEAD TO A NUMBER OF LAWSUITS AT A REAL COST, FAR SURPASSING ANY OTHER THAT WE ARE FACING AT THIS MOMENT TODAY. THANK YOU, MR. PRESIDENT. [LR378CA]

SENATOR GARRETT: THANK YOU, SENATOR HARR. (VISITORS INTRODUCED.)
SENATOR JOHNSON, YOU ARE RECOGNIZED. [LR378CA]

SENATOR JOHNSON: THANK YOU, MR. PRESIDENT. WELL, AS THE BODY KNOWS AND HOPEFULLY THE REST OF THE WORLD, THE AG WORLD AT LEAST KNOWS, I'M CHAIRMAN OF THE AG COMMITTEE. AND I WOULD PROBABLY HAVE NOT STARTED OFF WITH A BILL TO INDEFINITELY POSTPONE. THERE'S A LOT OF WAYS TO DISPOSE OF A BILL AT THIS POINT IN THE SESSION. IF IT COMES TO A VOTE, I WILL SUPPORT IT. BUT I WANT TO GO BACK TO THE POSITION I HAD AS SOON AS I LOOKED AT THIS BILL OR THIS AMENDMENT AND SAW, EVEN THOUGH I'M NOT A LEGAL MIND, SAW A LOT OF ISSUES AND A LOT OF QUESTIONS. AND MY VOTE BOTH TIMES IN EXEC SESSION WAS I DID NOT VOTE. I TRIED TO EXPLAIN IN THE COMMITTEE SESSIONS THAT I FELT IT SHOULD BE HELD IN COMMITTEE AND GO TO A STUDY. WHEN WE'RE TALKING ABOUT CONSTITUTION, WE GOT TO MAKE SURE IT'S RIGHT, IT'S CORRECT. WE GOT TO GET THOSE CHALLENGES OUT OF THERE. THE GOVERNOR HAS SPOKEN A LITTLE BIT, AFTER OUR FIRST SESSION, EVIDENTLY. I DIDN'T KNOW WHERE THAT CAME FROM, BUT ALL OF A SUDDEN THERE WAS SOME NEW INFORMATION OUT THERE, AND WE DID HAVE THE SECOND SESSION, EXECUTIVE SESSION, AND THE VOTES DID CHANGE. A COUPLE DAYS AFTER THAT, I HAD A LEGAL COUNSEL COME IN THAT DEALT WITH THE AMENDMENT THAT SEEMED TO FLIP THE VOTE FROM A TWO POSITIVE TO A FIVE POSITIVE, AND SAID, BOY, THE WATER INDUSTRY HAS ISSUES WITH THIS. THAT WAS A BILL...THAT WAS THE AMENDMENT THAT SEEMED TO MOVE IT OVER, AND WE'RE TRYING TO ADDRESS THAT AMENDMENT. SENATOR KUEHN HAS ONE, I HAVE ONE. THE NEXT DAY, ATTORNEY GENERAL'S OFFICE CAME IN. THEY DIDN'T KNOW THAT THIS WAS GOING...THEY DIDN'T FEEL IT WAS GOING TO MOVE, AND SO THEY ARE NOW...THEY STARTED LOOKING AT IT. THEY ALREADY HAD A LIST OF SEVERAL THINGS THAT NEEDED TO BE ADDRESSED. SOME OF THE STATE

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ORGANIZATIONS CAME TO ME AFTER THAT. I'M GOING TO GO BACK TO THE LIST OF AGRICULTURE SUPPORTERS, THE RIGHT TO FARM. I DON'T WANT TO THROW ANYBODY UNDER THE BUS, BUT WHO WOULDN'T, IF YOU WERE ASKED THE QUESTION, SHOULD WE HAVE A RIGHT TO FARM, WHO IN AGRICULTURE OR WHO IN NEBRASKA WOULD NOT SAY, SURE, WE NEED A RIGHT TO FARM? WHAT I HEARD FROM TESTIMONY FROM MOST OF THESE AGENCIES, MOST OF THESE SUPPORT GROUPS, WAS WE SUPPORT THE CONCEPT OF RIGHT TO FARM. BUT EVEN IN THAT HEARING I DIDN'T SAY OR DIDN'T HEAR TOO MANY WITH STRONG SUPPORT FOR THE AMENDMENT. SINCE THEN, MOST OF THEM HAVE CONTACTED ME OR COME INTO MY OFFICE AND SAID, WELL, WE STILL SUPPORT THE CONCEPT BUT WE HAVE A LOT OF QUESTIONS, AS THEY'VE LOOKED INTO THIS A LITTLE BIT DEEPER. COUPLE OF ORGANIZATIONS THAT HAVE BEEN IN THAT SENATOR CHAMBERS DID NOT MENTION HAS BEEN VERY STRONG ON THIS, AND THAT'S THE FARMERS UNION. THE STATE GRANGE SENT ME AN E-MAIL, THE PRESIDENT OF...A BOARD MEMBER FROM THAT. AND I RECEIVED A LETTER TODAY, I BELIEVE IT WAS TODAY OR YESTERDAY, WIFE--WOMEN INVOLVED IN FARM ECONOMICS. [LR378CA]

SENATOR COASH PRESIDING

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR JOHNSON: THEY ALSO DO NOT SUPPORT THIS. I'M NOT SAYING IT SHOULD NOT BE IN THE CONSTITUTION AT SOME POINT IN TIME, BUT IT NEEDS TO BE STUDIED. IT NEEDS TO BE REVIEWED CAREFULLY. I WOULD PREFER THAT WE RECOMMIT IT TO COMMITTEE. I HAVE A RESOLUTION, LR498 IF YOU WANT TO LOOK IT UP ON YOUR GADGET, THAT OUTLINES THE STUDY THAT THE AG COMMITTEE, ALONG WITH LEGAL COUNSEL AND SENATOR KUEHN, WOULD BE INCLUDED IN THAT TO LOOK AT THIS YEAR, SO WE CAN COME BACK NEXT YEAR WITH A SOLID BILL. AND I STILL BELIEVE WE CAN STILL BEAT HSUS. WE'VE DONE A GOOD JOB SO FAR. WE NEED TO MAKE SURE OUR DUCKS ARE IN ORDER. BEFORE WE PUT IT INTO THE CONSTITUTION, LET'S MAKE SURE IT IS CORRECT. THANK YOU, MR. SPEAKER. [LR378CA LR498]

SENATOR COASH: THANK YOU, SENATOR JOHNSON. SENATOR MORFELD, YOU'RE RECOGNIZED. [LR378CA]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. I RISE ALSO WITH CONCERNS FROM A PRACTICAL PERSPECTIVE AND THEN ALSO A LEGAL PERSPECTIVE.

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FIRST OFF, EVERYBODY ALREADY HAS THE RIGHT TO FARM AND I ADAMANTLY SUPPORT PEOPLE'S RIGHT TO FARM. I SUPPORT THE AG INDUSTRY HERE IN THE STATE. IN FACT, IT'D BE PRETTY INSANE NOT TO SUPPORT THE AG INDUSTRY IN THE STATE OF NEBRASKA. BUT WE NEED TO BE CAREFUL ABOUT WHAT WE'RE PROPOSING TO PUT IN OUR CONSTITUTION, AND IT NEEDS TO BE THOUGHTFUL. I THINK SENATOR JOHNSON'S POINTS ARE WELL MADE AND WELL THOUGHT OUT. I THINK THAT THERE SHOULD, AT THE VERY LEAST, BE AN INTERIM STUDY ON THIS. I'M NOT QUITE SURE I'D STILL SUPPORT IT EVEN AFTER THE INTERIM STUDY BECAUSE I THINK IT'S BAD POLICY TO PROTECT CERTAIN INDUSTRIES IN THE CONSTITUTION AND NOT PROTECT OTHERS. AND IN TERMS OF AG BEING UNDER ATTACK, I HAVE NO DOUBT THAT THERE ARE CERTAIN THREATS TO THE WAY THAT PEOPLE FARM AND THAT THERE ARE ORGANIZATIONS OUT THERE TRYING TO DO THAT. THAT BEING SAID, IN SENATOR KINTNER'S WORDS, AS A LIBERAL SENATOR FROM NORTHEAST LINCOLN, I HAVE NEVER HEARD FROM HSUS AT ALL. SO IF THEY'RE TRYING TO ATTACK AG IN THE LEGISLATURE, THEY'RE DOING A PRETTY BAD JOB OF IT. AND SO I DON'T THINK THAT THERE'S NECESSARILY THE THREAT AND THE NEED THAT RISES TO THIS LEVEL TO PROTECT A PARTICULAR INDUSTRY IN THE STATE OF NEBRASKA. AND THEN HOW DO WE START DISCERNING WHICH INDUSTRIES WE PROTECT IN THE CONSTITUTION AND WHICH ONES WE DON'T? THERE ARE INDUSTRIES IN MY DISTRICT THAT EMPLOY A LOT OF PEOPLE THAT I WOULD LIKE TO THEN SEE PROTECTED IF WE'RE GOING TO BE PROTECTING ONE INDUSTRY THAT IS NOT AS PREVALENT IN MY DISTRICT BUT OBVIOUSLY VERY IMPORTANT TO MY DISTRICT BECAUSE IT'S VERY IMPORTANT TO THE STATE. AND THE AG INDUSTRY IS AN INDUSTRY THAT I DO SUPPORT. FURTHER, FROM THE LEGAL PERSPECTIVE, PUTTING SOMETHING IN THE CONSTITUTION AND PARTICULARLY A RIGHT IN THE CONSTITUTION IS PROBLEMATIC IN THE SENSE THAT TO DO ANYTHING TO CHANGE THAT REQUIRES A COMPELLING STATE INTEREST. AND I GUESS I JUST HAVE NOT SEEN AND NOBODY HAS BEEN ABLE TO POINT TO ANY LAWS THAT HAVE PASSED IN THIS BODY THAT SERIOUSLY THREATEN PEOPLE'S RIGHT TO FARM. AND QUITE FRANKLY, AS FAR AS I CAN TELL, ABOUT AT LEAST HALF OF THE SENATORS, AND I KNOW MORE REPRESENT SOME URBAN AND RURAL AREAS, BUT AT LEAST HALF THE SENATORS IN HERE ARE RURAL SENATORS OF SOME SORT. AND SO I CAN'T EVEN IMAGINE WHAT WOULD HAPPEN IF THERE WAS A MEASURE THAT WOULD THREATEN THE RIGHT TO FARM IN HERE. I CAN'T SEE IT EVEN GETTING PAST...WELL, OUT OF COMMITTEE OR AT LEAST PAST THE FIRST ROUND OF DEBATE. PUTTING SOMETHING IN OUR CONSTITUTION THAT MAKES IT A FUNDAMENTAL RIGHT IS A SERIOUS, SERIOUS ISSUE, AND IT REQUIRES A LOT OF THOUGHT AND I THINK IT ALSO REQUIRES AN IDENTIFIABLE PROBLEM. NOW I HAVE NO DOUBT THAT THERE ARE SOME

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GROUPS THAT ARE TRYING TO GO AFTER THE WAY THAT CURRENT FARMING PRACTICES ARE DONE. AND THAT MAY HAVE MERIT OR VERY WELL MAY NOT HAVE MERIT. BUT NOTHING TO THIS POINT HAS RISEN TO THE LEVEL OF NEEDING TO PROTECT A CERTAIN INDUSTRY IN OUR CONSTITUTION. SO FROM A PRACTICAL POINT OF VIEW, IT DOESN'T MAKE ANY SENSE. FROM A LEGAL POINT OF VIEW, IT'S INCREDIBLY PROBLEMATIC. IN TERMS OF REPRESENTATION OF AG INDUSTRIES HERE, I THINK THAT THERE ARE PLENTY OF.. [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT...THERE ARE PLENTY OF VERY STRONG ASSOCIATIONS THAT I THINK REPRESENT AG INTERESTS WELL. I WON'T LIST THEM ALL HERE, BUT WE ALL KNOW WHO THEY ARE AND THEY'RE FAIRLY ACTIVE. THEY HAVE A LOT OF STAFF, AS THEY SHOULD BECAUSE THEY REPRESENT IMPORTANT INTERESTS. AND THEY'RE ABLE TO RESPOND TO THREATS, AS FAR AS I CAN TELL, TO THE AG INDUSTRY. SO, COLLEAGUES, WHILE I SUPPORT THE RIGHT TO FARM, AND I KNOW VIRTUALLY EVERYONE IN HERE DOES AS WELL, THIS IS NOT THE APPROACH THAT WE SHOULD BE TAKING TO RESPOND TO ANY ACTUAL THREATS OR PERCEIVED THREATS. THANK YOU, MR. PRESIDENT. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR MORFELD. SENATOR McCOY, YOU'RE RECOGNIZED. [LR378CA]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. I STAND IN VERY STRONG SUPPORT AS A COSPONSOR OF LR378CA. I WANT TO THANK SENATOR KUEHN PUBLICLY FOR ALL OF HIS HARD WORK ON THIS EFFORT. I STAND HERE IN MY EIGHTH AND FINAL YEAR HERE IN THE LEGISLATURE THANKFUL THAT WE HAVE THE OPPORTUNITY TO DISCUSS THIS ISSUE. IT'S BEEN TALKED ABOUT OVER THE COURSE OF A NUMBER OF YEARS. I'M VERY PROUD OF THE YES VOTE THAT I WAS ABLE TO CAST FOR THE CONSTITUTIONAL AMENDMENT IN 2012 TO PLACE HUNTING AND FISHING AS A PROTECTED RIGHT IN OUR STATE'S CONSTITUTION. LIKE MANY OF US IN THIS ROOM, I COME FROM AGRICULTURE, BOTH FARMING AND RANCHING. MY FAMILY FOR OVER TEN GENERATIONS ON BOTH SIDES HAVE BEEN INVOLVED IN PRODUCTION AGRICULTURE HERE IN THE UNITED STATES, AND BEFORE THAT IN IRELAND AND SCOTLAND. IT'S PART OF WHO I AM, IT'S PART OF WHO WE ARE AS A STATE. THAT REALLY GOES WITHOUT SAYING. BUT UNFORTUNATELY, A LOT OF FOLKS SOMETIMES FORGET THAT AT LEAST ONE IN FOUR JOBS IN OUR STATE IS RELATED TO AGRICULTURE IN MANY

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WAYS. I'M ONE OF THOSE SENATORS HERE IN THIS BODY THAT REPRESENTS BOTH AN AREA OF VERY PRODUCTIVE AGRICULTURE ALONG THE ELKHORN RIVER IN WESTERN DOUGLAS COUNTY, ALONG WITH THE SUBURBAN SPRAWL THAT IS WEST OMAHA. BECAUSE I GREW UP IN AGRICULTURE AND WAS VERY INVOLVED IN IT, AND MY FAMILY STILL IS, THERE HAVE BEEN MANY TIMES OVER THE YEARS HERE IN THE LEGISLATURE THAT I'VE HAD THE PLEASURE OF BEING ABLE TO STAND AND SUPPORT AG-RELATED BILLS ON THIS FLOOR, MEASURES ON THIS FLOOR, AND HELP TRY TO THE BEST OF MY ABILITY, SOMETIMES SUCCESSFULLY, SOMETIMES NOT, TO PERSUADE SOME OF OUR URBAN COLLEAGUES WHO MAY NOT HAVE A DIRECT INVOLVEMENT WITH THEIR LEGISLATIVE DISTRICTS WITH AGRICULTURE, THAT THESE MEASURE WERE WELL-MEANING AND USEFUL FOR OUR STATE. I HAVE A LOT OF FUN IN A COUPLE OF DIFFERENT CAPACITIES TODAY. ONE OF THEM IS WHAT I DO WITH THE COUNCIL OF STATE GOVERNMENTS. IN THAT ROLE THAT I CURRENTLY FIND MYSELF IN, I'VE HAD THE OPPORTUNITY TO MAKE A LOT OF FRIENDS ACROSS THE COUNTRY. ONE OF THEM IS WITH A GENTLEMAN THAT SOME OF YOU HAVE MET WHEN THEIR MEETING IN BISMARCK, NORTH DAKOTA, IN 2015, FOLLOWED OUR 2014 CSG MIDWEST MEETING IN OMAHA THAT I HAD THE OPPORTUNITY TO CHAIR THAT MANY OF YOU PLAYED A LARGE PART IN HELPING WITH. SENATOR TIM FLAKOLL FROM FARGO WAS THE CHAIRMAN OF THE SENATE AGRICULTURE COMMITTEE IN THE NORTH DAKOTA LEGISLATURE FOR OVER TEN YEARS. SENATOR FLAKOLL, TIM, AS I CALL HIM, IS A CLOSE PERSONAL FRIEND OF MINE. SENATOR FLAKOLL PLAYED A VERY INSTRUMENTAL ROLE IN HELPING GET THE RIGHT TO FARM PASSED IN NORTH DAKOTA. I'VE HAD MANY CONVERSATIONS WITH HIM ABOUT THIS ISSUE AND WHERE WE SIT HERE IN NEBRASKA AND IN THIS DEBATE. THERE HAVEN'T BEEN ANY ISSUES IN NORTH DAKOTA AFTER THEY PASSED THIS. AND THOSE IN THEIR STATE THAT ARE INVOLVED IN PRODUCTION AGRICULTURE OR WHO BENEFIT FROM JOBS RELATED TO AGRICULTURE ARE VERY APPRECIATIVE OF THE EFFORTS THAT HAVE BEEN UNDERTAKEN. I ALSO GET THE CHANCE TO TRAVEL QUITE A BIT ACROSS THE COUNTRY. ONE OF THE PLACES THAT I HAD A CHANCE TO VISIT, HAD NEVER BEEN THERE BEFORE, WAS THE CENTRAL VALLEY OF CALIFORNIA LAST FALL FOR A FEW DAYS FOR WORK,... [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR McCOY: ...PARTICULARLY THE SAN JOAQUIN VALLEY AROUND FRESNO. AND I HAD THE CHANCE TO VISIT WITH A FEW EGG PRODUCERS, WELL, SADLY, FORMER EGG PRODUCERS IN CALIFORNIA, AND ALSO DAIRY PRODUCERS. PROPOSITION 2 THAT WAS PASSED IN CALIFORNIA WITH JUST A LITTLE OVER 60

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PERCENT OF THE VOTE IN 2008 ABSOLUTELY HAS DEVASTATED AGRICULTURE IN THE STATE OF CALIFORNIA, ONE OF OUR RICHEST AREAS FOR AG IN THE ENTIRE UNITED STATES. WE DON'T WANT THAT HAPPENING IN NEBRASKA. IT'S BEEN SAID, WELL, IT NEVER WOULD. WELL, GUESS WHAT? IF THE STATE OF CALIFORNIA WOULD HAVE HAD RIGHT TO FARM AND RIGHT TO RANCH IN THEIR CONSTITUTION, IT NEVER WOULD HAVE HAPPENED TO THEM EITHER. BUT IT DID BECAUSE A LOT OF FOLKS THAT LIVED IN CITIES DIDN'T RESPECT THE DIFFERENCE AGRICULTURE MADE TO THEIR STATE. [LR378CA]

SENATOR COASH: TIME, SENATOR. THANK YOU, SENATOR McCOY. SENATOR BRASCH, YOU'RE RECOGNIZED. [LR378CA]

SENATOR BRASCH: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. WELL, TODAY I'VE HEARD OVER AND OVER AGRICULTURE IS JUST TOO IMPORTANT. IT'S OUR NUMBER ONE INDUSTRY. IT'S A NO-BRAINER; THAT, YOU KNOW, WHY DO WE HAVE TO PUT IT IN THE CONSTITUTION? YES, IT IS VERY, VERY IMPORTANT. BUT WHAT DID WE DO? WE TOOK THE NEBRASKA STATE FAIR, THE 324 ACRES THAT IT SAT ON AND WHERE ALL THE POPULATION IS, ALL OF POPULATION OF LINCOLN, ALL OF THE POPULATION OF OMAHA, AND WE TOOK IT. WE TOOK THAT 300 ACRES AND GAVE IT TO THE UNIVERSITY, MORE IMPORTANT I GUESS, AND WE TOOK THE STATE FAIR OUT TO GRAND ISLAND. WE MOVED IT NOT WHERE THE POPULATION IS MOVING BUT WHERE THE POPULATION IS MOVING AWAY FROM. THAT'S HOW IMPORTANT OUR RECOGNITION OF AGRICULTURE HAS BECOME. BUT HATS OFF, AND I DO SINCERELY SAY THAT GRAND ISLAND HAS DONE A SPECTACULAR JOB WITH THE FAIR, BUT THEY'VE PUT MILLIONS OF DOLLARS INTO IT. THEY TOOK THAT AND THEY PUT UP SHINY NEW BUILDINGS AND THE INFRASTRUCTURE THAT IT DESERVED HERE IN LINCOLN AND WAS NOT GETTING, BECAUSE AGRICULTURE WAS NOT IMPORTANT IN LINCOLN OR LANCASTER COUNTY OR TO DOUGLAS COUNTY. BUT GRAND ISLAND FOUGHT FOR THE STATE FAIR. YOU LOOK AT THE AG CLASSES BEING OFFERED IN OUR SCHOOLS TODAY. IT'S AN ELECTIVE. YOU MAY OR MAY NOT DECIDE TO LEARN ABOUT AGRICULTURE. YOU MIGHT NOT WANT TO KNOW WHERE YOUR FOOD COMES FROM, NOT IMPORTANT. YOU DON'T HAVE TO REALIZE ALL OF THE HOURS, ALL OF THE SACRIFICES, ALL OF THE RISKS THAT IT TAKES TO PUT FOOD ON YOUR TABLE. SO AGRICULTURE, THE RIGHT TO MAKE SURE THAT IN OUR STATE THAT IS WRITTEN THAT WE DO SUPPORT AGRICULTURE. I ALSO HAVE SEEN STATISTICS WHERE OUR FFA GROUPS, THEY'RE DIMINISHING, GETTING SMALLER. THE 4-H PROGRAMS FIGHT REALLY HARD TO STAY ALIVE AND WELL AND KEEP THRIVING. YOU KNOW, JUST TO SAY, WELL, WE DON'T TAKE IT FOR GRANTED, WELL, WE DON'T PUT IT IN OUR

