

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

Floor Debate  
February 22, 2016

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[LB60 LB83 LB235 LB465 LB537 LB549 LB580 LB683 LB686 LB716 LB721 LB722 LB742  
LB746 LB756 LB768 LB803 LB804 LB821 LB829 LB835 LB837 LB851 LB866 LB895  
LB899 LB901 LB930 LB962 LB994 LB1000 LB1033 LB1039 LB1083 LB1098 LB1106 LR35  
LR248 LR443 LR444]

SENATOR KRIST PRESIDING

SENATOR KRIST: MORNING, LADIES AND GENTLEMEN, AND WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE THIRTIETH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS CHAPLAIN MUHAMMED SACKOR, IMAM OF THE ISLAMIC FOUNDATION OF LINCOLN, LINCOLN, NEBRASKA, SENATOR HAAR'S DISTRICT. PLEASE RISE.

CHAPLAIN SACKOR: (PRAYER OFFERED.)

SENATOR KRIST: THANK YOU, CHAPLAIN SACKOR. I CALL TO ORDER THE THIRTIETH DAY OF THE ONE HUNDRED FOURTH LEGISLATIVE SESSION, SECOND SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

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

SENATOR KRIST: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: MR. PRESIDENT, I HAVE NO CORRECTIONS.

SENATOR KRIST: ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: MR. PRESIDENT, I HAVE AN AMENDMENT TO BE PRINTED TO LB537 BY SENATOR MELLO AND I HAVE AN ATTORNEY GENERAL'S OPINION ADDRESSED TO SENATOR KINTNER (RE LB60). THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 671-674.) [LB537 LB60]

SENATOR KRIST: THANK YOU, MR. CLERK. WE'LL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA.

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CLERK: MR. PRESIDENT, NATURAL RESOURCES OFFERS A CONFIRMATION REPORT INVOLVING THE APPOINTMENT OF JOHN RUNDEL TO THE NEBRASKA OIL AND GAS CONSERVATION COMMISSION. (LEGISLATIVE JOURNAL PAGE 630.)

SENATOR KRIST: SENATOR FRIESEN, AS VICE CHAIR OF NATURAL RESOURCES, YOU'RE RECOGNIZED ON THE REPORTS.

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, EVERYONE. SENATOR SCHILZ IS CURRENTLY ILL AND SO I'M STANDING IN AS VICE CHAIR OF THE NATURAL RESOURCES COMMITTEE AND WE HAVE A REAPPOINTMENT TO THE OIL AND GAS CONSERVATION COMMISSION OF JOHN R. RUNDEL. HE APPEARED BEFORE US, THE COMMITTEE, AND A UNANIMOUS VOTE WAS SENT FORWARD TO CONFIRMATION. MR. RUNDEL HAS BEEN INVOLVED IN THE OIL AND GAS BUSINESS FOR A LOT OF YEARS. HE WAS BORN IN COLBY, KANSAS, RECEIVED HIS BACHELOR OF SCIENCE DEGREE IN GEOLOGY AT FORT HAYS STATE UNIVERSITY IN '77, AND BEGAN WORKING IN THE OIL FIELDS IN '79. HE'S WORKED THE REGION ALL THE WAY FROM NEW MEXICO UP TO CANADA AND THROUGHOUT THE WESTERN UNITED STATES. HE IS CURRENTLY ON THE VILLAGE BOARD IN TRENTON. HE'S BEEN INVOLVED THERE FOR ABOUT 20, 24 YEARS. HIS WIFE HAS BEEN FROM THE AREA, SO HE GREW UP IN THE AREA, UNDERSTANDS THE AREA AND HE'S VERY KNOWLEDGEABLE IN THE OIL AND GAS BUSINESS, AND I ASK FOR YOUR CONFIRMATION VOTE. THANK YOU, MR. PRESIDENT.

SENATOR KRIST: COLLEAGUES, YOU'VE HEARD THE OPENING ON THE REPORT. THE QUESTION IS THE ADOPTION OF THE REPORT. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 674-675.) 28 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT, MR. PRESIDENT.

SENATOR KRIST: THE REPORT IS ADOPTED. SENATOR FRIESEN, YOU'RE RECOGNIZED (RE NATURAL RESOURCES CONFIRMATION REPORT, LEGISLATIVE JOURNAL PAGE 630).