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HIGHEST PRIORITY WHEN WE SAY THERE'S NO ROOM FOR IT, YOU KNOW, IN LINCOLN ANYMORE AND IT'S BETTER OFF IN GRAND ISLAND, OUT WHERE PEOPLE ARE APPARENTLY FARMING. THEY DON'T REALIZE THAT INDIVIDUALS FARM ALL OVER THIS STATE. SO LESS AND LESS WE'RE HEARING ABOUT AGRICULTURE. WITH TECHNOLOGY, FARMERS ARE BASICALLY BEING FORCED INTO TECHNOLOGY BECAUSE THERE ISN'T SOMEONE THAT WANTS TO COME IN AND FARM OFTEN. IT'S HARD TO FIND HELP, UNLESS YOU HAVE FAMILY MEMBERS WHO ARE WILLING TO FARM, BUT YOU KNOW THAT IS GETTING INCREASINGLY DIFFICULT. NO, I JUST COULDN'T HELP BUT LISTEN TO EVERYONE WHO IS SAYING ABSOLUTELY, AGRICULTURE IS IMPORTANT. BUT IT'S NOT AS IMPORTANT THAT WE HAVE THE STATE FAIR AND AG EDUCATION WHERE OUR MOST POPULATED AREAS ARE. AND I BELIEVE THAT WE NEED TO BE VERY CAREFUL OF MAKING SURE THAT... [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR BRASCH: ...WE DON'T FORGET. ON THE NORTH MAIN BUTTRESS OF THE CAPITOL, AND I LOVE THIS BUILDING AND ALL THE INSCRIPTIONS, BUT IT TALKS ABOUT...IT QUOTES: HONOUR TO PIONEERS WHO BROKE THE SODS THAT MEN TO COME MIGHT LIVE/ HONOUR TO CITIZENS WHO BUILD AN HOUSE OF STATE WHERE MEN LIVE WELL. I'M SURE THEY INCLUDED WOMEN IN THAT THOUGHT. BUT FARMING IS OUR HISTORY AND I THINK THIS IS SOMETHING THAT WE NEED TO PROTECT IN OUR PRESENT. THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR BRASCH. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LR378CA]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS THE LEGISLATURE, I'D LIKE TO ASK SENATOR KUEHN SOME QUESTIONS. [LR378CA]

SENATOR COASH: SENATOR KUEHN, WILL YOU YIELD? [LR378CA]

SENATOR KUEHN: YES, I WILL. [LR378CA]

SENATOR CHAMBERS: NOW, SENATOR KUEHN, YOU KNOW I WAS AT THAT AG COMMITTEE HEARING AND I WAS ASKING THOSE PEOPLE WHO CAME WHAT THEY WERE CONCERNED ABOUT, AND THEY DIDN'T LIKE WHAT WAS BEING SAID

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ABOUT AGRICULTURE, THE CRITICISMS. AND I KEPT POINTING OUT THAT THIS CANNOT STOP PEOPLE FROM SAYING WHAT THEY'RE SAYING. SO I'M GOING TO ASK YOU WHAT IN THIS CONSTITUTIONAL AMENDMENT TOUCHES THOSE GROUPS THAT YOU ALL DON'T LIKE THAT YOU SAY THIS WILL STOP FROM HARMING AGRICULTURE? SHOW ME WHERE IT APPLIES TO ANY GROUP. IT DOESN'T, DOES IT? [LR378CA]

SENATOR KUEHN: THE QUESTION IS NOT THAT IT IMPEDES THE SPEECH. IT IMPEDES THE ISSUE AND THE OVERT ABILITY OF THAT SPEECH TO INFLUENCE THE POLITICAL PROCESS. WE... [LR378CA]

SENATOR CHAMBERS: WELL, THEY HAVE A RIGHT TO INFLUENCE ANY WAY WITH SPEECH. HERE'S WHAT I'M ASKING YOU, AND I HOPE YOU WON'T BE EVASIVE. THIS BILL DIRECTS ITSELF ONLY TO THE LEGISLATURE. ISN'T THAT RIGHT? [LR378CA]

SENATOR KUEHN: THAT IS CORRECT. [LR378CA]

SENATOR CHAMBERS: AND IT DOES NOT HAVE ANY IMPACT ON WHAT ANY ORGANIZATION DOES. ISN'T THAT RIGHT? [LR378CA]

SENATOR KUEHN: NOT IN TERMS OF WHAT THEY SAY. [LR378CA]

SENATOR CHAMBERS: OR WHAT THEY DO. THERE'S NOTHING...THE ONLY ONE HINDERED BY THIS IS THE LEGISLATURE. IF A GROUP WANTS TO THROW FIRE BOMBS, THIS DOESN'T STOP IT. THE LAWS ON THE BOOKS RIGHT NOW STOP THAT. MEMBERS OF THE LEGISLATURE, I WANT TO ASK SENATOR KUEHN SOMETHING ELSE. WHAT IS A RANCHING PRACTICE? HOW DO WE COME UPON WHAT THESE DIFFERENT TERMS MEAN, BECAUSE THEY'RE NOT DEFINED IN THIS LANGUAGE? AND DON'T TELL ME THERE'S LITERATURE OVER HERE BECAUSE THE LITERATURE CAN BE CHANGED. THERE ARE DISPUTES ABOUT WHAT THE LITERATURE MEANS AND THAT'S NOT GOING TO FLY WITH THE CONSTITUTION. SO WHERE IS THE DEFINITIVE MEANING FOUND FOR THESE VAGUE TERMS THAT YOU PUT IN HERE? YOU WANT ME TO GIVE YOU ONE OF THEM? [LR378CA]

SENATOR KUEHN: CERTAINLY. [LR378CA]

SENATOR CHAMBERS: WHAT IS AGRICULTURAL TECHNOLOGY? [LR378CA]

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SENATOR KUEHN: AGRICULTURAL TECHNOLOGY IN A COMMON USAGE WOULD BE THE UTILIZATION OF TECHNOLOGY, WHATEVER IS CURRENT FOR THAT TECHNOLOGY AT THAT TIME THAT IS EMPLOYED IN AGRICULTURE, WHICH WOULD BE THE PRODUCTION OF FOOD, FIBER, OR FUEL. CHANGES OVER TIME. [LR378CA]

SENATOR CHAMBERS: SO IF A PRACTICE IN AGRICULTURE IS TO CUT THE TOP LIP OFF LIVING ANIMALS, THAT IS A PART OF AGRICULTURAL TECHNOLOGY, ISN'T IT? IF YOU HAVE A MACHINE THAT WILL DO THAT, THAT QUALIFIES, THAT DOESN'T IT? [LR378CA]

SENATOR KUEHN: YOU'RE GOING FOR AN EXTREME EXAMPLE. BUT IF THAT WERE, IN THEORY, IT CERTAINLY WOULD BE AGRICULTURAL TECHNOLOGY. [LR378CA]

SENATOR CHAMBERS: THANK YOU. YOU KNOW, THIS SHOWS HOW SILLY THIS IS. SENATOR KUEHN, HE WENT THROUGH THIS AT THE COMMITTEE. HE COULDN'T ANSWER ANY BETTER THEN THAN NOW BECAUSE HE DIDN'T GO THROUGH ANY HARD WORK LIKE SENATOR McCOY SAID. HE JUST COPIED THIS FROM SOME OTHER STATES. THIS DIDN'T TAKE ANY WORK. AND I DON'T BELIEVE HE'S THE ONE WHO'S PUSHING IT. HE DOESN'T KNOW WHAT THESE TERMS MEANS. AND IF HE SAYS, WELL, WHAT IS GENERALLY ACCEPTED? HOW DOES A COURT DETERMINE THAT? GENERALLY ACCEPTED IN KANSAS? IN FLORIDA? WHAT A FAMILY FARMER WILL DO? WHAT A CORPORATE FARM WILL DO? WHAT A FACTORY FARM WILL DO? NONE OF THOSE THINGS IS DEFINED OR INDICATED HERE. OR IS IT THE TECHNOLOGY THAT IS DEVELOPED OVER A PERIOD OF TIME SO IT'S OPEN-ENDED AND ANYTHING THAT COMES IN CAN DO SO? THAT'S NOT THE WAY CONSTITUTIONS ARE WRITTEN. THIS IS WHY SOME OF THESE GROUPS DON'T WANT TO COME OUT AND SAY THAT THE GOVERNOR IS OFF HIS ROCKER. THEY KNOW HE'S BEHIND THIS AND IT'S FOR SOMETHING OTHER THAN THIS BILL. THEY WANT PEOPLE AT THE POLLS FOR A DIFFERENT REASON. I'D LIKE TO ASK SENATOR SCHNOOR A QUESTION OR TWO IF HE WILL ANSWER. [LR378CA]

SENATOR COASH: SENATOR SCHNOOR, WILL YOU YIELD? [LR378CA]

SENATOR SCHNOOR: YES, SIR. [LR378CA]

SENATOR CHAMBERS: SENATOR SCHNOOR, YOU'VE SPENT A GOOD PORTION OF YOUR CONVERSATION TALKING... [LR378CA]

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SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR CHAMBERS: ...ABOUT WHAT THESE GROUPS ARE SAYING AND HOW THEY DON'T LIKE AGRICULTURE AND SO FORTH, DIDN'T YOU? [LR378CA]

SENATOR SCHNOOR: I DID. [LR378CA]

SENATOR CHAMBERS: SHOW ME ONE THING IN HERE THAT WILL STOP ANYTHING THAT ANY OF THOSE GROUPS IS DOING? NOTHING IN HERE IS DIRECTED TO THOSE GROUPS, IS IT? OKAY, I'LL GIVE YOU THE ANSWER. NO. AND A LOT OF THESE GROUPS, THROUGH THEIR ACTIVITIES, HAVE GOTTEN McDONALD'S AND OTHER BIG COMPANIES TO STOP ACCEPTING CERTAIN PRODUCTS FROM THE FARMS IF THEY'RE NOT PRODUCED IN THE RIGHT WAY. AND THIS CANNOT STOP THAT. YOU CANNOT STOP WHAT THESE GROUPS ARE DOING, WHAT THEY'RE SAYING. YOU JUST DON'T LIKE IT. YOU DON'T UNDERSTAND THE LAW, YOU DON'T UNDERSTAND THE CONSTITUTION. AND THIS WILL BE STRUCK DOWN. A COURT COULD NOT EVEN APPLY THIS. IF YOU WERE GOING TO TELL A COURT, WELL, YOUR HONOR, I'M A SENATOR AND LIVESTOCK MEANS THUS AND SO. WELL, HOW DO WE KNOW THAT? WELL, THIS BOOK SAYS THAT AND THIS ARTICLE. AND YOU SAY, WELL, THAT'S AN UPDATED ARTICLE; HAS IT BEEN CHANGED TO EMBRACE OTHER ANIMALS? [LR378CA]

SENATOR COASH: TIME, SENATORS. [LR378CA]

SENATOR CHAMBERS: AND YOU SAY YES. OH, DID YOU SAY TIME? [LR378CA]

SENATOR COASH: TIME, SENATOR. [LR378CA]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR CHAMBERS. SENATOR WILLIAMS, YOU'RE RECOGNIZED. [LR378CA]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AND GOOD EVENING, COLLEAGUES. FIRST OF ALL, I WOULD LIKE TO THANK SENATOR KUEHN FOR BEGINNING THIS DISCUSSION CONCERNING OUR STATE'S NUMBER ONE INDUSTRY. I, LIKE MANY IN HERE, GREW UP WORKING ON THE FAMILY FARM SO HAVE THOSE ROOTS AND FEEL AND UNDERSTAND WHY WE TALK ABOUT AT

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TIMES OF AGRICULTURE BEING A WAY OF LIFE AND A WAY OF LIFE THAT HAS LED TO OUR STATE'S NUMBER ONE INDUSTRY, AN INDUSTRY THAT HAS THE MOST CATTLE ON FEED OF ANY OTHER STATE. WE'RE THIRD IN CORN PRODUCTION, FIFTH IN AGRICULTURAL EXPORTS. AND SOMETIMES I THINK ABOUT WHY AGRICULTURE IS SO IMPORTANT AND WHY THAT IS OUR FUTURE IN NEBRASKA, AND I THINK ABOUT OUR ABILITY TO FEED THE WORLD. WE'RE FORTUNATE IN GOTHENBURG TO HAVE A MONSANTO FACILITY THAT DOES HIGH-END RESEARCH ON SUSTAINABILITY AND THE ABILITY OF CORN AND BEANS TO DEAL WITH CHANGE IN ESPECIALLY THE WATER SIDE, THE WATER UTILIZATION OF THOSE TWO CROPS. AND WHEN MONSANTO CAME TO GOTHENBURG A FEW YEARS AGO, THEY TALKED ABOUT HOW THE PROJECTIONS HAVE THE WORLD REACHING 9 BILLION PEOPLE IN ABOUT 2015. AND THE RESULT OF THAT WILL BE THAT THOSE THAT ARE IN AG PRODUCTION, BE THEY LIVESTOCK, BE THEY ROW CROP OR WHATEVER, ARE GOING TO HAVE TO PRODUCE MORE FOODSTUFFS FROM NOW UNTIL 2050 THAN ALL THAT HAS BEEN PRODUCED IN HISTORY UP TO NOW. AND THAT'S KIND OF A MIND-BOGGLING NUMBER AND IT'S ONE OF THE THINGS THAT I ALWAYS TALK ABOUT WITH DIFFERENT GROUPS ABOUT WHY I THINK WE AS A STATE, WHY I BELIEVE AGRICULTURE HAS A BRIGHT FUTURE. ONE OF THE THINGS THAT HAPPENS IN OUR COUNTRY BECAUSE OF THE TECHNOLOGY THAT'S BEEN USED WITH AGRICULTURE AND PART OF THE FUNCTIONS OF AGRICULTURE ARE THAT WE SPEND AS A COUNTRY LESS ON FOOD AS A PERCENTAGE OF OUR DISPOSABLE INCOME THAN ALL THE OTHER DEVELOPED COUNTRIES IN THE WORLD. FOR INSTANCE, IN THE UNITED STATES, WE ONLY SPEND 6.8 PERCENT OF OUR INCOME ON FOOD. FRANCE, IT'S 13; MEXICO, CLEAR TO 24 PERCENT. AND THEN YOU GET TO CHINA OR INDIA AND THOSE COUNTRIES SPEND MORE THAN 30 PERCENT OF THEIR INCOME ON FOOD. WHEN SOMETHING IS YOUR NUMBER ONE INDUSTRY, YOU DO SPEND TIME THINKING ABOUT HOW DO WE PROTECT THIS, HOW DO WE MAKE SURE THAT THIS NUMBER ONE INDUSTRY HAS THE ABILITY TO SURVIVE AND THRIVE FOR THE FUTURE, NOT JUST FOR OUR STATE BUT FOR OUR COUNTRY AND FOR THE WORLD. A CONSTITUTIONAL AMENDMENT MAY NOT BE THE PERFECT WAY. SOME WOULD ARGUE IT MAY NOT BE THE RIGHT WAY. BUT I BELIEVE WE ARE ENGAGING IN A VERY IMPORTANT CONVERSATION ABOUT THE FUTURE OF OUR STATE AND OUR ABILITY TO COMPETE LONG-TERM. AND AGAIN, I THANK SENATOR KUEHN FOR STARTING THAT DISCUSSION. I APPRECIATE DIFFERENT VIEWS ON THIS ISSUE AND I WOULD ASK ALL OF US AS SENATORS TO LISTEN CAREFULLY. [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

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SENATOR WILLIAMS: THINK ABOUT THE ALTERNATIVES THAT WE HAVE. BUT WE DO HAVE OUR STATE'S NUMBER ONE INDUSTRY ON THE LINE. KEEPING PEOPLE EMPLOYED, CREATING THOSE INCENTIVES TO KEEP PEOPLE ON THE FARM SO WE DON'T CONTINUE TO SEE THE DEPOPULATION OF RURAL NEBRASKA IS ALSO PART OF THIS DISCUSSION. WITH THAT IN MIND, I WOULD ASK YOU TO STRONGLY CONSIDER SUPPORTING THIS CONSTITUTIONAL AMENDMENT. THANK YOU, MR. PRESIDENT. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR WILLIAMS. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LR378CA]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I STAND AGAINST INDEFINITELY POSTPONING AND I DO THINK WE NEED TO SPEND A LITTLE MORE TIME TALKING ABOUT THIS VERY IMPORTANT ISSUE. BEING A CORN FARMER FROM RURAL NEBRASKA, AND WE'VE TALKED A LOT ABOUT ECONOMIC DEVELOPMENT AND ADDING VALUE TO OUR PRODUCTS OUT THERE, THIS ISSUE POTENTIALLY HAS LARGE RAMIFICATIONS DOWN THE ROAD WHEN WE START TO TRY TO DO THAT. I LOOK AT...I KNOW SENATOR BEAU McCOY TALKED ABOUT THE CHICKEN INDUSTRY IN CALIFORNIA AND THE DAMAGE THAT WAS DONE THERE. AND JUST LOOKING AHEAD IN THE FUTURE OF AGRICULTURE AND HOW WE WANT TO OPERATE IN THIS STATE, WE NEED TO PROTECT THAT RIGHT THAT WE HAVE TO DO WHAT WE'RE DOING WITH OUR LAND, THE WAY WE RAISE OUR LIVESTOCK, AND HOW WE TREAT OUR ENVIRONMENT OUT THERE. AND THIS I THINK WOULD ADDRESS ALL OF THOSE ISSUES. IT STILL GIVES PREFERENCE TO THE EPA AND ALL THE RULES AND REGULATIONS DEALING WITH ENVIRONMENT, WASTE, WATER USE. ALL THOSE THINGS ARE STILL, STILL COVERED BY THE PROPER REGULATORY AGENCIES. WHEN I LOOK AT WHAT I DO AS A GRAIN FARMER, I COULD EASILY JUST SAY, WELL, LET'S JUST SEND THESE BUSHEL OF CORN, EXPORT THEM, TAKE THEM OUT BY THE BUSHEL, SEND THEM OVERSEAS TO WHEREVER THEY NEED TO GO AND THAT WOULD BE THE END OF IT, BUT IF WE CAN ADD VALUE TO THAT PRODUCT HERE, IF WE CAN FEED IT THROUGH LIVESTOCK, USE IT IN ETHANOL AND ADD VALUE IN THOSE JOBS HERE IN RURAL NEBRASKA, THAT IS ECONOMIC DEVELOPMENT. WE ARE CONTINUALLY LOSING OUR POPULATION IN RURAL NEBRASKA AND SHIFTING IT CONSTANTLY TO THE EAST. MY KIDS HAVE ALL DONE THE SAME THING. I'VE FINALLY GOTTEN ONE BACK TO FARM NOW. IF WE WANT TO ADD JOBS IN THE WESTERN AREAS OF THE STATE, WE'RE GOING TO HAVE TO EXPAND AGRICULTURE. THE ONLY WAY WE CAN DO THAT IS TO ADD VALUE TO THE PRODUCTS THAT WE CURRENTLY HAVE, AND THAT INVOLVES LIVESTOCK FEEDING. AND WHEN I SEEN WHAT HSUS DOES IN OTHER STATES AND THE WAY

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THEY'VE OPERATED, I AM CONCERNED HERE. I DO THINK THEY'RE A THREAT. I LOOK AT THE MONEY THAT THEY RAISE. I LOOK AT WHAT WE'VE HAD TO DO JUST AS CORN FARMERS, THE MONEY WE'VE RAISED FROM OUR CHECKOFF AND THE AMOUNT OF DOLLARS THAT WE HAVE SPENT DEFENDING WHAT WE DO ON THE NATIONAL LEVEL. WE'VE SPENT MILLIONS. IF THAT MONEY COULD ONLY BE SPENT ON RESEARCH AND MARKET DEVELOPMENT INSTEAD, WE WOULD HAVE SOMETHING. BUT NOW WE SPEND IT ON ADVERTISING AND COURT BATTLES, FIGHTING THE DIFFERENT GROUPS THAT ARE TRYING TO DAMAGE WHAT WE CALL OUR GMO PRODUCTS. WITHOUT GMO PRODUCTS, WHEN I STARTED FARMING, I WAS PUTTING ON SEVEN, EIGHT POUNDS OF VERY TOXIC INSECTICIDE. WE WOULD DO THAT TWO TIMES A CROP. I BREATHED THAT DUST; I HANDLED THAT PRODUCT; IT'S VERY TOXIC. SINCE THE ADVENT OF GMOs, I DO NOT HAVE TO HANDLE THAT PRODUCT. I DO NOT PUT ON EIGHT POUNDS OF INSECTICIDE. I CAN LEAVE THAT PRODUCT ALONE. I DON'T HAVE TO HANDLE IT. IT'S NOT ON MY FARM. THAT'S WHAT GMO HAS DONE FOR ME. IT HAS CREATED A LOT SAFER ENVIRONMENT FOR ME... [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR FRIESEN: ...AND FOR THE ENVIRONMENT, FOR THE BIRDS. THE INSECTICIDE I WAS HANDLING WOULD KILL ANYTHING THAT WOULD EAT IT. NOWADAYS, WITH GMOs, WE HAVE TARGETED TO THE PESTS THAT WE'RE AFTER. IT DOESN'T HURT THE BENEFICIAL INSECTS THAT ARE OUT THERE. AND, YES, IT COSTS US A LOT OF MONEY. THE RESEARCH AND THE TECHNOLOGY THAT WE USED TO DEVELOP THAT WERE NOT CHEAP AND WE PAY FOR THAT. BUT I WOULD MUCH RATHER PAY FOR THAT THAN HANDLE THOSE TOXIC INSECTICIDES. THIS IS A MUCH SAFER WAY TO DO IT AND THERE'S...WITHOUT SOME OF THESE PRODUCTS, DOWN THE ROAD WE WILL NOT BE ABLE TO RAISE ENOUGH FOOD TO FEED THE WORLD. WE HAVE JUMPED BY LEAPS AND BOUNDS IN OUR YIELD POTENTIAL BECAUSE OF THESE PRODUCTS, PLUS THE BREEDING, THE CORN PLANT BREEDING THAT THEY'VE DONE, BUT ALL OF THESE THINGS ENTER IN TOGETHER TO MAKE US AS SUCCESSFUL AS WE ARE IN THIS STATE. THANK YOU, MR. PRESIDENT. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR FRIESEN. SENATOR BAKER, YOU'RE RECOGNIZED. [LR378CA]

SENATOR BAKER: WELL, THANK YOU, MR. PRESIDENT. SENATOR KUEHN'S BILL HAS BEEN A BIT MALIGNED. I WOULD JUST SAY THAT SINCE SENATOR KUEHN

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SITS TO MY IMMEDIATE LEFT, WE'VE HAD NUMEROUS OPPORTUNITIES FOR CONVERSATIONS SINCE WE BOTH ARRIVED IN JANUARY 2014. WE'VE LISTENED TO HIM TESTIFY ON VARIOUS BILLS AND I HAVE OBSERVED HIM TO BE ARTICULATE, THOUGHTFUL, KNOWLEDGEABLE, AND I BELIEVE HIM TO BE A PERSON OF GOODWILL. SOMETIMES WE VOTE THE SAME; SOMETIMES WE DON'T. ULTIMATELY, THE RIGHT TO FARM BILL WILL HAVE TO STAND ON ITS OWN MERITS. I WONDER IF SENATOR KUEHN WOULD YIELD TO A COUPLE OF QUESTIONS. [LR378CA]

SENATOR COASH: SENATOR KUEHN, WILL YOU YIELD? [LR378CA]

SENATOR KUEHN: YES. [LR378CA]

SENATOR BAKER: SENATOR KUEHN, IN MY DISTRICT 30, IN GAGE COUNTY, LANCASTER COUNTY, A BIG CONTROVERSY IS ON THE PLACEMENT AND THE REGULATION OF WIND TURBINES. IS THERE ANYTHING IN YOUR RIGHT TO FARM THAT WOULD DIMINISH COUNTY ZONING AUTHORITIES' ABILITY TO REGULATE WIND TURBINES? [LR378CA]

SENATOR KUEHN: CERTAINLY. IN THE AMENDED LANGUAGE THAT WE WOULD LIKE TO GET TO, LOCAL COUNTY ZONING WOULD REMAIN FULLY INTACT. SO, NO. [LR378CA]

SENATOR BAKER: SO WHAT YOU JUST SAID WAS THAT...WOULD THERE BE OTHER INSTANCES WHERE THE AUTHORITY OF THE COUNTY ZONING PEOPLE WOULD BE CHANGED? [LR378CA]

SENATOR KUEHN: IN THE AMENDMENT, AM2638 THAT I HAVE PROPOSED TO MAKE SURE WE'RE CLEAR AND NOT IMPEDING LOCAL POLITICAL SUBDIVISIONS, THE LANGUAGE WOULD STATE CLEARLY, "NOTHING IN THIS SECTION SHALL BE CONSTRUED TO MODIFY OR AFFECT THE JURISDICTION OF ANY POLITICAL SUBDIVISION OF THE STATE," WHICH WOULD MAKE SURE THAT COUNTY ZONING REMAINS INTACT AND IN THE HANDS OF LOCAL CONTROL. [LR378CA]

SENATOR BAKER: IS THERE ANYTHING IN YOUR RIGHT TO FARM BILL THAT WOULD LEAD TO POOR STEWARDSHIP OF LAND AND WATER? [LR378CA]

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SENATOR KUEHN: NO. THE PROPOSED LANGUAGE INCLUDES PROTECTION FOR NEBRASKA'S WATER, AS WELL AS MAINTENANCE OF ALL DEQ AND FEDERALLY REQUIRED ENVIRONMENTAL PROGRAMS, AND CERTAINLY AS STEWARDS OF THE LAND, AGRICULTURE HAS A VESTED INTEREST IN ENSURING THAT THE ENVIRONMENT IS PROTECTED. [LR378CA]

SENATOR BAKER: WELL, I'VE ENJOYED LISTENING TO THE DEBATE. AND IF THE CONCERNS THAT HAVE BEEN RAISED COULD BE WORKED OUT, I WOULD WELCOME THE OPPORTUNITY TO SUPPORT AGRICULTURE. AND I WOULD YIELD SENATOR KUEHN THE REMAINDER OF MY TIME. THANK YOU. [LR378CA]

SENATOR COASH: SENATOR KUEHN, YOU'VE BEEN YIELDED 2:20. [LR378CA]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. AND THANK YOU, SENATOR BAKER, FOR THE ADDITIONAL TIME. IT'S APPRECIATED. THE QUESTION HAS BEEN RAISED WITH REGARD TO THE INTENTION OR WHY THIS WOULD BE BEFORE THE BODY, WHY I MAY BRING IT, WHO BROUGHT IT, ETCETERA. AND I WANT TO BE CLEAR AND ON THE RECORD, THIS WAS AN IMPERATIVE OF MINE IN DISCUSSING WITH SENATORS AND REPRESENTATIVES FROM OTHER STATES, OTHER AGRICULTURAL STATES, LOOKING AT THE LANGUAGE WHICH THEY HAVE ADOPTED, LANGUAGE WHICH THEY ARE WORKING ON WITHIN THEIR STATES AND PUTTING BEFORE THEIR BODIES. SO IT WAS AN ISSUE, AN INITIATIVE WHICH IS PURELY BROUGHT TO THIS BODY, BECAUSE MY NUMBER ONE PRIORITY IS AGRICULTURE. IT WAS THE PROTECTION OF AGRICULTURE AND DOING IT IN AS EFFECTIVE A WAY AS POSSIBLE THAT BROUGHT ME TO THE LEGISLATURE. I RECOGNIZE THIS IS BOLD. I RECOGNIZE THAT IT IS AN IMPORTANT STEP AND BIG STEP, BUT IT IS A STEP THAT IS MINE ALONE. HAVE INDIVIDUALS, OTHER GROUPS CERTAINLY SEEN THE MERIT AND DECIDED TO SUPPORT AND ASSIST? ABSOLUTELY. IT IS A CONCEPT AND AN IDEA WHICH IS GAINING MOMENTUM THROUGHOUT THE UNITED STATES. THERE CONTINUES TO BE ADDITIONAL DISCUSSION AND REVIEW ABOUT THE CONCEPT AS MORE AND MORE STATES EXAMINE RIGHT TO FARM CONSTITUTIONAL AMENDMENTS AND WHAT THE POTENTIAL IMPLICATIONS AND BENEFITS ARE OF THESE CONCEPTS. SO THE IMPLICATION OR ALLEGATION THAT IT IS SOMEHOW AT THE BEHEST OF SOMEONE ELSE... [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

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SENATOR KUEHN: THANK YOU, MR. PRESIDENT...OR HAS OTHER MOTIVATIONS IS SIMPLY BASELESS. THIS BEGINS WITH ME. IT IS MY INITIATIVE THAT I HAVE WORKED ON. IT HAS BEEN MY COMMUNICATION WITH LAWMAKERS IN OTHER STATES, AND HAS BEEN MY EFFORTS TO BRING THIS BEFORE THE BODY. THAT SAID, I ALSO WANT TO MAKE SURE THAT WHEN WE TALK ABOUT THE ISSUE OF DEFINING TERMS, ONE OF THE ASPECTS OF CONSTITUTIONAL LANGUAGE IS THAT TERMS ARE BROAD AND OPEN-ENDED, THAT THEY HAVE THE OPPORTUNITY FOR INTERPRETATION AS THE TIMES CHANGE. WHILE STATUTES ARE MUCH MORE SPECIFIC BY NATURE AND BY DESIGN, THERE IS A LEVEL OF JUDICIAL INTERPRETATION WHICH IS IMPORTANT IN THE THREE BRANCHES OF GOVERNMENT. AND CERTAINLY AS WE SEE THE CHANGE IN AGRICULTURAL TECHNOLOGY FROM THE BEGINNING OF THE GREAT STATE OF NEBRASKA THROUGH AND FORWARD, WE KNOW THAT THAT TECHNOLOGY WILL CHANGE, THOSE PRACTICES WILL CHANGE. [LR378CA]

SENATOR COASH: TIME, SENATOR. [LR378CA]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR KUEHN. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LR378CA]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. AS I ADDRESS THIS ISSUE, KEEP IN MIND THAT THE ALLEGATION IS THERE'S THESE SHADY FIGURES OUT THERE TRYING TO DESTROY AGRICULTURE, AND THEY ARE WELL-FINANCED AND THEY'RE GOING TO GET US. WELL, IF THAT'S TRUE, THEN WE BETTER LOOK AT WHAT IS WRONG WITH THIS BEFORE WE EVEN THINK ABOUT PUTTING IT ON THE BALLOT. I'M NOT GOING TO ARGUE ABOUT AGRICULTURAL PRACTICES RIGHT NOW. LET'S JUST LOOK AT THE CONSTITUTION AND LET'S LOOK AT THE CONSTITUTION THAT TRUMPS ALL CONSTITUTIONS AND ALL LEGISLATURES--THE UNITED STATES CONSTITUTION. IT CONTAINS A CLAUSE CALLED THE PRIVILEGES AND IMMUNITIES CLAUSE AND IT SAYS: THE CITIZENS OF EACH STATE SHALL BE ENTITLED TO ALL THE PRIVILEGES AND IMMUNITIES OF THE CITIZENS IN THE SEVERAL STATES. THE U.S. SUPREME COURT HAS DEFINED THAT PROVISION TO SAY THAT ITS PURPOSE IS TO DECLARE THAT THE SEVERAL STATES, THAT WHATEVER THOSE RIGHTS AS YOU GRANT OR ESTABLISH TO THEM, ESTABLISH THEM TO YOUR OWN CITIZENS OR AS YOU LIMIT OR QUALIFY OR IMPOSE RESTRICTIONS ON THEIR EXERCISE, THE SAME, NEITHER MORE NOR LESS, SHALL BE THE MEASURE OF THE RIGHTS

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OF THE CITIZENS OF THE OTHER STATES WITHIN YOUR JURISDICTION. RIGHT? WITH THAT IN MIND, LET'S LOOK AT THE FIRST WORDS OR THE WORDS IN THE FIRST SECTION HERE, "THE RIGHTS OF CITIZENS AND LAWFUL RESIDENTS OF NEBRASKA." BOOM, GONE. THAT SHADOWY FIGURE JUST EATS THIS WHOLE THING. THIS VIOLATES THE PRIVILEGES AND IMMUNITIES CLAUSE OF THE UNITED STATES ON ITS FACE BY ITS LANGUAGE, BY SETTING UP A SEPARATE SET OF RULES FOR CITIZENS AND LAWFUL RESIDENTS OF THE STATE OF NEBRASKA AS OPPOSED TO THE CITIZENS OF OUR SISTER STATES. GONE. THAT WOULD BE TOO EASY. LAWYERS WOULDN'T MAKE ENOUGH MONEY ON THAT ONE, SO LET'S GO ON, BECAUSE WE KNOW THAT IF THE SHADOWY FIGURE EXISTS, DEDICATED TO UNDERMINING AGRICULTURE AND HAS TARGETED NEBRASKA, THEN IT WILL GO ON AND IT WILL LOOK TO OUR ELECTION LAWS AND IT WILL LOOK TO THE LESSON WE LEARN FROM OUR GOOD OLD DEAD HORSE RACING CASE--YOU CAN'T HAVE MORE THAN ONE SUBJECT IN A MATTER PUT BEFORE THE PEOPLE. DOESN'T TAKE MUCH TO LOOK AT THIS AND SEE, WELL, THERE'S SEVERAL SUBJECTS ALL THROUGH HERE. WHAT IF I'M FOR FARMING BUT I REALLY DON'T CARE ABOUT RANCHING? IT SAYS FARMING AND RANCHING. THAT'S TWO SUBJECTS. WHAT IF I AM CONCERNED NOT ABOUT TRESPASS BUT EMINENT DOMAIN, OR NOT EMINENT DOMAIN BUT MINERAL INTEREST? THERE'S SIX OR SEVEN PARTICULAR PROVISIONS THERE. BUT EVEN ON A MORE CONSTITUTIONAL LEVEL, THE FIRST PARAGRAPH IS A RESTRICTION ON THE LEGISLATURE. IT TELLS US SUPPOSEDLY WHAT THE LEGISLATURE CAN OR CANNOT DO. BUT THE SECOND PROVISION IS A RESTRICTION ON THE SUPREME COURT BECAUSE IT SAYS HOW THE COURTS SHALL CONSTRUE THIS LAW OR THIS PROVISION. CAN'T LIMIT THE COURT AND LIMIT THE LEGISLATURE, TOO, IN A SINGLE AMENDMENT. YOU CAN'T TELL THE COURT HOW TO CONSTRUE A LAW. THAT'S A SEPARATE ISSUE FROM TELLING THE LEGISLATURE WHAT KIND OF POWER IT HAS TO WRITE A LAW. TWO ISSUES OUT AGAIN. [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR SCHUMACHER: JUST BEGINNING TO START ON THE NUMEROUS DEFECTS, INCLUDING SOME COMMERCE CLAUSE ISSUES WHICH I DON'T HAVE ENOUGH TIME TO GET INTO. BUT SUFFICE IT TO SAY THAT ON ITS FACE CONSTITUTIONALLY, WITHOUT ANY OTHER ISSUES, THIS IS A HIGHLY DEFECTIVE MATTER AND I WOULD SUGGEST THAT IF THE MOTION TO INDEFINITELY POSTPONE SHOULD NOT FAIL, THAT WE REFER THIS BACK TO COMMITTEE BECAUSE THIS THING NEEDS A LOT OF WORK REGARDLESS ON WHERE YOU ARE ON THE MERITS OF THE ISSUE. THANK YOU. [LR378CA]

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SENATOR COASH: THANK YOU, SENATOR SCHUMACHER. SENATOR KINTNER, YOU'RE RECOGNIZED. SENATOR GROENE, YOU'RE RECOGNIZED. [LR378CA]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. FACT IS WE ARE NOT AN AGRARIAN SOCIETY ANYMORE. THAT'S WHO BUILT THIS COUNTRY, BUT WE AREN'T. LESS THAN 20 PERCENT OF AMERICANS LIVES OUTSIDE METROPOLITAN AREAS. IN NEBRASKA, WHAT I READ WAS 40 PERCENT, BUT THEY CONSIDER GRAND ISLAND A AGRICULTURAL AREA, AND HASTINGS AND COLUMBUS AND NORTH PLATTE. AS I COME TO THE CITY AND STAY DOWN HERE, I GO OUT TO EAT IN RESTAURANTS AND I SEE ALL MY URBAN FRIENDS. AND I GO TO HY-VEE AND EAT, AND I'M WONDERING IF THEY KNOW WHERE THAT FOOD CAME FROM. WHEN WE DID THE PORK BAN, I WAS JUST AMAZED, MY URBAN SENATORS JUST FIGURED A FACTORY WAS FINE AND A FACTORY WOULD DO PORK PRODUCTION TO CORPORATE, BECAUSE THAT'S WHERE THAT FOOD COMES FROM THAT THEY GO TO THE GROCERY STORE AND SPEND ONLY 10 OR 15 PERCENT OF THEIR INCOME ON. AND THEN I WATCH AND I WATCHED ON THIS FLOOR THE LAST TWO YEARS, NOT ATTACKING ANYBODY, BUT FOLKS WHO LIVE ON 200 BY 150 LOTS STAND UP AND TELL US WHAT TO DO WITH VARMINTS THAT CAN CAUSE DAMAGE TO OUR PRODUCTION OF AGRICULTURE--PRAIRIE DOGS. PEOPLE ARE EXPERTS ON THEM. THEN I SAT ONE TIME IN MY TRAVELS ON MY JOB AT A PICNIC BENCH IN BOULDER, COLORADO. THEY CALL THAT THE REPUBLIC OF BOULDER COUNTY IN COLORADO. I WAS AT A DEMONSTRATION OF AGRICULTURE EQUIPMENT THAT I WAS PART OF, SAT NEXT TO AN INDIVIDUAL WHO TOLD ME THEY WERE THE COUNTY COMMISSIONER IN BOULDER COUNTY. SHE WENT INTO A RAMPAGE ABOUT GMO SUGAR BEETS AND HOW TERRIBLE THEY WERE, THE GENETICALLY ALTERED. AND YOU UNDERSTAND, FOLKS, THEY'RE NOT CREATING LIFE. GENETICALLY MODIFIED IS THEY REMOVE A GENE HERE AND THEY REPLACE IT OVER HERE, ONE THAT'S (INAUDIBLE). BUT IT'S ALL GOD-MADE. IT'S ALL GENES AND STUFF THAT'S WAS IN THE CYCLE OF LIFE. SO I LOOKED AT HER AND I SAID, DO YOU IMMUNIZE YOUR CHILDREN? SHE SAID, OF COURSE I DO, YOU HAVE TO IMMUNIZE YOUR CHILDREN. I SAID DO YOU REALIZE THAT YOU'RE INJECTING GENETICALLY ALTERED VIRUSES AND BACTERIA INTO YOUR CHILDREN'S ARM? SHE LOOKED AT ME, TURNED BRIGHT RED, AND GOT UP AND WALKED AWAY. THESE ARE THE FOLKS THAT IN THE FUTURE--IGNORANT I'M NOT GOING TO CALL THEM, THEY'RE EDUCATED--BUT IN AGRICULTURE YOU'VE GOT TO BE THERE. YOU'VE GOT TO GET THE MANURE ON YOUR SHOES. YOU GOT TO WALK THE FIELDS TO UNDERSTAND WHAT IT'S ALL ABOUT. IS THE REASON WHY WE NEED THE RIGHT TO FARM AMENDMENT. YOU SAY THIS ISN'T GOING TO HAPPEN. DID YOU KNOW THERE IS NO HORSE MEAT PRODUCTION PLANTS IN THE UNITED STATES? ONE OF THE LAST ONES WAS IN