SENATOR FRIESEN: MY NEXT CONFIRMATION IS FOR HILARY MARICLE AND SHE'S A GOVERNOR'S APPOINTMENT TO ENVIRONMENTAL QUALITY COUNCIL. CURRENTLY, MS. MARICLE IS A REPRESENTATIVE ON THE COUNTY GOVERNMENT. SHE WAS APPOINTED...OR APPROVED UNANIMOUSLY BY THE

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COMMITTEE. SOME OF HER HISTORY HERE, I MEAN, SHE'S BEEN AN AGRICULTURAL EDUCATION INSTRUCTOR FOR A NUMBER OF YEARS IN THE SPALDING SCHOOL DISTRICT. SHE WAS AN AGRIBUSINESS INSTRUCTOR AT NORTHEAST COMMUNITY COLLEGE FROM 2009 TO 2012. SHE WAS ASSOCIATE DEAN OF AGRICULTURE, MATH, AND SCIENCE FROM JUNE OF 2012 TO 2014 AT THE NORTHEAST COMMUNITY COLLEGE. AND SHE'S CURRENTLY A BOONE COUNTY BOARD OF COMMISSIONERS. SHE HAS A B.S. DEGREE IN AGRICULTURE SCIENCE AT THE UNIVERSITY OF NEBRASKA, AND SHE'S VERY INVOLVED IN THE PROMOTION OF AGRICULTURE AND AGRICULTURAL PRODUCTS. SHE'S A MEMBER OF COMMONGROUND NEBRASKA, WHICH KIND OF STARTS THE CONVERSATION BETWEEN PEOPLE WHO GROW THE FOOD AND THOSE WHO SERVE IT. SO WITH THAT, I WOULD ASK FOR YOUR APPOINTMENT OF HILARY MARICLE. THANK YOU, MR. PRESIDENT.

SENATOR KRIST: THANK YOU, SENATOR FRIESEN. YOU'VE HEARD THE OPENING. SENATOR CHAMBERS, YOU'RE RECOGNIZED.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I'D LIKE TO ASK SENATOR FRIESEN A QUESTION.

SENATOR KRIST: SENATOR FRIESEN, WILL YOU YIELD?

SENATOR FRIESEN: YES, I WOULD.

SENATOR CHAMBERS: SENATOR FRIESEN, WOULD YOU GIVE THE NAME OF THE PERSON AGAIN?

SENATOR FRIESEN: HILARY MARICLE.

SENATOR CHAMBERS: WHAT'S THE LAST NAME?

SENATOR FRIESEN: MARICLE, M-A-R-I-C-L-E.

SENATOR CHAMBERS: SAY IT AGAIN.

SENATOR FRIESEN: MARICLE.

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SENATOR CHAMBERS: ALL RIGHT. THANK YOU. THAT WILL DO. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I DON'T KNOW WHETHER THIS HAS EVER BEEN DONE BEFORE, BUT I'D LIKE TO AMEND THAT LAST NAME BY SUBSTITUTING "CLINTON" FOR THE NAME. WELL, IT MAY NOT BE APPROPRIATE, SO I WILL JUST LET SLEEPING DOGS LIE. THANK YOU.

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SEEING NO ONE ELSE READY TO SPEAK, THE QUESTION IS THE ADOPTION OF THE REPORT FROM NATURAL RESOURCES. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK.

CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 675.) 31 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADOPTION OF THE REPORT.

SENATOR KRIST: THE REPORT IS ADOPTED. THE CHAIR RECOGNIZES SPEAKER HADLEY FOR AN ANNOUNCEMENT.