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MY DISTRICT IN NORTH PLATTE, VERY PROSPEROUS. DO YOU KNOW WHO STOPPED IT? HUMANE SOCIETY OF AMERICA THROUGH THE FEDERAL GOVERNMENT. SENATOR MARY LANDRIEU IN 2007 INTRODUCED A BILL TO TRY TO BRING IT BACK. SHE WAS VICIOUSLY ATTACKED. IN 2007, THE U.S. COURT OF APPEALS OF THE SEVENTH CIRCUIT RULED THAT THE ILLINOIS HORSE SLAUGHTER BAN WAS CONSTITUTIONAL. HORSE SLAUGHTER BAN IN THE STATE OF ILLINOIS, AN AGRICULTURE STATE, IN 2007,... [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR GROENE: ...PUTTING THE FINAL NAIL IN THE COFFIN OF THE LAST OPERATIONAL HORSE SLAUGHTERHOUSE IN THE U.S. THAT'S COMING OUR WAY. HORSES NOW STAND OUT BONES BEARING RIBS IN PASTURES. I'VE GOT FRIENDS THAT TELL ME ALL OF A SUDDEN IN THE MIDDLE OF THE NIGHT THEY GO OUT AND CHECK THEIR TWO HORSES, AND THEY GOT FOUR. PEOPLE DON'T KNOW WHAT TO DO WITH THEIR HORSES. SO THE URBANITES IN THE ACREAGES AROUND DENVER BRING THE HORSES OUT AND DUMP THEM IN SOMEBODY'S PASTURE BECAUSE THEY CAN'T TAKE THEM TO THE SLAUGHTERHOUSE. IN A LOT OF WORLD, HORSE MEAT IS A DELICACY. IT IS WHAT IT IS. WE EAT MEAT. WE'RE CARNIVORES. WE HAVE TO EAT. BUT NOT IN AMERICA. WE'VE ALREADY...THE HUMANE SOCIETY HAS DESTROYED THAT. IT'S COMING, FOLKS. WE HAVE TO PROTECT OUR NUMBER ONE INDUSTRY. WE HAVE THOSE FOLKS WHO LIVE IN OMAHA, LIVE IN LINCOLN, LIVE IN NORTH PLATTE WHO THINK A HORSE HAS AS MUCH RIGHTS AS A HUMAN. WE ARE REACHING THAT POINT. I BET YOU ON A VOTE IN THIS BODY, IF WE SAID, DOES A HORSE HAVE RIGHTS, WE WOULD HAVE VOTES THAT SAID YES. [LR378CA]

SENATOR COASH: TIME, SENATOR. [LR378CA]

SENATOR GROENE: THANK YOU. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR GROENE. SENATOR HUGHES, YOU'RE RECOGNIZED. [LR378CA]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. I WANT TO CONTINUE ON IN MY DISCUSSION ABOUT GMO CROPS. I TALKED ABOUT THE NON-GMO CHEERIOS. IT'S ABOUT MARKETING. THE COMPANY PROVIDED THAT TO MAKE ADDITIONAL PROFIT. IT'S NOT ABOUT BEING MORE SAFE. IT'S ABOUT MARKETING AND ADVERTISING. THEY INCREASED THEIR PROFIT MARGIN. I KNOW MANY OF YOU

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HAVE HAD PAPAYA. IT'S A FRUIT GROWN IN HAWAII. THE PEOPLE OF JAPAN ARE PARANOID, I GUESS IS PROBABLY THE BEST WORD, ABOUT GMO. THEY WILL NOT ACCEPT ANYTHING GMO IN JAPAN UNTIL THERE WAS A VIRUS THAT GOT IN THE PAPAYA CROP IN HAWAII--HAWAII IS ABOUT THE ONLY PLACE THAT IT'S GROWN--AND DECIMATED THAT CROP. THE SCIENTISTS GOT TOGETHER. THEY DID A GMO, STOPPED THE VIRUS THAT WAS KILLING ALL OF THE PAPAYA PLANTS. NOW WE HAVE GMO PAPAYA. ALL OF A SUDDEN, THE PEOPLE OF JAPAN SAID, WELL, WE LIKE PAPAYA BETTER THAN NOT, SO INDEED THEY ARE EATING A GENETICALLY MODIFIED PLANT. BUT THAT'S THE ONLY ONE. GOD FORBID THEY WOULD TAKE CORN OR WHEAT...OR CORN. WHEAT IS NOT A GMO. SENATOR GROENE TALKED ABOUT SUGAR BEETS. YOU KNOW THE AG TECHNOLOGY THAT WE HAVE, YOU KNOW ROUNDUP READY, WHAT THAT HAS DONE FOR THE SUGAR BEET CROP HAS INCREASED PRODUCTION ABOUT 50 PERCENT ON THE SAME AMOUNT OF ACRES, THE SAME AMOUNT OF FERTILIZER, THE SAME AMOUNT OF WATER, JUST BY ELIMINATING THE HARSH CHEMICALS THAT WE WERE USING TO TRY AND KILL THE WEEDS. THEY WERE ALSO TRYING TO KILL THE SUGAR BEET, AND THE BEET PLANT HAD TO SURVIVE THROUGH THAT IN ORDER TO GROW. WHEN MONSANTO INSERTED THE ROUNDUP READY GENE, THE PLANT NO LONGER HAD TO FIGHT OFF THE CHEMICALS. IT COULD THRIVE. AND IT DIDN'T HAVE THE COMPETITION FROM THE WEEDS. WE ALL HAVE CORN BORER-RESISTANT CORN. THE INTERESTING THING ABOUT THAT IS THEY FOUND THE CORN BORER IS JUST A VERY SMALL WORM THAT BURROWS INTO THE SHANK OF AN EAR OF CORN. AND WHEN IT GETS RIPE, IT WEAKENS THE SHANK AND IT FALLS OFF IN THE WIND. WHAT THEY DISCOVERED, THAT THEY COULD TURN OFF A GENE...OR THEY INSERTED A GENE IN THE CORN THAT TURNED OFF THE ABILITY OF A CORN BORER TO DIGEST CORN AND SOLVED THE PROBLEM. THAT'S AGRICULTURAL TECHNOLOGY. THAT'S WHY IN MY LIFETIME WE'VE GONE FROM A 7 BILLION BUSHEL CORN CROP IN THIS COUNTRY TO OVER 14 IN JUST A MATTER OF A VERY FEW YEARS. WE NEED AGRICULTURAL TECHNOLOGY. THAT'S THE THREAT THAT WE SEE. THAT'S WHY WE NEED THIS BILL IN NEBRASKA, BECAUSE THERE IS A THREAT WITHIN THE WORLD TO LIMIT THE AMOUNT OF FOOD THAT WE CAN PRODUCE. THIS COUNTRY HAS ALWAYS BEEN BLESSED TO HAVE ABUNDANT FOOD, BUT THERE ARE A LOT OF COUNTRIES WHO HAVE NOT, AND THE TECHNOLOGY THAT IS BEING DELIVERED TO AGRICULTURE NOW,...
[LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR HUGHES: ...WE SHOULDN'T BE BANNED FROM USING THAT. BUT THERE ARE GROUPS ACTIVE OUT THERE TRYING TO ELIMINATE OUR ABILITY TO EAT

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MEAT AND TO PRODUCE FOOD THE MOST EFFICIENTLY AS POSSIBLE. THE LAST THING IS ABOUT ORGANIC. WOULD IT SURPRISE YOU TO KNOW THAT THERE HAVE BEEN MORE PEOPLE KILLED BY EATING ORGANIC FOOD THAN ANYTHING GMO? IT'S A FACT. THE STANDARDS FOR ORGANIC ARE NOT THERE. THE SAFETY OF OUR FOOD IS INCREDIBLE. AND USDA, FDA HAVE TESTED GMO CROPS. THEY ARE SAFE. BUT THERE ARE PEOPLE WHO ARE ACTIVELY TRYING TO KEEP US FROM HAVING THAT. [LR378CA]

SENATOR COASH: TIME, SENATOR. [LR378CA]

SENATOR HUGHES: THANK YOU, MR. PRESIDENT. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR HUGHES. SENATOR MURANTE, YOU'RE RECOGNIZED. [LR378CA]

SENATOR MURANTE: QUESTION. [LR378CA]

SENATOR COASH: QUESTION HAS BEEN CALLED. DO I SEE FIVE HANDS? I DO. THE QUESTION IS, SHALL DEBATE CEASE? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LR378CA]

ASSISTANT CLERK: 27 AYES, 0 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LR378CA]

SENATOR COASH: DEBATE DOES CEASE. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION. [LR378CA]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS VOTE COMING UP CAN DETERMINE HOW MUCH TIME WE'RE GOING TO SPEND ON THIS ISSUE. SENATOR HUGHES REJECTS SOME OF THE FINDINGS, SCIENTIFIC, ABOUT THE PROBLEMS WITH ROUNDUP. HE DOESN'T AGREE. THEY CAN TAKE A PESTICIDE GENE AND INCLUDE IT IN A GROWING PLANT AND HE SAID, BUT IT'S NOT HARMFUL TO PEOPLE. BUT HE DIDN'T TELL YOU THAT IT'S PESTICIDE BEING INCORPORATED INTO THE PLANT ITSELF. THERE ARE OTHER PROBLEMS, BUT ASIDE FROM ALL OF THAT, WHATEVER IS HAPPENING IN THE WORLD IS NOT GOING TO BE AFFECTED BY ANYTHING IN THE NEBRASKA CONSTITUTION. NEBRASKA CANNOT LIMIT ANYTHING THAT A COMPANY IN ANOTHER STATE DOES IN NEBRASKA BECAUSE, AS SENATOR

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SCHUMACHER POINTED OUT, THE CLAUSE IN THE CONSTITUTION THAT PROTECTS THE PRIVILEGES AND IMMUNITIES OF EVERY PERSON WHO IS A CITIZEN OF ANY STATE. SO NEBRASKA CANNOT GRANT SOMETHING TO WHAT IT CALLS CITIZENS OF NEBRASKA AND LEGAL RESIDENTS OR WHATEVER, AND THEREBY RESTRICT WHAT OTHER PEOPLE WHO DON'T FIT THOSE DEFINITIONS, WHATEVER THEY ARE. THE NEBRASKA CONSTITUTION CANNOT CHANGE EXISTING CONSTITUTIONAL LAW. AND IT GOES BEYOND WHAT IS IN THIS CONSTITUTION. AND WHEN SENATOR KUEHN SAYS THAT WORDS ARE TO BE OPEN-ENDED IN THE CONSTITUTION, THAT IS NOT TRUE. WHEN YOU TAKE A WORD THAT HAS NO MEANING WHATSOEVER, THAT IS NOT OPEN-ENDED. THAT IS A WORD THAT HAS NO SIGNIFICANCE. AND THEN, IF A COURT IS GOING TO HAVE TO DO ANYTHING WITH THE MATTER BROUGHT BASED ON SOMETHING IN THIS CONSTITUTION, THE COURT WOULD HAVE TO SAY WHAT THOSE TERMS MEAN OR SAY THEY'RE BEYOND DEFINITION, THEY'RE TOO AMBIGUOUS, THEY ARE TOO VAGUE. AND WHEN SENATOR KUEHN HANDS YOU OUT VARIOUS PIECES OF INFORMATION, A COURT IS NOT GOING TO TAKE THAT AS EVIDENCE. IT'S NOT GOING TO TAKE THAT AS TO WHAT A CONSTITUTION MEANS. YOU LOOK AT THE LANGUAGE IN THE CONSTITUTION ITSELF. NOT ONE PERSON ON THIS FLOOR CAN TELL YOU WHAT ANY OF THESE TERMS MEAN. WHEN SENATOR GROENE GETS UP AND SPEAKS GENERAL TERMS AND WILL SAY THAT THE HUMANE SOCIETY OF U.S. SHUT DOWN SOME KIND OF PORK PLANT, OR WHATEVER IT WAS, WHERE HE LIVES, THEN HE SAYS BY DOING IT THROUGH THE FEDERAL GOVERNMENT. SO THEN THEY ARE SO PARANOID THAT HSUS HAS MORE POWER THAN ALL OF THE LOBBYING FIRMS IN THE COUNTRY. NOBODY BUT HSUS CAN GO TO THE FEDERAL CONGRESS AND SAY SHUT DOWN THAT PLANT, AND THEY SAY, WE'LL DO IT. THAT IS TOTALLY OFF THE SCREEN AND OFF THE SCOPE. WHEN THEY MAKE THESE BLANKET STATEMENTS, AS SENATOR HUGHES DID, THAT MORE PEOPLE DIE FROM ORGANIC THAN GMO, HE DOESN'T HAVE ANY FACTS TO BACK THAT UP. THERE HAVE BEEN NO STUDIES TO DEVELOP IT. THEY DON'T EVEN KNOW WHAT A LOT OF PEOPLE DIE FROM. SO HE'S GOING TO STATE ALL OF THESE THINGS AS FACTS BECAUSE HE STATES IT. HE SAYS HE'S TRAVELED AROUND THE WORLD. WELL, A LOT OF PEOPLE HAVE. BUT HE DIDN'T TELL YOU THAT THEY INSERT A PESTICIDE GENE IN THAT FOOD, DID HE? MAYBE HE DIDN'T KNOW. HE'S NOT AWARE OF ALL THE PROBLEMS THAT HAVE DEVELOPED WITH REFERENCE TO ROUNDUP,... [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR CHAMBERS: ...THE FACT THAT NOT ONLY ENVIRONMENTS ARE CONTAMINATED BECAUSE OF THE OVERSPRAYING, BUT PEOPLE HAVE BECOME

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CONTAMINATED WITH IT ALSO. THIS BILL IS NOT GOING TO STOP ANYTHING THAT ANY OF THESE GROUPS ARE DOING. THEY HAVE THE RIGHT TO SPEAK, THEY HAVE THE RIGHT TO INFLUENCE CONGRESS, THEY HAVE THE RIGHT TO INFLUENCE THE LEGISLATURE, BUT NOT ONE OF THEM ENACTS A LAW. THIS PUTS A RESTRICTION ON THE LEGISLATURE AND I DO BELIEVE A COURT WOULD LOOK WITH A VERY NARROW VIEW OF RESTRICTIONS ON WHAT A LEGISLATURE CAN DO, BECAUSE THE U.S. CONSTITUTION GUARANTEES TO EVERY STATE A REPUBLICAN FORM OF GOVERNMENT. THAT MEANS REPRESENTATIVE. AND THE BRANCH THAT IS REPRESENTATIVE IN THE STATE IS THE LEGISLATURE. THERE ARE SOME THINGS I DON'T BELIEVE THE LEGISLATURE ITSELF CAN EVEN DO. IT CANNOT TAKE AWAY FROM ITSELF THE POWER TO LEGISLATE. THERE ARE SOME THINGS THAT ARE OF THE ESSENCE AND NATURE OF ONE OF THESE BRANCHES OF GOVERNMENT, AND THAT'S WHAT IS NOT DISCUSSED ON THIS FLOOR...
[LR378CA]

SENATOR COASH: TIME, SENATOR. [LR378CA]

SENATOR CHAMBERS: ...BECAUSE PEOPLE DON'T UNDERSTAND IT OR RESPECT IT. I WILL ASK FOR A CALL OF THE HOUSE, AND THEN I'LL TAKE A ROLL CALL VOTE IN REGULAR ORDER. [LR378CA]

SENATOR COASH: THERE HAS BEEN A REQUEST TO PLACE THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK. [LR378CA]

ASSISTANT CLERK: 39 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT.
[LR378CA]

SENATOR COASH: THE HOUSE IS UNDER CALL. SENATORS, PLEASE RECORD YOUR PRESENCE. 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 SEILER, SENATOR GROENE, PLEASE CHECK IN. MEMBERS, THE QUESTION BEFORE THE BODY IS, SHALL LR378CA BE INDEFINITELY POSTPONED? THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE. MR. CLERK, PLEASE READ THE ROLL.
[LR378CA]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1201.)
VOTE IS 15 AYES, 23 NAYS, MR. PRESIDENT. [LR378CA]

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SENATOR COASH: MOTION IS NOT ADOPTED. RAISE THE CALL. SENATOR KUEHN, YOU'RE RECOGNIZED TO OPEN ON LR378CA. [LR378CA]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. AND THANK YOU, COLLEAGUES. WE HAVE BEEN DISCUSSING THE AMENDMENT FOR SOME TIME NOW, SO AN OPPORTUNITY TO DISCUSS A LITTLE BIT FURTHER ABOUT THE BILL, ABOUT WHY IT IS IMPORTANT, AND ADDRESS SOME OF THE ISSUES THAT HAVE BEEN BROUGHT UP TO THIS POINT WITHIN THE DEBATE. CERTAINLY, THE DRIVING MOTIVATION FOR THIS, AND AS YOU SEE IN THE VOTE ABOVE, IS TO SEND A CLEAR MESSAGE THROUGHOUT THE STATE OF NEBRASKA AS WELL AS A CLEAR MESSAGE TO THOSE WHO WISH TO INVEST IN THE AGRICULTURAL ECONOMY OF NEBRASKA AND THAT IS THAT WE TAKE AGRICULTURE SERIOUSLY AND WE WILL PROTECT IT, AND THE BIOTECHNOLOGY, THE AGRICULTURAL TECHNOLOGY, AND THE ANIMAL HEALTH TECHNOLOGY THAT HAS MADE IT SUCCESSFUL, AND WILL CONTINUE TO DO SO GOING FORWARD. WE'VE HAD A LOT OF DISCUSSION ABOUT WHAT THE LEGISLATION MAY OR MAY NOT DO. I CERTAINLY, AS ALWAYS, APPRECIATE SOME OF THE COMMENTARY BY SENATOR SCHUMACHER AND OTHERS WITH REGARD TO SOME OF THE LANGUAGE. I THINK THERE CERTAINLY IS LANGUAGE ISSUES, WHICH IF THERE ARE FIXES SUCH AS REMOVING THE CITIZENS OF NEBRASKA AND SIMPLY SAYING THE RIGHT TO FARM AND RANCH WOULD ALLEVIATE SOME OF THOSE CONCERNS, I THINK, AS WITH ANY PIECE OF LEGISLATION WE WORK WITH HERE ON THE FLOOR, THOSE ARE LANGUAGE ISSUES WHICH CERTAINLY CAN BE ADDRESSED. YOU'VE HEARD A LOT FROM A NUMBER OF MY COLLEAGUES, AG PRODUCERS, THOSE WITH AN INVESTED INTEREST IN AGRICULTURE, THOSE WHO HAVE A LONG HISTORY WITH AGRICULTURE, OF THE VALUE AND THE IMPORTANCE OF AGRICULTURE TO NEBRASKA'S ECONOMY. EVEN MORE SO, YOU HAVE HEARD ABOUT THE EVER-PRESENT THREAT THAT EXISTS WITH REGARD TO OUTSIDE GROUPS INFLUENCING PUBLIC POLICY. AND THAT TRULY IS WHAT WE ARE LOOKING AT HERE, WHICH IS TO REDUCE THE INFLUENCE OF ACTIVIST GROUPS WITH AN ACTIVIST AGENDA ON THE PUBLIC POLICY PROCESS. REDUCING AND ELIMINATING THAT INFLUENCE IS WHY WE HAVE TRANSPARENCY LAWS, WHY WE HAVE ACCOUNTABILITY AND DISCLOSURE LAWS, TO ENSURE THAT WHAT HAPPENS IN THIS CHAMBER IS THAT WHICH IS ABOVEBOARD AND NOT UNDULY INFLUENCED BY MONEY, BY OTHER ACTIONS OF ACTIVIST GROUPS OR LOBBYING INTERESTS. SO LET'S TALK A LITTLE BIT ABOUT SOME OF THE ROLES WITH REGARD TO WATER, NATURAL RESOURCES, AS WELL AS ENVIRONMENTAL STEWARDSHIP. WE HAVE LANGUAGE, AND IT SEEMS THAT WE WILL NOW BE MOVING ON TO COMMITTEE AMENDMENTS AND TO ADDITIONAL AMENDMENT LANGUAGE. I AGAIN DIRECT YOUR ATTENTION TO THE COMMITTEE

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AMENDMENT, WHICH WILL BE COMING UP HERE IN A MOMENT, THAT LOOKS AT LANGUAGE PROVIDED BY DNR AND DEQ WITH REGARD TO PROTECTING NEBRASKA'S WATER AND WATER INTERESTS. AGAIN, THERE IS ADDITIONAL LANGUAGE WHICH HAS BEEN PROPOSED BY OTHER WATER ATTORNEYS, WHICH WE WILL TAKE A SERIOUS LOOK AT AS WE...AND THEN AS WE MOVE THROUGH THE PROCESS OF AMENDING AND ADDRESSING LR378CA. A COUPLE OF OTHER THINGS THAT I WANT TO ADDRESS WITH REGARD TO LIVESTOCK PRODUCTION, AG PRODUCTION, AND AG TECHNOLOGY. THERE CERTAINLY HAS BEEN A WIDE CHANGE IN THE WAY IN WHICH WE RAISE OUR FOOD, FIBER, AND FUEL OVER THE COURSE OF THE LAST CENTURY. WHAT ONCE WAS DONE WITH HAND LABOR AND LIVESTOCK IS NOW DONE WITH GPS-GUIDED TRACTORS AND EQUIPMENT. WE'RE COLLECTING DATA ON A SUB-ONE-INCH LEVEL REGARDING WHAT WE DO ON OUR FIELDS AND WITH OUR CROPS. WE'RE UTILIZING ANIMAL HEALTH TECHNOLOGIES THAT ENABLE MORE HEALTHY ANIMALS TO BE PRODUCED WITH LESS FEED, LESS WATER, AND LESS CARBON OUTPUT. THAT SAID, WE HAVE SEEN A CHANGE IN AGRICULTURE WHICH HAS MOVED US INTO ONE OF THE MOST PRODUCTIVE INDUSTRIES AND PRODUCTIVE POINTS IN TIME IN HUMAN HISTORY. THAT SAID, AS HUMAN POPULATION AND GLOBAL POPULATION CONTINUES TO GROW, ADOPTION OF THOSE TECHNOLOGIES BECOMES EVER MORE IMPORTANT. YET, AS THE NEED TO PRODUCE MORE FOOD, FIBER, AND FUEL GETS GREATER WITH EVERY PASSING DAY, THE BATTLE TO IMPEDE THOSE TECHNOLOGIES WHICH HAVE ENABLED US TO PRODUCE MORE WITH LESS CONTINUE TO BECOME UNDER THREAT. THIS IS ABOUT SCIENCE. THIS IS ABOUT TRUTH. THIS IS ABOUT NOT LETTING MISINFORMATION SPREAD ON SOCIAL MEDIA INFLUENCE THE PUBLIC POLICY PROCESS AND ALLOW THAT ACCEPTED SCIENCE-BASED PROTOCOLS THAT ARE PART OF ACCEPTED AGRICULTURAL PRACTICES AND STANDARDS THAT WE USE AND EMPLOY CONTINUE TO MOVE FORWARD UNRESTRICTED WITHOUT HAVING UNDUE INFLUENCE FROM OUTSIDE GROUPS, FROM MISINFORMATION, AND FROM THOSE WHO WOULD SEEK TO UNDERMINE THE CREDIBILITY OF THE 50,000 FAMILIES IN NEBRASKA THAT ARE ENGAGED IN FARMING AND RANCHING. AGAIN, WE SEE BROAD-BASED SUPPORT FROM THE COMMODITY GROUPS, FROM CATTLEMEN, PORK PRODUCERS, THROUGH CORN GROWERS, SOYBEAN GROWERS, ALL THE WAY DOWN THE LIST, WHEAT GROWERS, DRY BEANS, WHO UNDERSTAND THAT THEY HAVE BEEN INVESTING CHECKOFF DOLLARS. THEY HAVE BEEN INVESTING THEIR DOLLARS IN MEDIA CAMPAIGNS OVER THE COURSE OF THE LAST DECADES TO EDUCATE THE AMERICAN CONSUMER ABOUT THE SCIENCE AND THE TRUTH OF AMERICAN AGRICULTURE. WE OFTEN TALK ABOUT THE NEED TO TELL OUR STORY, AND THERE IS NO TIME GREATER THAN NOW THAT REQUIRES US TO TELL OUR STORY TO AN EVER-GROWING POPULATION THAT IS LESS AND LESS CONNECTED TO

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THE FARM AND TO WHAT WE DO. TOO MANY PEOPLE THINK THAT MEAT COMES WRAPPED IN CELLOPHANE AND THEIR VEGETABLES COME IN A CAN, WITH NO CONNECTION TO THE GROUND THAT PRODUCED IT OR THE ANIMAL THAT WAS RAISED TO GIVE RISE TO THAT MEAT PRODUCT. AS SUCH, IT BECOMES DIFFICULT FOR THEM TO UNDERSTAND OR EVEN MAKE CRITICAL JUDGMENTS ABOUT THE TRUTH OF MODERN AGRICULTURAL PRACTICES, MODERN FARMING AND RANCHING PRACTICES. INSTEAD, THEY ASSUME AND RUN TO EXTREME EXAMPLES, EXAMPLES WHERE ALLEGATIONS OF MISTREATMENT OF ANIMALS, WHICH IS NOT IN THE BEST INTEREST OF ANY PRODUCER IN TERMS OF THEIR ETHIC OR IN TERMS OF THEIR PROFITABILITY. THEY MAKE ALLEGATIONS OF ABUSE OF NEBRASKA'S NATURAL RESOURCES. AND, COLLEAGUES, I DO TAKE OFFENSE AT THE CONCEPT THAT SOMEHOW OR ANOTHER AGRICULTURE IS AT ITS FACE INHUMANE TO ANIMALS OR BAD FOR THE ENVIRONMENT. WHEN THAT KIND OF NARRATIVE PREDOMINATES, WE KNOW WE ARE IN A BAD SPOT WITH REGARD TO PUBLIC PERCEPTION WITHIN NEBRASKA. AND SO I WANT TO BE CAREFUL AS WE MOVE FORWARD THAT SENATORS KNOW THAT NEBRASKA IS WATCHING. NEBRASKA AGRICULTURE IS WATCHING. AND HOW WE RESPOND AND HOW WE CONVEY THE MESSAGE OF WHAT AGRICULTURE MEANS TO THIS STATE, WHAT AGRICULTURE DOES IN TERMS OF ITS ANIMALS, IN TERMS OF ITS ENVIRONMENT IS IMPORTANT. AND AS WE TELL OUR STORY, AS WE CONTINUE TO TELL OUR STORY TO OUR CONSUMERS, TO OUR VOTERS IN URBAN AREAS WHO DON'T HAVE A DIRECT CONNECTION TO THE FARM, AND AS WE TELL THE STORIES TO THE NEXT GENERATION OF NEBRASKA FARMERS AND RANCHERS, WE WILL CONTINUE TO TALK ABOUT THE TRADITION OF STEWARDSHIP, OF CARE OF THAT WHICH IS IN OUR CHARGE, AND OF CIVIC RESPONSIBILITY THAT IS THE FOUNDATION OF OUR RURAL COMMUNITIES AND OF OUR STATE. WHEN THE NEBRASKA CONSTITUTION WAS ADOPTED, AGRICULTURE WAS THE DRIVING INFLUENCE ECONOMICALLY AND CULTURALLY IN THIS STATE. IN 2016, AGRICULTURE CONTINUES TO BE THE DRIVING INFLUENCE ECONOMICALLY AND CULTURALLY IN OUR STATE. IF THAT DOESN'T RISE TO PROTECTION IN THE NEBRASKA CONSTITUTION, IF THAT'S NOT IMPORTANT ENOUGH TO HAVE AS A PROTECTED SEGMENT IN A PROTECTED INDUSTRY, I DON'T KNOW WHAT IS. AGRICULTURE DOES HAVE A SPECIAL PLACE IN NEBRASKA. IT IS UNIQUE FROM OTHER BUSINESSES. IT IS THE ONLY BUSINESS AND INDUSTRY WHERE YOU ROUTINELY FIND INDIVIDUALS WHO, LIKE MY FAMILY, HAVE BEEN HERE AND FARMING ACTIVELY FOR FOUR GENERATIONS OR MORE. IT'S THE ONLY INDUSTRY IN WHICH WE SEE INVESTMENT NOT NECESSARILY ABOUT SHORT-TERM CASH FLOW STATEMENTS AND RETURN ON INVESTMENT BUT INVESTMENT IN NEBRASKA'S LAND AND RESOURCES FOR THE NEXT GENERATION, SO THAT GENERATIONS THAT FOLLOW HAVE THE OPPORTUNITY

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TO CARE FOR THE LAND, TO MAKE A LIVING, AND TO TRULY ADOPT THE LIFESTYLE THAT HAS MADE NEBRASKA'S WORK ETHIC, NEBRASKA'S ECONOMY, GREAT. SO AS WE MOVE FORWARD, I LOOK FORWARD TO THE CONTINUED DEBATE AND DISCUSSION ABOUT THE SPECIFIC AMENDMENTS, ABOUT THE LANGUAGE, ABOUT HOW WE CAN ADDRESS MAKING SURE THAT THE CONSTITUTIONAL LANGUAGE IS NOT GOING TO HAVE UNINTENDED CONSEQUENCES, THAT IT MEETS THE NEEDS OF THE INTENTION OF THE CONSTITUTIONAL RIGHT TO FARM PROTECTION. AND ULTIMATELY, WE KNOW THAT OUR JOB HERE IS TO DECIDE WHETHER OR NOT TO LET THE VOTERS OF THE STATE OF NEBRASKA HAVE AN OPPORTUNITY TO WEIGH IN ON AMENDING THEIR CONSTITUTION. THE CONSTITUTION OF THE STATE OF NEBRASKA BELONGS TO THE VOTERS OF NEBRASKA. THEY HAVE THE OPPORTUNITY TO AMEND IT VIA THE INITIATIVE PROCESS JUST AS WE HAVE THE OPPORTUNITY TO PLACE THOSE AMENDMENTS... [LR378CA]

SENATOR COASH: ONE MINUTE. [LR378CA]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT...BEFORE THE PEOPLE FOR CONSIDERATION. WHAT I'M ASKING THIS BODY TO DO IS TO PRESENT THE PEOPLE OF NEBRASKA THE OPPORTUNITY TO SUPPORT AGRICULTURE ON THE BALLOT AND TO MAKE THE DECISION FOR THEMSELVES WHETHER OR NOT TO PLACE THE RIGHT TO FARM IN THE NEBRASKA CONSTITUTION. WITH THAT, COLLEAGUES, I LOOK FORWARD TO CONTINUED DEBATE AND DISCUSSION. AND, AGAIN, I'M ALWAYS OPEN TO YOUR INPUT AND SUGGESTIONS AS WE MOVE THIS DEBATE FORWARD. THANK YOU, MR. PRESIDENT. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR KUEHN. AS THE CLERK HAS STATED, THERE IS AN AMENDMENT FROM THE AGRICULTURE COMMITTEE. SENATOR JOHNSON, AS CHAIR OF THE COMMITTEE, YOU ARE RECOGNIZED TO OPEN ON THE COMMITTEE AMENDMENT. (AM2251, LEGISLATIVE JOURNAL PAGE 914.) [LR378CA]

SENATOR JOHNSON: THANK YOU. AM2251, THE COMMITTEE AMENDMENT, ADDS ADDITIONAL CLARIFICATION IN WHAT IS SUBSECTION (2) OF THE TEXT PROPOSED TO BE ADDED AS SECTION 26 OR ARTICLE XV OF THE CONSTITUTION. THE COMMITTEE AMENDMENT INSERTS ADDITIONAL CLARIFICATION THAT LR378CA IS NOT TO BE CONSTRUED TO MODIFY THE LAW WITH RESPECT TO PROPERTY RIGHTS IN APPLYING WATERS TO BENEFICIAL USE OR IN THE AREA OF WATER DIVERSION. AND FURTHER, THE AMENDMENT DECLARES THAT THE

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SECTION NOT BE CONSTRUED TO MODIFY OR AFFECT ANY STATUTORY PROVISIONS OR LOCAL ORDINANCE ADOPTED BY POLITICAL SUBDIVISIONS ENACTED PRIOR TO DECEMBER 31, 2015, OR STATUTES ENACTED BY THE LEGISLATURE TO IMPLEMENT OR MAINTAIN FEDERALLY REGULATED ENVIRONMENTAL PROTECTION PROGRAMS. THE AMENDMENT DECLARES THAT THE PROVISION WOULD BECOME EFFECTIVE ON OR BEFORE JANUARY 1, 2017, IF APPROVED BY THE ELECTORATE. THAT IS THE AMENDMENT TO LR378CA. THANK YOU, MR. PRESIDENT. [LR378CA]

SENATOR COASH: THANK YOU, SENATOR JOHNSON. MEMBERS, YOU'VE HEARD THE OPENING TO LR378CA AND THE AG COMMITTEE AMENDMENT. MR. CLERK. [LR378CA]

ASSISTANT CLERK: MR. PRESIDENT, I HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO BRACKET LR378CA UNTIL APRIL 20, 2016. [LR378CA]

SENATOR COASH: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LR378CA]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, IT'S REGRETTABLE, I THINK, THAT THIS DEBATE IS OCCURRING SO LATE IN THE DAY. I KNOW THAT PEOPLE PROBABLY ARE TIRED, AND THIS IS THE KIND OF SUBJECT WHERE PEOPLE NEED TO BE FRESH. WE'RE TALKING ABOUT PRINCIPLES OF CONSTITUTION, WE'RE TALKING ABOUT LEGAL PRINCIPLES, WE'RE TALKING ABOUT STANDARDS THAT HAVE TO BE MET. WHAT THE LEGISLATURE IS BEING ASKED TO DO BY THESE OUTSIDE FORCES IS TO RESTRICT THE LEGISLATURE ITSELF. YOU CANNOT, IF THIS THING PASSED, YOU CANNOT AS A LEGISLATURE ENACT ANY LAW RELATIVE TO AGRICULTURE UNLESS IT MEETS THE COMPELLING INTEREST TEST. WHAT THAT MEANS IS THAT THAT STANDARD IS SO HIGH THAT IF THERE'S ANY WAY OTHER THAN WHAT THE LEGISLATURE DID IN ITS LEGISLATION, THAT LEGISLATION IS AUTOMATICALLY UNCONSTITUTIONAL ON THE BASIS OF THAT. YOU DON'T HAVE TO LOOK AT ANYTHING ELSE. AND THERE ALWAYS IS MORE THAN ONE WAY TO APPROACH A PROBLEM. THERE ARE LAWS ON THE BOOKS RIGHT NOW FOR WHICH YOU CANNOT SHOW A COMPELLING STATE INTEREST. IT IS GOOD LEGISLATION, IT'S VALUABLE, IT'S EVEN NECESSARY, BUT THERE IS NO COMPELLING STATE INTEREST. THE STATE ITSELF WILL NOT BE HARMED IF THAT LEGISLATION IS NOT IN PLACE. THEY WANT THAT STANDARD. AND THIS IS WHY I SAY SENATOR KUEHN DID NOT ORIGINATE THIS BILL. LET ME ASK HIM SOME

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QUESTIONS BEFORE I DRAW THAT CONCLUSION. HE MAY KNOW MORE ABOUT CONSTITUTIONAL LAW THAN I GIVE HIM CREDIT FOR. [LR378CA]

SENATOR COASH: SENATOR KUEHN, WILL YOU YIELD? [LR378CA]

SENATOR KUEHN: YES. [LR378CA]

SENATOR CHAMBERS: SENATOR KUEHN, EXPLAIN THE COMPELLING STATE INTEREST TO ME. WHAT DOES THAT MEAN? [LR378CA]

SENATOR KUEHN: COMPELLING STATE INTEREST IS THE HIGHEST OF THE THREE TESTS FOR DETERMINING WHETHER OR NOT THE STATE HAS AN OPPORTUNITY TO MAKE A LAW. IT FALLS...SOMETIMES IS KNOWN AS THE STRICT SCRUTINY TEST. THERE'S THE... [LR378CA]

SENATOR CHAMBERS: AND WHAT DOES THAT MEAN? [LR378CA]

SENATOR KUEHN: IT MEANS THAT THE STATE MUST DEMONSTRATE THAT THERE IS A COMPELLING STATE INTEREST AND IT MUST BE DONE WITHIN THE LEAST RESTRICTIVE WAY POSSIBLE. [LR378CA]

SENATOR CHAMBERS: BUT WHAT IS A COMPELLING STATE INTEREST? [LR378CA]

SENATOR KUEHN: THAT IS... [LR378CA]

SENATOR CHAMBERS: GO AHEAD. [LR378CA]

SENATOR KUEHN: THAT IS A TEST WHICH THE COURT WILL DEFINE AND DETERMINE SHOULD THE CHALLENGE AND LEGAL CHALLENGE BE MADE. [LR378CA]

SENATOR CHAMBERS: IN GENERAL, WHAT IS A COMPELLING STATE INTEREST? ISN'T IT SOMETHING THAT RELATES TO THE VERY INTEGRITY OF THE STATE AND ITS FUNCTIONS ITSELF? [LR378CA]

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SENATOR KUEHN: ABSOLUTELY. IT WOULD BE SOMETHING WHICH IS OF THE COMMON GOOD AND OF THE GREATEST REQUIREMENT FOR GOVERNMENT INTERVENTION. [LR378CA]

SENATOR CHAMBERS: AND THERE IS NO LAW REGULATING SOME ASPECTS OF AGRICULTURE THAT WOULD MEET THAT STANDARD BECAUSE MOST OF THE LAWS WE PASS ARE NOT BASED ON MEETING A COMPELLING STATE INTEREST TEST. [LR378CA]

SENATOR KUEHN: THAT WOULD BE TRUE. [LR378CA]

SENATOR CHAMBERS: AND WHAT HE HAS JUST ACKNOWLEDGED IS THAT MOST LAWS THAT THE LEGISLATURE WOULD PASS WOULD BE UNCONSTITUTIONAL IF THEY RELATE TO LEGISLATURE...I MEANT TO AGRICULTURE. TO BANKING, IT DOESN'T HAVE TO MEET THAT STANDARD. TO MEDICAL CARE, IT DOESN'T HAVE TO MEET THAT STANDARD. EDUCATION, IT DOESN'T MEET THAT STANDARD. THIS BILL WAS NOT ORIGINATED BY SENATOR KUEHN. THERE ARE CORPORATIONS THAT ARE DOING THINGS WHICH ARE HURTFUL TO THE HEALTH OF THE PUBLIC, AND THEY WANT TO PREVENT THE LEGISLATURE FROM DOING ANYTHING ABOUT IT. THEY--WHEN I SAY "THEY," I MEAN PEOPLE LIKE SENATOR GROENE AND THESE OTHERS WHO HOLD UP THE HUMANE SOCIETY OF THE UNITED STATES. AND SENATOR GROENE, I'D LIKE TO ASK HIM A QUESTION. MAYBE I MISUNDERSTOOD HIM. [LR378CA]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: SENATOR GROENE, WILL YOU YIELD TO A QUESTION?
[LR378CA]

SENATOR GROENE: YES. [LR378CA]

SENATOR CHAMBERS: SENATOR GROENE, WHAT WAS THAT PLANT THAT YOU SAID WAS IN YOUR DISTRICT AND HSUS SHUT IT...? [LR378CA]

SENATOR GROENE: IT WAS A HORSE SLAUGHTER PLANT. [LR378CA]

SENATOR CHAMBERS: AND HOW DID HSUS SHUT IT DOWN? [LR378CA]

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SENATOR GROENE: BY LOBBYING AT THE U.S. LEVEL, THE FEDERAL LEVEL.
[LR378CA]

SENATOR CHAMBERS: WELL, WHO ENACTED WHATEVER IT TOOK TO SHUT IT
DOWN? YOU SAID HSUS DID IT. [LR378CA]

SENATOR GROENE: WELL, I COULD READ YOU SOME QUOTES... [LR378CA]

SENATOR CHAMBERS: NO. HOW DID HSUS DO IT? NOW YOU'RE SAYING
CONGRESS DID IT. DID CONGRESS DO IT? [LR378CA]

SENATOR GROENE: CONGRESS DID IT THROUGH A VOTE ON... [LR378CA]

SENATOR CHAMBERS: THANK YOU. NOW DO YOU SEE WHAT WE'RE DEALING
WITH? SOME GROUP HE SAYS LOBBIED, SO THAT GROUP SHUT IT DOWN. HE
DIDN'T SAY CONGRESS SHUT IT DOWN. HE SAID HSUS SHUT IT DOWN. AND
THAT'S WHAT YOU ALL ARE BEING ASKED TO ACCEPT. HSUS IS NOT
OMNIPOTENT. THEY ARE NOT ALL POWERFUL. BUT THAT'S SOMETHING THAT
THEY CAN PAINT WITH A BAD BRUSH, THEN JUST SHAKE THAT BLOODY SHIRT IN
FRONT OF YOU AND YOU ACCEPT IT AND YOU'LL SAY THE SAME KIND OF SILLY
THINGS THAT SENATOR GROENE SAID. HE'LL HAVE YOU RUNNING AROUND HERE
SAYING HSUS IS MAKING IT IMPOSSIBLE IN THIS COUNTRY TO SLAUGHTER
HORSES. WELL, HOW DID THEY DO IT? WELL, THEY TOLD CONGRESS TO DO IT,
AND CONGRESS DID IT BECAUSE HSUS TOLD THEM TO DO IT. THESE ISSUES
RELATED TO THE CONSTITUTION ARE IMPORTANT. THERE ARE SENATORS
ACTUALLY TELLING ME THAT PEOPLE IN THEIR DISTRICT WOULD REQUIRE
THEM TO VOTE FOR THIS. THEIR ABDICATING THEIR DUTIES, IN MY VIEW, AND
THEIR RESPONSIBILITY AS LEGISLATORS. THEY'RE SAYING THE INTEGRITY OF
THE WORK THAT WE'RE TO DO IS TO BE THROWN ASIDE. WELL, THE
CONSTITUTION SHOULD MEAN MORE TO US THAN THAT. THESE TERMS HAVE NO
DETERMINABLE DEFINITION. AND SENATOR KUEHN MAY HAVE BEEN TOLD THAT
YOU CAN PUT A WORD IN THE CONSTITUTION AND HOWEVER SOMEBODY ELSE
DEFINES IT, THAT'S WHAT THE DEFINITION IS, OR ANYTHING THAT'S DONE
UNDER THAT TERM IS NOW PROTECTED BY THE CONSTITUTION. THAT'S CRAZY.
DO YOU THINK IF A LEGISLATURE DEFINED THE ACT OF TAKING SOMEBODY'S
LIFE WITHOUT JUST CAUSE IS NOT A HOMICIDE, THEREFORE, THE FEDERAL
GOVERNMENT CANNOT CHARGE SOMEBODY WITH VIOLATING A PERSON'S CIVIL
RIGHTS IF THAT PERSON DEPRIVES ANOTHER OF HIS OR HER LIFE IN THAT
MANNER? THERE ARE SOME THINGS THAT ARE JUST LOGICAL, THAT ARE