SPEAKER HADLEY: MR. PRESIDENT, MEMBERS OF THE BODY, I HAVE TWO OR THREE THINGS THAT I'D LIKE TO VISIT WITH YOU ABOUT, RATHER QUICKLY. FIRST, IS A LETTER I SENT ON FEBRUARY 19 TO SENATOR LARSON. I HAVE RECEIVED YOUR LETTER DATED FEBRUARY 19, 2016, REQUESTING LB970 BE REMOVED FROM THE AGENDA, PLACED ON HOLD FOR THE REMAINDER OF THE 2016 SESSION. I AM HONORING YOUR REQUEST AND HAVE PLACED A SPEAKER HOLD ON THE LB970 FOR THE REMAINDER OF THE SESSION. SECONDLY, YOU WILL BE GETTING A LIST OF THE 25 SPEAKER PRIORITIES THAT I WORKED ON THE PAST WEEKEND. THE LIST WILL BE OUT. MY GOAL IS...WE HAVE TIME PROBLEMS THE REST OF THE SESSION. WE KNOW THAT. IF YOU REMEMBER, LAST YEAR WE HAD A GREAT DEAL OF SUCCESS BY GOING TO A SPECIFIC TIME TOWARD THE END OF A DAILY SESSION TO WORK ON SPEAKER PRIORITIES. WE WERE ABLE TO GET THROUGH A NUMBER OF THE SPEAKER PRIORITIES BECAUSE THE THEORY BEHIND THE SPEAKER PRIORITIES, AS MUCH AS POSSIBLE, THEY ARE NOT, HOPEFULLY, BILLS THAT WILL TAKE EXTENDED DISCUSSION. SO I WILL BE USING THAT SAME CONCEPT OF USING SPECIFIC TIME PERIODS TO GO TO DIFFERENT AREAS OF THE AGENDA DURING THE DAY TO TRY AND MAXIMIZE OUR TIME BETWEEN NOW AND THE TIME FOR AGENDA. I WANT TO REITERATE, NO AMENDMENTS THAT ADD NEW CONCEPTS, NEW CONTENT, WILL BE ALLOWED ON SPEAKER PRIORITY. I CAN'T STOP YOU FROM DOING THAT OR HAVING SOMEBODY DO IT, BUT JUST REMEMBER, IF THAT HAPPENS, IT'S MORE THAN LIKELY YOUR BILL WILL NOT BE RESCHEDULED AGAIN ON THE FLOOR.

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WE'RE NOT GOING TO USE THE SPEAKER PRIORITY BILLS AS VEHICLES FOR ALL KINDS OF DIFFERENT OTHER BILLS. AND THE REASONING, WE ARE GOING TO HAVE THREE CONSENT CALENDAR BILLS WHICH GIVES YOU THE OPPORTUNITY TO GET THOSE BILLS THAT ARE TRULY CONSENT TO GET THEM THROUGH AND HAVE THEM PASSED INTO LAW. BASICALLY WHEN WE HAVE AMENDMENTS TO SPEAKER PRIORITY BILLS, THEY'RE TO CLEAN UP THE BILL; THERE ARE THINGS IN THE BILL THAT NEED TO BE CLARIFIED; THERE ARE THINGS IN THAT BILL THAT NEED TO BE CHANGED, BUT IT'S NOT TO ADD NEW CONTENT TO THAT BILL. LASTLY, THERE HAS BEEN A QUESTION ON WHEN YOU CAN TURN ON YOUR LIGHT FOR SPEAKING IN THE QUEUE. WE'VE HAD A COUPLE SITUATIONS WHERE WE COME IN AND WE FIND OUT WE HAVE A BILL, THE START OF THE MORNING, AND WE LOOK UP AND WE'VE GOT 15 LIGHTS ON BEFORE THE BILL HAS EVEN BEEN INTRODUCED. AND THIS HAS HAPPENED AT LEAST TWICE THAT I KNOW OF AND IT HAPPENS ON BOTH TYPES OF ISSUES ON THE BILL. AND THIS IS ESPECIALLY IMPORTANT WHEN THIS HAPPENS ON FINAL READING BECAUSE YOU CAN...WE HAVE ONLY TWO HOURS OF PEOPLE BEING ABLE TO TALK, SO ONE SIDE OF THE DEBATE CAN EFFECTIVELY CLOG THE ENTIRE QUEUE BY GETTING HERE EARLY AND PUTTING THEIR LIGHTS ON. SO FROM NOW ON, THE QUEUE WILL NOT BE RECOGNIZED UNTIL THE SPEAKER INTRODUCES...OR I'M SORRY, THE CLERK INTRODUCES THE BILL. ONCE THE CLERK STARTS INTRODUCING THE BILL, YOU CAN TURN ON YOUR LIGHT TO SPEAK. IF YOU TURN ON YOUR LIGHT EARLY, IT WILL JUST BE TURNED OFF, AND YOU NEED TO TURN IT BACK ON WHEN THE CLERK INTRODUCES THE BILL. I'M JUST DOING THIS TO HAVE A FAIR SHAKE FOR EVERYBODY IN WANTING TO GET INTO THE SPEAKER'S QUEUE AND TO KEEP ONE SIDE FROM TRYING TO MONOPOLIZE THE QUEUE ON EITHER SIDE. AND I HAVE NO PREDETERMINED IDEA OF WHO IT FAVORS OR DOESN'T FAVOR, BUT IT'S JUST A FAIRNESS ISSUE THAT I THINK WE HAVE TO DO. I WOULD BE HAPPY TO TALK WITH YOU ABOUT THAT PROCEDURE LATER ON, BUT BASICALLY IT'S WHEN THE CLERK ANNOUNCES THE BILL, YOU'RE CERTAINLY FREE TO TURN ON YOUR LIGHT TO SPEAK. THANK YOU, MR. PRESIDENT.