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REASONABLE AND RATIONAL, AND IN THE LAW THESE THINGS ARE UNDERSTOOD. IN THE AG COMMUNITY, OBVIOUSLY THEY'RE NOT. IN THIS LEGISLATURE, OBVIOUSLY THOSE THINGS ARE NOT. BUT REGARDLESS OF WHAT YOU SAY, REGARDLESS OF HOW YOU FEEL, THERE ARE LEGAL AND CONSTITUTIONAL PRINCIPLES THAT CANNOT BE SET ASIDE BY SOMETHING LIKE WHAT YOU HAVE HERE. NOW THEY DIDN'T GET 33 VOTES ON THEIR SIDE. MAYBE THEY HAVE 33 VOTES. MAYBE THEY CAN PERSUADE THAT MANY OF YOU ALL TO GO ALONG WITH THIS. BUT IF YOU READ THE LANGUAGE YOURSELF AND YOU DON'T UNDERSTAND WHAT THESE TERMS MEAN, AND SENATOR KUEHN WANTS TO SAY, THESE THINGS ARE POPULARLY UNDERSTOOD, ALL RIGHT? LET'S SAY A RANCHING PRACTICE. SENATOR GROENE HAS A RANCH; I HAVE A RANCH. I DO THINGS ONE WAY; HE DOES THEM ANOTHER WAY. I SAY YOU BURN THE TESTICLES OFF A BULL WITH A RED-HOT IRON. HE SAYS, NO, THAT'S NOT THE WAY TO DO IT. SO AN ISSUE COMES UP IN COURT. HE SAYS YOU DON'T DO IT THAT WAY. I SAY YOU DO, DO IT THAT WAY. HIS IS A RANCHING PRACTICE; MINE IS A RANCHING PRACTICE. BOTH OF THEM ARE RANCHING PRACTICES. BOTH OF THEM ARE PROTECTED UNDER THIS PROVISION. AND THE TWO PEOPLE IN RANCHES CAN'T AGREE ON WHAT THESE TERMS MEAN. THOSE WHO ARE DOING IT CAN'T AGREE. THOSE IN FARMING DON'T AGREE ON WHAT ALL THESE PRACTICES ARE AND WHAT THEY OUGHT TO BE. BUT THE LEGISLATURE, WHICH HAS THE RESPONSIBILITY OF THINKING, WEIGHING, EVALUATING, AND BEHAVING IN A RESPONSIBLE, RATIONAL WAY IS GOING TO THROW ALL THAT OUT THE WINDOW. YOU ARE NOT GOING TO INSIST THAT THE ONES WHO BRING YOU THIS THAT THEY WANT TO PUT INTO YOUR CONSTITUTION...STUFF THAT THEY DON'T KNOW WHAT IT MEANS. THEY CAN'T DEFINE IT. THEY MIGHT SAY, WELL, IF YOU TOOK TEN PEOPLE, SIX OUT OF TEN OF THEM WOULD SAY IT MEANS THIS. THAT'S NOT THE WAY THE COURT MAKES ITS DETERMINATION, NOT LIKE AN OPINION POLL OR POPULARITY CONTEST OR SOMETHING THAT'S MERELY GOOD ADVICE. THINK ABOUT WHAT THE CONSTITUTION IS FOR. THINK WHAT THE LEGISLATURE'S RESPONSIBILITIES ARE. [LR378CA]

SPEAKER HADLEY: ONE MINUTE. [LR378CA]

SENATOR CHAMBERS: THINK WHAT YOU WILL SAY IF YOU WERE INTERVIEWED ABOUT THE MEANING OF THIS THAT YOU ARE SO HEATED UP TO PUT INTO THE CONSTITUTION. THEY'LL ASK YOU WHAT THESE TERMS MEAN. WOULD YOU NOT FEEL FOOLISH SAYING, WELL, I DON'T KNOW BUT THERE'S SOMEBODY OUT THERE WHO DOES KNOW? WELL, WHY ARE YOU DOING IT? WELL, IT'S NOT MY JOB TO KNOW WHAT THESE THINGS MEAN. I PUT IT OUT THERE AND LET SOMEBODY ELSE DECIDE. THAT'S WHAT IT'S BOILING DOWN TO. AND I'M GOING

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TO DO ALL I CAN TO PREVENT THAT FROM HAPPENING ON THIS PARTICULAR BILL. THANK YOU, MR. PRESIDENT. [LR378CA]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. YOU'VE HEARD THE OPENING ON THE BRACKET MOTION. THOSE IN THE QUEUE INCLUDE SENATORS SMITH, SCHNOOR, JOHNSON, BURKE HARR, McCOY, KEN HAAR, AND OTHERS. SENATOR SMITH, YOU'RE RECOGNIZED. [LR378CA]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD EVENING, COLLEAGUES. I DID NOT SUPPORT THE IPP MOTION. I DO WANT TO HAVE SOME ADDITIONAL DISCUSSION ON THIS. I DO HAVE SOME QUESTIONS FOR SENATOR KUEHN AS WELL, AND I'M GOING TO GIVE HIM NOTICE. I BELIEVE HE'S NEARBY. I TOLD SENATOR KUEHN THAT I DID HAVE A COUPLE OF QUESTIONS FOR HIM, AND THEN I WILL PROVIDE HIM THE REMAINING TIME TO ANSWER MY QUESTION AND TO USE AS HE PLEASES. I'M NOT AN AG BUSINESS OWNER BUT I'M A SMALL BUSINESS OWNER. WE TALKED ABOUT THAT BEFORE ON THE MICROPHONE. AND I PREFER LESS GOVERNMENT INTRUSION, JUST LIKE AGRICULTURE PREFERS LESS GOVERNMENT INTRUSION IN THEIR BUSINESS. I'M INCLINED TO SUPPORT THE AG INDUSTRY ON WHAT THEIR DESIRE IS WITH THIS BILL, BUT I'M...BUT IN LISTENING TO THE AG INDUSTRY ASSOCIATIONS THAT I RESPECT A GREAT DEAL, I'M HEARING SOME WITH SOME CONCERNS. AND I WOULD LIKE SENATOR KUEHN TO BE ABLE TO CLARIFY THAT FOR ME. I GUESS TWO QUESTIONS I HAVE FOR SENATOR KUEHN. [LR378CA]

SPEAKER HADLEY: SENATOR KUEHN. [LR378CA]

SENATOR SMITH: WAIT. AND I'M GOING TO YIELD TO HIM IN JUST A MOMENT. BUT FIRST OF ALL, CAN HE EXPLAIN THE DIFFERENCES OF OPINION THAT I'M HEARING COMING FROM SOME OF THESE AG GROUPS? AND THEN SECONDLY, CAN HE TELL ME IF THERE HAS BEEN CONVERSATIONS BETWEEN HIM AND THE ATTORNEY GENERAL ON THIS PARTICULAR BILL AND THIS PARTICULAR ISSUE, AND IF HE...IF THE ATTORNEY GENERAL HAS VENTURED AN OPINION ON THIS? SO THOSE ARE MY TWO QUESTIONS FOR SENATOR KUEHN IF HE WOULD YIELD, PLEASE. [LR378CA]

SPEAKER HADLEY: SENATOR KUEHN, YOU'RE YIELDED 3:12. [LR378CA]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SMITH. TO ADDRESS A COUPLE OF YOUR QUESTIONS, FIRST WITH REGARD TO

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EXPLAINING THE DIFFERENCES OF OPINION AMONG SOME OF THE AG GROUPS, CERTAINLY I'M NOT GOING TO SPEAK FOR THE LEADERSHIP INTERNALLY OF INDIVIDUAL AG GROUPS. I CAN ONLY EXPRESS MY PERCEPTION AND MY UNDERSTANDING AND OBSERVATION OF WHAT I SEE. FIRST, WITH REGARD TO A COUPLE OF THE AG GROUPS, IT DOES NOT AT ALL SURPRISE ME THAT THEY WOULD BE OPPOSED TO LR378CA. THEY HAVE A VESTED INTEREST IN THE INCREMENTALISM THAT OCCURS WITH REGARD TO SOME OF THE GROUPS THAT WE HAVE TALKED ABOUT, WHETHER THAT'S HSUS, ADVISORY COUNCIL MEMBERS SERVING ON THEIR BOARDS AND REALLY WHO THEY ADVOCATE FOR. SO CERTAINLY I THINK AS A PRODUCER AND AS A MEMBER OF THIS BODY, AS AN AGRICULTURE LIVESTOCK OWNER AND AG PRODUCER, I ALWAYS KIND OF TAKE SOME OF THOSE GROUPS WITH A LITTLE BIT OF A GRAIN OF SALT IN TERMS OF WHICH SEGMENT OF AG THAT THEY ARE ACTUALLY REPRESENTING. WITH REGARD TO SOME OF THE OTHER GROUPS, I THINK IT BECOMES AN ISSUE OF WHAT THEY REALLY WANT TO ACHIEVE OR THEIR OWN INTERNAL CONFLICTS WITH REGARD TO THEIR DECISION-MAKING PROCESS. I CERTAINLY HAVE HAD A NUMBER OF COUNTY CHAIRS FROM FARM BUREAU CONTACT ME, WONDERING ABOUT THE POSITION OF THEIR BOARD AND OF THEIR SENIOR STAFF. I'VE CERTAINLY HAD A NUMBER OF FARM BUREAU MEMBERS, A SIGNIFICANT NUMBER OF FARM BUREAU MEMBERS, ASKING ME, WITH CONFUSION, GIVEN THAT THE ORGANIZATION HAD VERY AGGRESSIVELY SUPPORTED, TESTIFYING IN SUPPORT OF THE CONSTITUTIONAL RIGHT TO HUNT AND FISH, BUT YET WON'T STAND BEHIND A CONSTITUTIONAL RIGHT TO FARM. SO THAT'S AN INTERNAL ISSUE WITHIN THAT ORGANIZATION, BETWEEN THEIR BOARD AND MANAGEMENT AND A COMMUNICATION ISSUE WITH THEIR MEMBERSHIP THAT THEY WILL HAVE TO EXPLAIN TO THEIR MEMBERSHIP MOVING FORWARD. I CERTAINLY DO KNOW, AS I'VE PROVIDED THIS BODY WITH SURVEY RESULTS, THAT NEBRASKA VOTERS, ESPECIALLY THOSE IN THE THIRD DISTRICT, OVERWHELMINGLY SUPPORT THE CONCEPT OF A CONSTITUTIONAL RIGHT TO FARM AND RANCH. [LR378CA]

SPEAKER HADLEY: ONE MINUTE. [LR378CA]

SENATOR KUEHN: WITH REGARD TO CONVERSATIONS WITH THE ATTORNEY GENERAL, I HAVE HAD A SIT-DOWN MEETING WITH THE ATTORNEY GENERAL. I DID NOT SEEK A FORMAL OPINION WITH REGARD TO WHAT HE FELT MAY ARISE FROM THE CONSTITUTIONAL AMENDMENT. I DO NOT WANT TO PUT WORDS IN HIS MOUTH OR SPEAK FOR HIM. I THINK WE HAD A PRODUCTIVE CONVERSATION ABOUT THE NEED FOR THE CONSTITUTIONAL AMENDMENT AS WELL AS DISCUSSING WHAT THE INTENTION AND WHAT THE OBJECTIVE WAS FOR IT. SO,

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AGAIN, I'M NOT GOING TO GIVE AN OPINION OF THE ATTORNEY GENERAL'S SUPPORT OR OTHERWISE. THAT'S UP FOR HIM TO DO OR TO ISSUE IN A FORMAL OPINION. THANK YOU, MR. PRESIDENT. [LR378CA]

SPEAKER HADLEY: THANK YOU, SENATOR SMITH AND SENATOR KUEHN. SENATOR JOHNSON, YOU'RE RECOGNIZED. [LR378CA]

SENATOR JOHNSON: THANK YOU, MR. SPEAKER. FOR THE RECORD, I HAVE BEEN A MEMBER OF WE SUPPORT AG BEFORE I WAS IN THE LEGISLATURE. WE SUPPORT AG IS ONE OF THE VEHICLES THAT WE'VE HAD OUT THERE THAT HAS FOUGHT AGAINST ANIMAL RIGHTS ORGANIZATIONS. IT'S BEEN PRETTY EFFECTIVE. IT'S A COLLABORATION OF A LOT OF DIFFERENT AG INDUSTRY PEOPLE, SEVERAL SENATORS HAVE SIGNED ON TO THAT. IF WE COME FORWARD WITH SOMETHING NEXT YEAR, WE SHOULD BE ABLE TO PUT SOMETHING IN BEFORE ANIMAL RIGHTS PEOPLE, HSUS, WOULD BE ABLE TO PUT SOMETHING IN TO A BILL. SO I THINK WE'RE STILL GOING TO BE PROACTIVE ENOUGH. I DID VOTE AGAINST HSUS WHEN WE WORKED ON LB176. THEY WERE AGAINST THAT. WE'VE GOT THE FARM ORGANIZATIONS: FARM BUREAU, FARMERS UNION, GRANGE, AND WIFE. IT'S PROBABLY A MIRACLE THAT ALL OF THESE ARE ON THE SAME SIDE AND A BIGGER MIRACLE WHEN SENATOR CHAMBERS IS ON THE SAME SIDE WITH THEM. THERE'S SOME AMENDED LANGUAGE OUT HERE THAT'S IN ONE OF THE AMENDMENTS: NOTHING IN THIS SECTION SHALL BE CONSTRUED TO MODIFY OR AFFECT THE JURISDICTION OF ANY POLITICAL SUBDIVISIONS IN THE STATE. TWO OF THE POLITICAL SUBDIVISIONS SAY THIS IS JUST AS BAD AS IT WAS BEFORE. ONE OF THEM IS THE LEAGUE. I HAVEN'T TALKED TO NACO BUT I UNDERSTAND THEY STILL HAVE THE SAME CONCERNS OUT THERE. SENATOR SCHUMACHER TALKED ABOUT THE ISSUES WITH IT BEING IN THE CONSTITUTION. I DIDN'T BRING UP THE OTHER ALTERNATIVE. IF IT CAN BE IN THE CONSTITUTION, I'LL SUPPORT IT WHEN THE TIME IS RIGHT. BUT I BELIEVE IT'S PROBABLY...IT WOULD BE BETTER SUITED TO BE IN THE STATUTES FIRST. IT CAN BE TESTED A LITTLE BIT THERE BEFORE WE GO TO A CONSTITUTIONAL AMENDMENT. THE BILLS THAT HAVE BEEN PASSED IN NORTH DAKOTA AND MISSOURI ARE A LOT SIMPLER BILLS, A LOT SIMPLER AMENDMENTS, SINCE WE'RE TALKING ABOUT AN AMENDMENT HERE. OURS IS WRITTEN NOW JUST EXACTLY LIKE OKLAHOMA, AND IT INCLUDES A LOT MORE THAN ANIMAL RIGHTS. I STARTED IN THE BUSINESS BACK WHEN WE STILL HAD BAGGED FERTILIZER AND WE DIDN'T HAVE HARDLY ANY CHEMICALS. I'VE LIVED THROUGH ROUNDUP. I'VE LIVED THROUGH ATRAZINE. I'VE LIVED THROUGH A LOT OF CHEMICALS. I'VE LIVED THROUGH BUTYL ESTER, AND I'VE LIVED THROUGH AMINE 2,4-D; GONE THROUGH ALL OF THAT. I KNOW THE ADVANCES

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WE'VE MADE AND THEY ARE VERY IMPORTANT. WE DON'T WANT TO HINDER THAT IN ANY WAY. WE WANT TO CONTINUE TO DEVELOP IT. SOME OF THE AG COMMODITY GROUPS HAVE TRIED TO REACH OUT TO SENATOR KUEHN IN THE LAST COUPLE DAYS, I GUESS, AND HE'S NOT REALLY WANTED TO RESPOND TO THEIR DISCUSSION OR THEIR QUESTIONS. HE CAME TO ME A COUPLE DAYS AGO, MAYBE IT WAS YESTERDAY MORNING, AND SAID THIS AMENDMENT, CAN WE WORK TOGETHER ON OUR TWO AMENDMENTS. AND I'LL PROBABLY PULL MY AMENDMENT BECAUSE IT'S KIND OF THE SAME AS HIS, DEALING WITH WATER. AND WHEN HE SAID, DOES THAT HELP YOU, AND I SAID, NO, IT DOESN'T HELP ME BECAUSE I STILL HAVE ISSUES WITH IT BEING IN THE CONSTITUTION UNTIL WE KNOW IT'S RIGHT. I DID SUPPORT IPP MOTION. I DIDN'T WANT TO VOTE IT UP OR DOWN. DIDN'T WANT A WINNER OR LOSER. [LR378CA LB176]

SPEAKER HADLEY: ONE MINUTE. [LR378CA]

SENATOR JOHNSON: THANK YOU. BUT I WANTED TO STATE MY POSITION. I HOPE EVENTUALLY WE'LL BE ABLE TO GET TO A POINT WHERE WE CAN GO TO...COMMIT IT TO A COMMITTEE. IF NOT AND IT'S DEFEATED, WE WILL STUDY IT. ANOTHER ITEM THAT I HAVE AND I THINK MAYBE SOMEBODY WITH MORE LEGAL EXPERIENCE THAN I, INITIATIVE 300. THAT DEALT WITH COMMERCE. AND I THINK THIS IS PROBABLY A BILL OR A LEGISLATION THAT WILL BE SHOT DOWN WHEN THEY LOOK AT IT, WHEN THE FEDERAL GOVERNMENT LOOKS AT IT. AND THAT'S WHY INITIATIVE 300 ISN'T HERE ANYMORE. AND MOST OF US WERE GLAD WHEN THAT WENT OFF THE BOOKS. THANK YOU, MR. SPEAKER. [LR378CA]

SPEAKER HADLEY: THANK YOU, SENATOR JOHNSON. SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LR378CA]

SENATOR HARR: THANK YOU, MR. SPEAKER, MEMBERS OF THE BODY. GOOD EVENING, NEBRASKANS. IS SENATOR KUEHN AVAILABLE FOR SOME QUESTIONS? [LR378CA]

SPEAKER HADLEY: SENATOR KUEHN, WILL YOU YIELD TO A QUESTION? [LR378CA]

SENATOR HARR: AND WHILE HE'S COMING TO THE MIKE, I'LL JUST DO A LITTLE... [LR378CA]

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SENATOR KUEHN: YES, I WILL YIELD. [LR378CA]

SENATOR HARR: GREAT. SO I SAW THAT SENATOR KUEHN DID A SURVEY. AND I WILL BE HONEST. IF I GOT THAT PHONE CALL AND THEY ASKED, WOULD YOU SUPPORT A CONSTITUTIONAL RIGHT, I'D BE IN THE 60 PERCENT. I WOULD SAY YES. BUT I'M NOT SURE THIS IS THE PROPER VEHICLE TO GO FORWARD WITH IT. SENATOR, ON YOUR SURVEY, CAN I ASK...MAY I ASK YOU A COUPLE OF QUESTIONS? [LR378CA]

SENATOR KUEHN: YEAH, YOU MAY. [LR378CA]

SENATOR HARR: OKAY. FIRST OF ALL, THIS WAS DONE...WAS THIS ROBOCALL OR LIVE PERSON CALLS? [LR378CA]

SENATOR KUEHN: MY UNDERSTANDING ON THE METHODOLOGY WAS THAT IT WAS LIVE CALLS. [LR378CA]

SENATOR HARR: OKAY. AND IT WAS DONE BY THIS GROUP OPTIMUS? [LR378CA]

SENATOR KUEHN: CORRECT. [LR378CA]

SENATOR HARR: OKAY. DID YOU HIRE THEM? [LR378CA]

SENATOR KUEHN: YES. I WAS REFERRED TO THEM AND HIRED THEM TO DO THE POLL. [LR378CA]

SENATOR HARR: OKAY. HOW MUCH DID YOU PAY FOR THEM? [LR378CA]

SENATOR KUEHN: THE TOTAL WILL BE \$2,000. [LR378CA]

SENATOR HARR: \$2,000. ARE THERE "CROSS-TABS" WITH THIS? [LR378CA]

SENATOR KUEHN: THERE IS SOME ADDITIONAL THAT I HAVE NOT HAD AN OPPORTUNITY TO GO THROUGH. I HAVE NOT GONE THROUGH ALL OF THAT AT THIS POINT. I'VE JUST LOOKED AT THE EXECUTIVE SUMMARY. [LR378CA]

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SENATOR HARR: OKAY. SO THERE'S MORE THAN JUST THIS TWO-SHEET SUMMARY? [LR378CA]

SENATOR KUEHN: POTENTIALLY, YES. [LR378CA]

SENATOR HARR: WELL, YES OR NO? IS THERE MORE THAN THESE TWO SHEETS? [LR378CA]

SENATOR KUEHN: YEAH. THERE ARE "CROSS-TABS" AND ADDITIONAL INFORMATION THAT WE CAN GET INTO THE RAW DATA OR AS POSSIBLE IN THE RAW DATA. BUT, NO, I GUESS THERE ISN'T. SORRY. THIS IS JUST THE EXECUTIVE SUMMARY THAT WAS PROVIDED TO ME, WHICH IS WHAT I HAD CONTRACTED WITH THEM FOR. [LR378CA]

SENATOR HARR: OKAY. [LR378CA]

SENATOR KUEHN: SO NO ADDITIONAL INFORMATION (INAUDIBLE). [LR378CA]

SENATOR HARR: SO THIS IS ALL THE INFORMATION WE HAVE? WE HAVE NO "CROSS-TABS," NO ANALYSIS, NO SUMMARY. [LR378CA]

SENATOR KUEHN: CORRECT. [LR378CA]

SENATOR HARR: OKAY. AND YOU PAID FOR THIS OUT OF YOUR CAMPAIGN FUNDS? [LR378CA]

SENATOR KUEHN: YES. [LR378CA]

SENATOR HARR: OKAY. ALL RIGHT. THANK YOU. [LR378CA]

SENATOR KUEHN: THANK YOU. [LR378CA]

SENATOR HARR: FOLKS, I FIND THIS INTERESTING. WHEN WE DO SURVEYS, AND I DON'T KNOW A LOT ABOUT SURVEYING--I'M GOING TO PULL THAT LINE--BUT I DO KNOW ENOUGH TO KNOW THAT YOU GOT TO GET "CROSS-TABS." I KNOW THAT YOU HAVE TO BE ABLE TO SEE WERE THESE THE SPECIFIC QUESTIONS THAT WERE ASKED. YOU KNOW, I THINK SOME OF THESE QUESTIONS, AS FAR AS

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SHOWING THAT SENATOR (SIC) RICKETTS HAS HIGHER UNFAVORABLES THAN SENATOR...OR CONGRESSMAN ASHFORD IN CD2. THOSE ARE A PART OF WHAT'S CALLED NORMALIZATION, AND I GET THAT. BUT I'M NOT QUITE SURE WHY ALL THESE QUESTIONS HAD TO BE ON HERE. IT DOES TALK ABOUT TAX RELIEF AND THAT PROPERTY TAX IS ONE OF THE TOP PRIORITIES. AND WE'RE GOING TO ADDRESS THAT THIS SESSION. AND ONE OF THE REASONS WHY I WOULD SUPPORT SOME SORT OF CONSTITUTIONAL AMENDMENT, I DON'T THINK I CAN SUPPORT THIS ONE, BUT WHY I WOULD SUPPORT ONE IS, IT'S WHAT SENATOR HUGHES TALKS ABOUT. TECHNOLOGY HAS HELPED US TO BECOME BETTER AT AGRICULTURE. IT'S THE REASON THAT WE CAN GET MORE BUSHELS OF CORN OUT OF AN ACRE OF LAND. IT'S THE REASON WHY AG PRICES CONTINUE TO GROW. IT'S BECAUSE IT'S WORTH MORE. WE CAN GET MORE WHEAT OUT OF AN ACRE OF LAND. WE CAN MORE SUGAR BEETS, AND WE CAN GO AHEAD AND WE CAN PUT CHEMICALS IN THOSE SEEDS THAT MAKE THEM IMMUNE TO CERTAIN DISEASES, TO CERTAIN BUGS, TO OTHER WEEDS. THAT'S IMPORTANT. THOSE ARE ALL GOOD FARM TECHNOLOGIES. THAT'S WHAT MAKES...I ALWAYS LIKE TO SAY IT'S SIMILAR TO PUTTING CHALK ON THE WATER, IT MAKES WATER...OR ON THE LAND. IT MAKES THE WATER WETTER. IT'S A GOOD THING. THE QUESTION IS, WHERE DO YOU DRAW THAT LINE AND HOW DO YOU DRAW THE LINE? THAT'S WHAT WE'RE DEBATING. THIS TAKES IT TO THE FAR EXTREME. AND IT'S A VERY GOOD OPENING SALVO. WHEN YOU'RE NEGOTIATING, YOU ALWAYS ASK FOR THE MOST UP FRONT, HOPE YOU GET IT,... [LR378CA]

SPEAKER HADLEY: ONE MINUTE. [LR378CA]

SENATOR HARR: THANK YOU...BUT PROBABLY EXPECT NOT TO. I THINK THAT'S WHAT WE HAVE HERE TODAY. THERE ARE SOME CONSTITUTIONAL ISSUES, THERE ARE SOME QUESTIONS OF MULTIPLE SUBJECTS, AND THERE ARE SOME QUESTIONS OF WHAT THE HECK FARM TECHNOLOGIES ARE. I HAVE NO IDEA. I HEAR IT'S AN EVOLVING STANDARD. I KNOW THAT THERE IS A FORMER SUPREME COURT JUSTICE SCALIA WHO DOES NOT BELIEVE IN EVOLVING STANDARDS SO WE'D PROBABLY BE STUCK WITH THE FARM TECHNOLOGY AT THE TIME THE AMENDMENT WAS PASSED, IF WE WERE TO TAKE HIS APPROACH. SO THERE'S A LOT OF QUESTIONS OUT THERE. I'LL PROBABLY HIT MY LIGHT AGAIN AND START ASKING SOME MORE QUESTIONS ABOUT THE AMENDMENT. BUT AGAIN, I DO SUPPORT THE RIGHT TO FARM OR THE ABILITY OR OBLIGATION TO FARM. I'M NOT SURE IF IT RISES TO THE SAME LEVEL OF RIGHTS AS RACE, CREED, AND SOME OF THOSE OTHER HIGHLY PROTECTED CLASSES THAT DO HAVE STRICT SCRUTINY. BUT I DO BELIEVE THERE IS A PURPOSE OUT THERE AND THAT WE DO NEED TO PROTECT THE FARMERS. [LR378CA]

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SPEAKER HADLEY: TIME, SENATOR. [LR378CA]

SENATOR HARR: THANK YOU. [LR378CA]

SPEAKER HADLEY: THANK YOU, SENATOR HARR. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LR378CA]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, FIRST OF ALL, SENATOR HUGHES, SOME OF MY BEST FRIENDS DON'T LIKE GMOs. BUT I TELL THEM THAT AS FAR AS I KNOW THERE'S NO SCIENTIFIC EVIDENCE THAT YOU SHOULDN'T EAT GMO CHEERIOS. (LAUGH) SO I THINK I'M RIGHT ON THAT. ANYWAY, I SUPPORT AGRICULTURE. ABOUT 20 PERCENT OF MY DISTRICT IS AGRICULTURE. I LIVE IN AN AG COMMUNITY. BUT I DON'T BELIEVE THIS BELONGS IN THE CONSTITUTION AND MY VOTES WILL REFLECT THAT. I DO THINK THIS IS A SLIPPERY SLOPE. I HAVE PEOPLE IN LANCASTER COUNTY, FOR EXAMPLE, WHO...ACREAGE OWNERS WHO BELIEVE THEY HAVE A RIGHT TO A VIEWSHED, ETCETERA, ETCETERA, ETCETERA. AND SO I'M GOING TO GO BACK TO MY FIRST YEAR IN THE LEGISLATURE AND I KIND OF OPENED THE DOOR TO THE BOGEYMAN, BUT I THINK HE WAS DISPELLED QUICKLY. MY FIRST YEAR IN THE LEGISLATURE, SOMEBODY CAME UP TO ME ABOUT AN HOUR BEFORE WE COULD STOP INTRODUCING BILLS AND SAID, KEN, I'VE GOT A GREAT BILL HERE THAT WILL HAVE A LOT OF SUPPORT; WOULD YOU TAKE IT AND INTRODUCE IT? AND I DID. AND THE ONE-LINER WAS...IT WAS LB677, CHANGE THE COMMERCIAL DOG AND CAT OPERATOR INSPECTION ACT. AND SO I TOOK IT. AND ONE OF THE BIG LESSONS I LEARNED IS NEVER TAKE ANYTHING FROM A FRIEND AND NEVER TAKE ANYTHING THE LAST HOUR THAT YOU CAN HAND IN BILLS. SENATOR CARLSON WAS CHAIR OF THE AG COMMITTEE AND, SENATOR SCHILZ, YOU MIGHT REMEMBER THAT BILL THAT I INTRODUCED. AND ALSO ON THE COMMITTEE WERE, WHEN SENATOR CARLSON WAS CHAIR, THEN THERE WAS BRENDA COUNCIL, DIERKS, DUBAS, PRICE, SCHILZ, AND WALLMAN, AND KARPISEK WAS ON THERE TOO. THE DAY IT CAME UP FOR A HEARING, I WALKED INTO THAT HEARING AND THE ROOM WAS PACKED, AND THE WORD HAD GOTTEN OUT THAT THE FRIEND OF MINE HAD INTRODUCED IT FOR THE HUMANE SOCIETY OF THE UNITED STATES. AND I DIDN'T EVEN KNOW WHAT THAT WAS AT THE TIME. SO THE ROOM WAS PACKED, AND I GAVE MY OPENING, AND THEN THIS LOBBYIST WHO GIFTED ME WITH THE BILL TALKED. AND AFTER THAT THE REST OF THE ROOM TALKED, AND OF COURSE IT WAS...IT WAS EMBARRASSING FOR ME AND I NEVER MADE THAT MISTAKE AGAIN. BUT...SO I LEARNED SEVERAL THINGS FROM THAT, IS, ONE, NEVER TAKE A BILL, EVEN FROM A FRIEND, AN HOUR BEFORE THE DEADLINE FOR INTRODUCING BILLS. BUT I ALSO

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FOUND OUT HOW MUCH PEOPLE FEARED THIS WHOLE THING OF THE HSUSA. DESPITE THAT FACT, A BUNCH OF PEOPLE CAME IN AND TESTIFIED AGAINST THE BILL, WHICH IS ALMOST WHAT EVENTUALLY GOT ENACTED IN A LATER YEAR, BUT PEOPLE CAME BECAUSE IT WAS THE HSUSA. AND THEN I HEARD THAT THE HSUSA WAS GOING TO TAKE OVER NEBRASKA, ETCETERA, ETCETERA. BUT WHAT I LEARNED FROM THAT IS, PEOPLE KNOW WHAT'S GOING ON. AND THIS WHOLE IDEA OF PUTTING IN THE CONSTITUTION AND THEN WE'LL NEVER HAVE TO WORRY ABOUT IT AGAIN I THINK DOESN'T MAKE SENSE, EITHER. I THINK THE AG COMMUNITY AND ALL OF US ARE GOING TO HAVE TO KEEP TELLING THE STORY OF WHERE OUR FOOD COMES FROM. AND IT'S NOT GOING TO GO AWAY JUST BECAUSE WE PUT IT IN THE CONSTITUTION. AND FROM EVERYTHING I'VE HEARD, IT'S PRETTY CONFUSING WHAT'S IN THIS CONSTITUTIONAL...PROPOSED CONSTITUTIONAL AMENDMENT. SO, AGAIN, I DON'T BELIEVE THIS BELONGS IN THE CONSTITUTION. I SIMPLY CAN'T CONCEIVE OF THE IDEA THAT WE'RE GOING TO SHUT DOWN AGRICULTURE IN THIS STATE. IT IS SO IMPORTANT. AND ANYBODY WHO GETS INTO THIS LEGISLATURE LEARNS THAT VERY QUICKLY, IF THEY DIDN'T KNOW IT BEFOREHAND, HOW IMPORTANT... [LR378CA]

SPEAKER HADLEY: TIME, SENATOR. [LR378CA]

SENATOR HAAR: THANK YOU. [LR378CA]

SPEAKER HADLEY: THANK YOU, SENATOR HAAR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LR378CA]

SENATOR CHAMBERS: THANK YOU. THANK YOU, MR. PRESIDENT. IN THE NEBRASKA CONSTITUTION, IN ARTICLE III, SECTION 1, IT SAYS, "THE LEGISLATIVE AUTHORITY OF THE STATE SHALL BE VESTED IN A LEGISLATURE CONSISTING OF ONE CHAMBER." THAT'S WHERE THE LEGISLATIVE AUTHORITY IS. NOW I WOULD LIKE TO ASK SENATOR KUEHN A QUESTION. [LR378CA]

SPEAKER HADLEY: SENATOR KUEHN, WILL YOU YIELD TO A QUESTION?
[LR378CA]

SENATOR KUEHN: YES. [LR378CA]

SENATOR CHAMBERS: SENATOR KUEHN, YOU'RE TALKING ABOUT AN AMENDMENT THAT WOULD ALLOW COUNTIES AND CITIES OR MUNICIPALITIES

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TO DO THAT WHICH THE LEGISLATURE WOULD BE PREVENTED FROM DOING.
ISN'T THAT CORRECT? [LR378CA]

SENATOR KUEHN: THAT IS CORRECT. [LR378CA]

SENATOR CHAMBERS: SO YOU'RE SAYING THAT THESE HANDSERVANTS OF THE
LEGISLATURE SHALL BE GIVEN MORE AUTHORITY THAN THE LEGISLATURE
WHICH CREATED THEM. [LR378CA]

SENATOR KUEHN: I DON'T KNOW THAT IT'S MORE AUTHORITY. IT IS, THEY HAVE
THE BEST ASSESSMENT OF THE LOCAL SITUATION AND THE LOCAL COMMUNITY
NEEDS, AND ARE IN A BETTER POSITION TO ASSESS... [LR378CA]

SENATOR CHAMBERS: NO, THAT'S NOT WHAT I'M SAYING. [LR378CA]

SENATOR KUEHN: ...THE LOCAL COMMUNITY. [LR378CA]

SENATOR CHAMBERS: UNDER YOUR AMENDMENT, THE COUNTIES AND CITIES
CAN PRODUCE ENACTMENTS RESTRICTING AGRICULTURE IN A WAY THAT THE
LEGISLATURE CANNOT. YES OR NO? [LR378CA]

SENATOR KUEHN: IF IN ACCORDANCE WITH THE AUTHORITY GRANTED TO THEM
BY THE LEGISLATURE. [LR378CA]

SENATOR CHAMBERS: WELL, THE LEGISLATURE COULD ABOLISH THEM,
COULDN'T IT? [LR378CA]

SENATOR KUEHN: ABSOLUTELY. [LR378CA]

SENATOR CHAMBERS: SO IF THE LEGISLATURE WERE TO ABOLISH THE COUNTIES
AND THE CITIES, ALL YOU HAVE LEFT IS THE LEGISLATURE, AND THE
LEGISLATURE IS THE ONLY ONE WITH AUTHORITY TO LEGISLATE. WOULDNT
THAT BE RIGHT? [LR378CA]

SENATOR KUEHN: IF THE CITIES AND COUNTIES WERE, THE OTHER POLITICAL
SUBDIVISIONS WOULD RETAIN THE AUTHORITY THAT IS GRANTED TO THEM BY
THE LEGISLATURE. [LR378CA]

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SENATOR CHAMBERS: ARE YOU AWARE THAT IF THE LEGISLATURE GRANTS ANY ENTITY THE AUTHORITY TO LEGISLATE, THEN THAT IS AN UNCONSTITUTIONAL DELEGATION OF LEGISLATIVE AUTHORITY? HAVE YOU EVER HEARD THAT EXPRESSION BEFORE? [LR378CA]

SENATOR KUEHN: ARE YOU... [LR378CA]

SENATOR CHAMBERS: OKAY, I WON'T QUESTION YOU ON THAT BECAUSE YOU'RE DEALING WITH SOMETHING ELSE. MEMBERS OF THE LEGISLATURE, YOU'RE ABOUT TO GET INTO A SITUATION EVEN MORE TANGLED AND NONSENSICAL THAN THIS ONE. I DON'T THINK THERE'S A PERSON ON THIS FLOOR, I HOPE THERE'S NOT ONE, WHO THINKS THAT A COUNTY AND A CITY SHOULD HAVE MORE AUTHORITY TO LEGISLATE, ALTHOUGH THE COUNTY'S IS CALLED A RESOLUTION, THE CITY AN ORDINANCE, BUT LET ME USE THE WORD "LEGISLATE" SO...IN THE INTEREST OF SAVING TIME. COUNTIES AND CITIES HAVE MORE AUTHORITY THAN THE LEGISLATURE WHICH CREATED BOTH OF THEM. DOES THAT MAKE SENSE TO YOU? THE MORE YOU GO WITH THIS, THE MORE AMENDMENTS THEY OFFER, THE MORE YOU'RE GOING TO GET ENTANGLED. I READ THAT STATEMENT FROM THE PERSON WITH THE FARM BUREAU BECAUSE THAT PERSON POINTED OUT THAT THERE'S NOBODY WHO HAS MORE CONCERN ABOUT AGRICULTURE THAN THE BUREAU. THEY DIDN'T SAY NOBODY HAS THAT CONCERN. BUT THEY CERTAINLY ARE NOT GOING TO GO FOR ANYTHING THAT WOULD HURT THE AG SECTOR. THEY SEE THE PROBLEMS WITH THIS. THEY KNOW THAT THERE HAS NOT BEEN ENOUGH CONSIDERATION GIVEN TO SEE CONSEQUENCES THAT CAN BE FORESEEN AND THERE ARE SOME NOT FORESEEN. LOOK AT ALL THE AMENDMENTS BEING BROUGHT NOW WHEN WE WERE TOLD, WHEN THE THING WAS PRESENTED, THAT OTHER STATES HAVE DONE THIS AND EVERYTHING IS ALL RIGHT. NOW THEY'RE DEVIATING FROM WHAT THOSE OTHER STATES HAVE DONE. AND IF THEY'RE NOT DEVIATING FROM IT, WHY DIDN'T THEY PUT ALL THAT IN IT IN THE FIRST PLACE? [LR378CA]

SPEAKER HADLEY: ONE MINUTE. [LR378CA]

SENATOR CHAMBERS: BUT YOU'RE GOING TO HAVE THEM CONTINUE TO OFFER OTHER THINGS THAT WILL MAKE THE LEGISLATURE LOOK RIDICULOUS. WHEN YOU'RE TIRED AND IT'S LATE, THOSE CONSIDERATIONS MAY NOT CARRY MUCH WEIGHT. BUT WE ARE TALKING ABOUT THE CONSTITUTION. WE'RE TALKING ABOUT RESTRICTING WHAT THE LEGISLATURE IS ABLE TO DO. THE LEGISLATURE WILL BE PREVENTED FROM ENACTING LAWS THAT ARE