SENATOR KRIST: THANK YOU, SPEAKER HADLEY. (DOCTOR OF THE DAY AND VISITORS INTRODUCED.) MR. CLERK, FIRST ITEM ON THE AGENDA.

CLERK: MR. PRESIDENT, IF I MAY, JUST ONE ITEM, A LISTING OF SPEAKER PRIORITY DESIGNATIONS TO BE INSERTED IN THE JOURNAL (RE LB235, LB465, LB549, LB580, LB686, LB716, LB721, LB742, LB756, LB768, LB803, LB804, LB829, LB835, LB837, LB851, LB901, LB930, LB962, LB994, LB1000, LB1033, LB1083, LB1098, AND LB1106). (LEGISLATIVE JOURNAL PAGE 676.) [LB235 LB465 LB549 LB580 LB686

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LB716 LB721 LB742 LB756 LB768 LB803 LB804 LB829 LB835 LB837 LB851 LB901  
LB930 LB962 LB994 LB1000 LB1033 LB1083 LB1098 LB1106]

MR. PRESIDENT, GENERAL FILE, LB683, A BILL BY SENATOR CRAIGHEAD. (READ TITLE.) INTRODUCED ON JANUARY 6 OF THIS YEAR, AT THAT TIME REFERRED TO THE REVENUE COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO AMENDMENTS TO THE BILL AT THIS TIME, MR. PRESIDENT. [LB683]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO OPEN ON YOUR BILL. [LB683]

SENATOR CRAIGHEAD: THANK YOU. GOOD MORNING, SENATOR KRIST, COLLEAGUES, AND HELLO, NEBRASKA. I COME BEFORE YOU TODAY TO INTRODUCE LB683 THAT AMENDS SECTION 77-3506 AND SECTION 77-3509 OF NEBRASKA STATUTE AND WOULD CHANGE PROVISIONS RELATING TO THE HOMESTEAD EXEMPTION FOR CERTAIN SURVIVING SPOUSES. THE AMENDMENTS IN LB683 HARMONIZE NEBRASKA STATUTE WITH FEDERAL STATUTE REGARDING SURVIVING SPOUSES OF VETERANS AND THE FURNISHING OF BENEFITS RELATING TO DEPENDENCY AND INDEMNITY COMPENSATION, ALLOWING A SURVIVING SPOUSE WHO REMARRIES AFTER THE AGE OF 57 TO RETAIN THEIR CURRENT HOMESTEAD EXEMPTION STATUS. NEBRASKA LAW STRIPS REMARRIED WIDOWS AND WIDOWERS OF HOMESTEAD BENEFITS THAT ARE PROVIDED FOR THEM IN FEDERAL LAW. CURRENTLY, A WIDOW OR WIDOWER OF A VETERAN WHO DIES OF A SERVICE-RELATED ILLNESS IN NEBRASKA THAT REMARRIES AT ANY AGE WILL LOSE THE HOMESTEAD BENEFITS THAT THEY ARE ENTITLED TO UNDER FEDERAL STATUTE, SECTION 103(d)(2)(B), WHICH STATES: "THE REMARRIAGE AFTER AGE 57 OF THE SURVIVING SPOUSE OF A VETERAN SHALL NOT BAR THE FURNISHING OF BENEFITS." LB683 DOES NOT CHANGE THE AMOUNT OR RATIO OF RELIEF THAT A WIDOW OR WIDOWER WOULD RECEIVE. BENEFITS WILL REMAIN AS THEY WERE PRIOR TO THE REMARRIAGE. AFTER CONVERSATION WITH VETERANS COALITIONS AND AGENCIES, WE FOUND GREAT SUPPORT FROM VETERANS AND SURVIVING SPOUSES OF VETERANS, INCLUDING WRITTEN TESTIMONY IN SUPPORT OF LB683 FROM GREGORY HOLLOWAY, CHAIRMAN OF THE NEBRASKA VETERANS COUNCIL. THE CONSISTENT MESSAGE FROM VETERANS AND SPOUSES ACROSS THE STATE IS THAT WE NEED TO HARMONIZE STATE LAW WITH FEDERAL LAW RELATED TO VETERANS BENEFITS. OUR SERVICEMEN AND WOMEN WRITE A BLANK CHECK WHEN THEY AGREE TO PROTECT OUR NATION AND WE SHOULD NOT AS A STATE STRIP THEIR FAMILY MEMBERS OF THE BENEFITS SET OUT FOR THEM BY FEDERAL LAW, ESPECIALLY SINCE THEIR DEATHS WERE SERVICE RELATED. THE