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BENEFICIAL TO THE PUBLIC. AND THAT IS SOMETHING A LEGISLATURE SHOULD NOT DO. YOU WOULD NOT HAVE A KING CUTTING OFF HIS ARM, YOU WOULDN'T HAVE A QUEEN CUTTING OFF BOTH HER ARMS IF SHE HAPPENS TO BE THE TOP PERSON BECAUSE THE KING IS NOT THERE. THIS LEGISLATURE IS GOING TO GO ALONG WITH TAKING FROM ITSELF THAT WHICH THE CONSTITUTION BESTOWS ON IT, ENTRUSTS IT WITH? THAT'S WHAT WE'RE TALKING ABOUT HERE. AND YOU CAN SAY ALL YOU WANT TO THAT PEOPLE IN YOUR DISTRICT WOULD WANT YOU TO DO THIS. THERE'S SOME POINT THAT IS REACHED WHERE WE, AS SENATORS, ARE GOING TO HAVE TO DO WHAT OUR RESPONSIBILITY REQUIRES OF US AND WHAT OUR KNOWLEDGE AND UNDERSTANDING DICTATE THAT WE DO. THANK YOU, MR. PRESIDENT. [LR378CA]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR WATERMEIER, YOU'RE RECOGNIZED. [LR378CA]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. AND GOOD EVENING, NEBRASKA. I HAVE YET TO RISE AND SPEAK FOR THIS CONSTITUTIONAL AMENDMENT. AND I AM FULLY IN SUPPORT OF IT. ONE OF THE THINGS THAT I'VE ALWAYS TRIED TO DO IN MY FARMING CAREER OR IN MY LEGISLATIVE FOUR YEARS IS TO TAKE THE EMOTION OUT OF AN ARGUMENT AND BRING IT BACK DOWN TO THE SCIENCE. AND I'VE HEARD SO MANY DIFFERENT THINGS TONIGHT BEING TALKED ABOUT IN AN EMOTIONAL SIDE OF THINGS. AND I NEED TO KIND OF BACK UP A LITTLE BIT AND GIVE YOU A LITTLE PERSPECTIVE ON MY FARM, IN THE LAST 30 YEARS. I USED TO HAVE AN ORGANIC PART OF MY OPERATION. ABOUT 800 ACRES OF IT USED TO BE ORGANIC. AND I GOT INTO IT PARTIALLY BECAUSE I FELT LIKE I WANTED TO TRY IT BEFORE I'D MAYBE RETIRE SOMEDAY AND THEN HAVE REGRETS ABOUT NOT DOING IT. AND IT'S SUSTAINABLE, BUT IT WASN'T SUSTAINABLE IN THE FACT OF SOIL LOSS. AND IT WAS SO GLARINGLY CLEAR TO ME AT THAT POINT IN TIME THAT IT WASN'T GOING TO FIT MY OPERATION, BUT IT MIGHT FIT SOME OTHERS. BUT IT WASN'T GOING TO FIT MINE, MAINLY BECAUSE OF THE SOIL LOSS. I HAD IT EVALUATED FOR MY PERSONAL SIDE THAT THE SOIL LOSS WAS GOING TO BE ABOUT 20 TONS, 20 TONS PER ACRE HIGHER THAN MY NO-TILL ACRES. AND WHEN I TALK ABOUT NO-TILL ACRES, THOSE ARE THE THINGS THAT WE HAVE BENEFITS FROM, FROM USING GMOs. GMOs ARE GOING TO REVOLUTIONIZE, AND ALREADY HAVE REVOLUTIONIZED, AGRICULTURE, NOT IN NEBRASKA. IT'S UNREALISTIC TO THINK THAT WE CAN FEED THE WORLD USING ORGANIC CROPS. YES, IF YOU WANT TO PAY, ON GENERAL...AND HOLLYWOOD WOULD TELL YOU THIS IS GREAT, WE'RE GOING TO FEED EVERYBODY WITH ORGANIC CROPS, BUT THEY AREN'T GOING TO TELL YOU IT'S GOING TO BE A \$10 HAMBURGER COMPARED TO

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A 90-CENT HAMBURGER. THE REALITY IS WE NEED TO FEED THE WORLD AND IT'S GOING TO INVOLVE A LOT OF TECHNOLOGY. THE OTHER THING I NEED TO TALK ABOUT A LITTLE BIT, IT WAS BROUGHT UP ABOUT ROUNDUP. AND I'M NOT A SOIL SCIENTIST, I'M NOT A CHEMIST, BUT I'VE BEEN INVOLVED WITH ROUNDUP, WHICH IS JUST BASICALLY A GLYPHOSPHATE. AND THERE'S ALL THE DISCUSSIONS AND THIS ARGUMENT ABOUT ROUNDUP DOING ALL THESE BAD, HARMFUL THINGS TO YOU. THIRTY YEARS AGO IT BECAME APPARENT TO ME THE DIFFERENT SCIENTISTS THAT I HAD DEALT WITH ON SOIL SCIENCE AND USING CHEMICALS, ROUNDUP BECOMES INEFFECTIVE THE MINUTE THAT IT HITS SOMETHING ORGANIC. ORGANIC IS SOIL. IT MAY KILL A SOIL...A PLANT LIFE, BUT THAT'S BECAUSE OF ITS SOIL...OR, EXCUSE ME, ITS ABILITY TO AFFECT THE SOIL MEMBRANES. OTHER THAN THAT, ROUNDUP HAS NO RESIDUAL WHATSOEVER. YOU'D HAVE TO DRINK GALLONS OF IT BEFORE IT WOULD BE EFFECTIVE TO YOU. WE GOT OVER THAT ARGUMENT LONG, LONG TIME AGO. THE OTHER THING I JUST HAVE TO TOUCH ON IS IN MY DISTRICT I'M GETTING CALL AFTER CALL AFTER CALL FROM SOME OF THE MEMBERS OF BODIES IN THIS GROUP THAT ARE NOW OPPOSED TO THIS CA. THERE'S FOUR GROUPS OUT THERE IN THE BODY THAT...IN THE LOBBY THAT ARE CAMPAIGNING AGAINST THIS BILL. IT'S VERY DISAPPOINTING. AGRICULTURE IS NOT SPLIT ON THIS ISSUE. AGRICULTURE IS STRONG ON THE ISSUE TO RIGHT TO FARM. I HEAR IT EVERY DAY FROM CONSTITUENTS THAT ARE CALLING ME, WONDERING WHY THEIR ORGANIZATION IS FIGHTING THIS BILL. I WILL ADMIT IT'S A RISK TO PUT SOMETHING INTO THE CONSTITUTION. BUT IF WE DON'T BECOME PROACTIVE IN THIS INDUSTRY, ALL THE GOOD THINGS THAT HAVE HAPPENED TO IT IN THE LAST 30 YEARS, MAKE NO MISTAKE ABOUT IT, CAN BE SWEEP AWAY. AND THEY WILL BE SWEEP AWAY WITH EMOTION, NOT SCIENCE. THERE'S RISK IN DOING ANYTHING IN THIS BODY. THERE'S RISK OF HITTING THE GREEN BUTTON OR THE RED BUTTON. BUT IF WE'RE NOT PROACTIVE IN WHAT WE DO, IF WE'RE NOT PROACTIVE IN PROMOTING THIS STATE AND FEEDING THE WORLD INDIRECTLY, THEN WE'RE NOT WILLING TO TAKE ANY CHANCES. I FULLY SUPPORT SENATOR KUEHN'S CONSTITUTIONAL AMENDMENT. WE CAN GET TO IT. IT'S DOABLE. AND I'M JUST A LITTLE BIT PERTURBED ABOUT HEARING THE DIVISION IN AGRICULTURE WHEN IT'S REALLY NOT THERE. WE DON'T NEED TO GO BACK TO THE '60s. WE HAVE THE OPPORTUNITY TO LIVE IN 2016... [LR378CA]

SPEAKER HADLEY: ONE MINUTE. [LR378CA]

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT...BUT WE NEED TO THINK IN THE YEAR 2050. WHO KNOWS, YOU CAN COME UP WITH WHATEVER NUMBER YOU WANT OF PEOPLE THAT WE HAVE TO FEED. I HOPE WE HAVE TO FEED 2.5

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MILLION PEOPLE IN THE STATE OF NEBRASKA, BECAUSE THAT WILL INDIRECTLY HELP US WITH A LOT OF PROBLEMS. IF WE CAN GROW OUR STATE FROM 1.8 TO 2.5 MILLION PEOPLE SOMEDAY, THAT WILL BE HELPFUL. BUT WE NEED TO THINK ABOUT 2050. WE'RE LIVING TODAY BUT THINK IN THE FUTURE. WE HAVE TO BE PROACTIVE IN WHAT WE DO WITH OUR STATE AND OUR POLICIES. THANK YOU, MR. PRESIDENT. [LR378CA]

SPEAKER HADLEY: THANK YOU, SENATOR WATERMEIER. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LR378CA]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. FRIENDS, OUR CONSTITUTION IS A LIVING, BREATHING DOCUMENT. THAT'S A GOOD THING. FORTUNATELY, BACK IN THE 1900s WE DIDN'T HAVE OUR PREDECESSORS TRYING TO MAKE A CONSTITUTIONAL AMENDMENT TO PROMOTE BUGGY WHIPS OR A CONSTITUTIONAL AMENDMENT TO MAKE SURE THAT PLOWS PULLED BY TWO HORSES ARE THE FORM OF CULTIVATION TO BE USED OR A CONSTITUTIONAL AMENDMENT TO HUNT AND GATHER. FARMING IS A GROWING, THRIVING, IMPORTANT ECONOMIC INDUSTRY IN OUR COMMUNITY. AND THE INNOVATION HELPS US TO WORK TOWARDS WORKING IN A GLOBAL ENVIRONMENT, HAVING AN ECONOMIC COMMUNITY THAT THRIVES. IT'S BEEN MENTIONED EARLIER THAT INITIATIVE 300, THAT THIS MIGHT RELATE TO THAT. I DON'T KNOW IF ANY OF YOU REMEMBER, BECAUSE I'VE MENTIONED IT BEFORE, THAT I WROTE A LAW REVIEW ARTICLE ON THE UNCONSTITUTIONALITY OF INITIATIVE 300. BUT I WROTE IT UNDER THE EQUAL PROTECTION CLAUSE, AND INITIATIVE 300 WAS DECIDED UPON UNDER THE COMMERCE CLAUSE. NEVERTHELESS, THIS CONSTITUTIONAL AMENDMENT CLEARLY MUDDIES THE PICTURE. THE PHRASE THAT THE LEGISLATURE SHALL PASS NO LAWS WITHOUT A COMPELLING STATE INTEREST IS A LEGAL STANDARD. THE COMPELLING STATE INTEREST IS THE WRONG STANDARD, HOWEVER. WHAT SHOULD BE USED IS A RATIONAL BASIS. AND I WAS QUITE IMPRESSED WITH HOW MY FRIEND SENATOR KUEHN WAS ABLE TO ANSWER SENATOR CHAMBERS' QUESTIONS ABOUT LAW AND CONSTITUTIONAL LAW. BUT THE PROBLEM IS THIS BILL USES TOTALLY THE WRONG STANDARD. A COMPELLING STATE INTEREST IS ONE OF THE ARMS USED FOR STRICT SCRUTINY, AND SENATOR KUEHN WAS CORRECT ON THAT. BUT STRICT SCRUTINY IS A LEVEL THAT IS USED FOR A FUNDAMENTAL RIGHT OR A SUSPECT CLASS, BOTH OF WHICH ARE PROTECTED UNDER THE DUE PROCESS CLAUSE OR THE FOURTEENTH AMENDMENT OF THE CONSTITUTION, SUCH AS RACE, NATIONAL ORIGIN. SO FARMING HAS NEVER BEEN DECIDED TO RISE TO THE LEVEL OF A PROTECTED CLASS NATIONALLY UNDER THE FOURTEENTH AMENDMENT. FARMING CAN BE ARGUED TO BE A LEGITIMATE STATE INTEREST,

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BUT TO CALL IT A COMPELLING STATE INTEREST IS WRONG. STRICT SCRUTINY IS A STANDARD OF JUDICIAL REVIEW AND, AGAIN, IS USED TO WEIGH CONSTITUTIONAL RIGHTS VERSUS THE GOVERNMENT INTERESTS. IT'S...TO PASS THE STRICT SCRUTINY LEVEL, THERE ARE THREE TESTS: COMPELLING STATE INTEREST; THEN THE COMPELLING STATE INTEREST HAS TO BE NARROWLY TAILORED TO ACHIEVE THAT STATE INTEREST; AND, THIRD, IT HAS TO BE USING THE LEAST RESTRICTIVE MEANS POSSIBLE TO FOLLOW THAT STATE INTEREST. SO, AGAIN, FARMING IS IMPORTANT TO US. IT'S WHAT MAKES OUR ECONOMY THRIVE. BUT, AGAIN, FRIENDS, COMPELLING STATE INTEREST IS TOTALLY DIFFERENT FROM THE CORRECT LEVEL, WHICH IS A RATIONAL BASIS TEST, BECAUSE WE'RE NOT COVERING LIBERTY INTERESTS OR FUNDAMENTAL RIGHTS. SO I WOULD LIKE TO GIVE THE REST OF MY TIME TO SENATOR CHAMBERS. I HOPE THAT YOU WILL VOTE TO BRACKET THE BILL UNTIL MAY 20. WE DO NOT NEED TO GO FORWARD AND CHANGE OUR CONSTITUTION AND LIMIT IT IN SUCH A FASHION, ESPECIALLY ONE THAT ISN'T CONSTITUTIONAL. THANK YOU, MR. PRESIDENT. [LR378CA]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 46 SECONDS. [LR378CA]

SENATOR CHAMBERS: LONG ENOUGH FOR ME TO SAY THE-THEE-THE-THEE-THE THANK YOU, SENATOR. [LR378CA]

SPEAKER HADLEY: SENATOR KUEHN, YOU ARE RECOGNIZED. [LR378CA]

SENATOR KUEHN: QUESTION. [LR378CA]

SPEAKER HADLEY: 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 NAY. RECORD, MR. CLERK. [LR378CA]

ASSISTANT CLERK: 27 AYES, 3 NAYS TO CEASE DEBATE, MR. PRESIDENT. [LR378CA]

SPEAKER HADLEY: DEBATE DOES CEASE. SENATOR CHAMBERS, YOU ARE RECOGNIZED TO CLOSE. [LR378CA]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M GOING TO SAY THIS AND I HOPE YOU WILL LISTEN TO THIS, IF NOTHING ELSE. THIS LEGISLATURE IS NOT GOING TO PASS LAWS AGAINST AGRICULTURE. THE ONLY ENTITY AFFECTED BY THIS AMENDMENT IS THIS LEGISLATURE. DO YOU BELIEVE THAT THIS LEGISLATURE IS GOING TO PASS LAWS AGAINST AGRICULTURE? YOU'RE GOING TO CLUTTER UP THE CONSTITUTION. YOU'RE GOING TO MAKE THE STATE LOOK FOOLISH, WHICH OBVIOUSLY DOESN'T MATTER. SENATOR McCOY SAID HE'S PROUD THAT HE VOTED TO PUT FISHING, TRAPPING, AND HUNTING IN THE CONSTITUTION BECAUSE I GUESS HE THOUGHT THAT THE LEGISLATURE WOULD VOTE TO MAKE THOSE THINGS ILLEGAL, WHICH YOU ALL KNOW IS NOT GOING TO HAPPEN. THIS LEGISLATURE IS NOT GOING TO UNDERMINE AGRICULTURE. SENATOR WATERMEIER COMES IN AND SAYS, LET'S TAKE THE EMOTION OUT OF IT. THEN I SAY REPLACE EMOTION WITH INTELLIGENCE, AND IT IS UNINTELLIGENT FOR ANYBODY IN THIS LEGISLATURE TO SAY THAT THIS LEGISLATURE IS GOING TO PASS LAWS TO CRIPPLE AGRICULTURE. YOU KNOW THAT'S NOT GOING TO HAPPEN. AND IF YOU DON'T KNOW IT, THEN YOU'RE TOTALLY DISCONNECTED FROM REALITY. AND THE REASON I HAVE TO KEEP ARGUING THIS WAY, I CANNOT TAKE A CHANCE ON THE LEGISLATURE LAPSING INTO WHATEVER THEY HAVE TO LAPSE INTO MENTALLY TO TELL THE PUBLIC THAT THEY THINK THIS LEGISLATURE, OF WHICH THEY ARE A MEMBER, IS GOING TO DO SOMETHING TO ABOLISH AGRICULTURE. AND WHEN THEY USE THAT CATCH PHRASE, "THE RIGHT TO FARM," IT MISLEADS THE PUBLIC. AND THEY TAKE THOSE TERMS ON PURPOSE. THESE PEOPLE WHO ARE OUT THERE GET THE IMPRESSION IT MEANS THAT SOMEBODY CANNOT PLOW UP THE LAND, PLANT SEEDS, HARROW, DO ALL THE...EVEN USE FERTILIZER, THEY CAN'T DO THAT ANYMORE, THAT THEY CAN'T RAISE LIVESTOCK ANYMORE. THEY CAN'T HAVE RANCHES ANYMORE. THAT IS NOT WHAT THIS LEGISLATURE IS GOING TO DO. BUT I'M GOING TO TAKE MY TIME AND TRY TO MAKE GOOD USE OF THE TIME THAT I HAVE LEFT THIS EVENING. SENATOR KUEHN DOES NOT KNOW WHAT THESE TERMS MEAN. WHY NOT? BECAUSE NOBODY KNOWS WHAT THEY MEAN. WHEN YOU GO INTO SOME KIND OF BUSINESS, LIKE BANKING, THE COURT CAN CALL EXPERTS AND DETERMINE WHAT THE USUAL BANKING SYSTEMS WILL OPERATE ACCORDING TO, WHAT ARE THE USUALLY-ACCEPTED STANDARDS, WHAT IS THE STANDARD OF CARE IN THE PRACTICE OF MEDICINE. YOU CANNOT SAY THAT ABOUT ANY ONE OF THESE VAGUE TERMS SUCH AS "FARMING" OR "AGRICULTURAL ACTIVITY" OR "TECHNOLOGY." SOME PEOPLE CALL TECHNOLOGY ANYTHING THAT IS DONE IN A LABORATORY. AND OTHERS SAY, NO, I THINK IT RELATES TO THAT WHICH IS MECHANICAL, ELECTRONIC, OR LABOR-SAVING. SO YOU CALL EXPERTS. ONE EXPERT SAYS, THIS IS WHAT IT IS. ANOTHER EXPERT SAYS, THAT'S

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WHAT IT IS. AND THE CONSTITUTION DOESN'T TELL YOU ANYTHING. AND THEN YOU ARE GOING TO GIVE A COUNTY MORE AUTHORITY THAN THE LEGISLATURE. YOU'RE GOING TO GIVE THESE LITTLE MUNICIPALITIES... [LR378CA]

SPEAKER HADLEY: ONE MINUTE. [LR378CA]

SENATOR CHAMBERS: ...MORE AUTHORITY THAN THE LEGISLATURE. YOU HAVE NO RESPECT FOR YOURSELF. THE LEGISLATURE SHOULDN'T BE THIS BIG GOVERNMENT YOU'RE TALKING ABOUT. YOU'RE MISLEADING THE PUBLIC. YOU ARE BETRAYING THE TRUST PLACED IN YOU WHEN YOU DON'T SEE THE DISCONNECT BETWEEN SAYING THAT THAT WHICH IS CREATED IS MORE POWERFUL THAN THAT WHICH CREATED IT. SOME THINGS HAPPEN AND YOU ALL WILL SAY A HUMAN BEING IS TRYING TO PLAY GOD. WELL, HERE YOU'RE MAKING THE CREATURE MORE POWERFUL THAN THE CREATOR. AND THE REASON THEY OFFERED THAT AMENDMENT, BECAUSE THEY KNOW YOU'RE NOT PAYING ATTENTION. IT SOUNDS GOOD. YOU CAN GO TELL YOUR COUNTY BOARD, WELL, YOU CAN DO IT BUT THE LEGISLATURE CAN'T. I THINK I HAVE A GREATER RESPECT FOR THE WAY... [LR378CA]

SPEAKER HADLEY: TIME, SENATOR. [LR378CA]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. I WILL ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LR378CA]

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. [LR378CA]

ASSISTANT CLERK: 38 AYES, 0 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LR378CA]

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

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CALL. SENATOR MORFELD, IF YOU WOULD CHECK IN. THERE WAS A REQUEST FOR A ROLL CALL VOTE IN REGULAR ORDER. MR. CLERK. [LR378CA]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 1202.) VOTE IS 18 AYES, 24 NAYS, MR. PRESIDENT. [LR378CA]

SPEAKER HADLEY: THE BRACKET MOTION FAILS. I RAISE THE CALL. MR. CLERK. [LR378CA]

ASSISTANT CLERK: MR. PRESIDENT, SOME ITEMS FOR THE RECORD. NEW RESOLUTIONS: LR517 BY SENATOR HOWARD, AND LR518 BY SENATOR HADLEY; BOTH ARE INTERIM STUDY RESOLUTIONS AND WILL BE REFERRED TO THE EXECUTIVE BOARD. AMENDMENTS TO BE PRINTED: SENATOR GROENE TO LB1022, SENATOR KEN HAAR TO LB824. (LEGISLATIVE JOURNAL PAGES 1202-1204.) [LR517 LR518 LB1022 LB824]

AND FINALLY, MR. PRESIDENT, A PRIORITY MOTION. SENATOR MURANTE WOULD MOVE TO ADJOURN UNTIL MARCH 24 AT 9:00 A.M.

SPEAKER HADLEY: THE QUESTION IS TO THE BODY. ALL THOSE IN FAVOR OF ADJOURNING SAY AYE. OPPOSED, NAY. WE ARE ADJOURNED.