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FISCAL NOTE FOR LB683 ESTIMATES THERE WOULD BE NO FISCAL EFFECT FOR 2016-2017, ONLY \$38,100 FOR 2017-18, AND \$43,600 FOR 2018-19, WITH THE IMPACT BEING BASED ON ELIGIBLE BENEFIT PARTICIPANTS. THE DEPARTMENT ALSO INDICATES THAT THE COST TO IMPLEMENT THE PROVISIONS OF LB683 WILL BE MINIMAL AT MOST. I WANT TO THANK SENATOR GLOOR AND THE REVENUE COMMITTEE FOR ADVANCING THIS BILL 8-0, WITH NO OPPONENT OR NEUTRAL TESTIMONY. THANK YOU FOR CONSIDERING LB683 AND I ASK THAT YOU VOTE GREEN TO ADVANCE THIS TO SELECT FILE. THANK YOU. [LB683]

SENATOR KRIST: THANK YOU, SENATOR CRAIGHEAD. COLLEAGUES, YOU'VE HEARD THE OPENING ON LB683. SEEING NO ONE WISHING TO SPEAK, SENATOR CRAIGHEAD, YOU'RE RECOGNIZED TO CLOSE ON YOUR BILL. SENATOR CRAIGHEAD WAIVES CLOSING. THE QUESTION BEFORE YOU IS THE ADVANCEMENT TO E&R INITIAL FOR LB683. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB683]

CLERK: 39 AYES, 0 NAYS, MR. PRESIDENT, ON THE ADVANCEMENT OF LB683. [LB683]

SENATOR KRIST: LB683 ADVANCES. NEXT ITEM. [LB683]

CLERK: LB746 IS A BILL BY SENATOR CAMPBELL. (READ TITLE.) INTRODUCED ON JANUARY 6 OF THIS YEAR, AT THAT TIME REFERRED TO HEALTH AND HUMAN SERVICES. THE BILL WAS ADVANCED TO GENERAL FILE. THERE ARE HEALTH COMMITTEE AMENDMENTS PENDING, MR. PRESIDENT. (AM1903, LEGISLATIVE JOURNAL PAGE 516.) [LB746]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON LB746. [LB746]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. IN SEPTEMBER OF 2014, CONGRESS UNANIMOUSLY PASSED AND THE PRESIDENT SIGNED THE PREVENTING SEX TRAFFICKING AND STRENGTHENING FAMILIES ACT. MUCH OF THE IMPETUS FOR THE LEGISLATION WAS THE INCREASING NUMBER OF FOSTER YOUTH WHO WERE SEX TRAFFICKED. THE ATTORNEY GENERAL OF THE STATE OF NEBRASKA AND OUR JUDICIARY COMMITTEE ARE ADDRESSING THAT ISSUE. AND I WANT TO INDICATE, COLLEAGUES, THAT IN A STUDY IN 2013, 60 PERCENT OF THE CHILD SEX TRAFFICKING VICTIMS REFERRED IN AN FBI...OR RECOVERED

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IN AN FBI RAID IN 70 U.S. CITIES WERE FROM FOSTER CARE OR GROUP HOMES. LB746 ADDRESSES TITLE I, SUBTITLE B OF THE ACT, AND SO WHILE THE JUDICIARY COMMITTEE IS WORKING ON THAT PART OF IT, THE HEALTH AND HUMAN SERVICES COMMITTEE AND THIS BILL ARE WORKING ON THE FOSTER CARE PORTION OF IT. "IMPROVING OPPORTUNITIES FOR CHILDREN IN FOSTER CARE AND SUPPORTING PERMANENCY" SUBTITLE OF THE FEDERAL ACT REQUIRES STATES TO DEVELOP A REASONABLE AND PRUDENT PARENT STANDARD. IT LIMITS AND PLACES ADDITIONAL REQUIREMENTS WHEN YOUTH RECEIVE ANOTHER PLANNED PERMANENT LIVING ARRANGEMENT, KNOWN IN NEBRASKA AS INDEPENDENT LIVING, AS A COURT-ORDERED PERMANENCY GOAL. THE ACT GIVES YOUTH AGE 14 AND OVER CERTAIN RIGHTS AND REQUIRES THAT THE CASE PLAN BE DEVELOPED IN CONSULTATION WITH YOUTH AGE 14 AND ABOVE; REQUIRES CASE REVIEWS TO ASSURE YOUTH AGE 18-PLUS ARE NOT DISCHARGED WITHOUT A COPY OF CERTAIN RECORDS AND INFORMATION. IT IS AMAZING TO ME THAT CONGRESS PASSED ANYTHING UNANIMOUSLY, BUT THAT SHOWS YOU THE IMPORTANCE OF THE FEDERAL ACT, AND SO LB746 IS NEBRASKA'S PLAN TO MEET THOSE FEDERAL ACT REQUIREMENTS. THIS PAST SUMMER OVER 300 YOUNG PEOPLE AND STAKEHOLDERS CAME TOGETHER TO DISCUSS HOW TO IMPLEMENT THE STRENGTHENING FAMILY ACT IN NEBRASKA. COORDINATED BY APPLESEED AND THE NEBRASKA CHILDREN AND FAMILIES FOUNDATION, THE GROUP PRESENTED A REPORT WITH RECOMMENDATIONS TO THE HEALTH AND HUMAN SERVICES COMMITTEE AT THE LR248 HEARING. LR248 WAS COSPONSORED BY SENATOR SCHEER AND ME. FROM THIS REPORT, LB746 SETS FORTH THE NEBRASKA IMPLEMENTATION PLAN OF THE FEDERAL ACT AND MAJOR PRINCIPLES OF THAT BILL AND THIS BILL ARE: EMPHASIZING NORMALCY FOR FOSTER CARE YOUTH. NORMALCY IS DEFINED BEST BY LETTING KIDS BE KIDS TO PARTICIPATE IN DEVELOPMENTALLY APPROPRIATE EXTRACURRICULAR ENRICHMENT, CULTURE, CULTURAL AND SOCIAL STUDIES. AND HERE WE NEED TO THINK ABOUT THE FACT OF WHAT TYPICAL YOUTH NEED TO DO. THEY NEED TO LEARN HOW TO DRIVE. THEY NEED TO LEARN HOW TO APPLY FOR A JOB. THEY CAN HAVE AN OVERNIGHT WITH FRIENDS. THEY CAN GO ON A CAMPING TRIP WITH A FAMILY, SUCH AS GOING TO THAT SUMMER CAMP OR PARTICIPATING IN SPORTS, DEBATE, MUSIC, SLEEPOVERS WITH FRIENDS, FINDING A JOB, GETTING A DRIVER'S LICENSE, HAVING SENIOR PICTURES. NUMBER TWO, THE BILL ESTABLISHES THE PRUDENT PARENTS STANDARD TO ALLOW FOSTER PARENTS TO USE THEIR BEST JUDGMENT IN MAKING DAY-TO-DAY DECISIONS, INCLUDING WHAT ACTIVITIES FOSTER YOUTH CAN PARTICIPATE IN. THE BILL ENCOURAGES INVOLVEMENT BY THE BIO PARENTS THROUGHOUT THE COMPONENTS OF THE IMPLEMENTATION. STARTING AT AGE 14, TO INVOLVE THE YOUTH IN THE TRANSITION PLANNING



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FOR LIFE AFTER FOSTER CARE; PROVIDING NOTICE OF THE RIGHTS OF YOUTH AS WELL AS ENSURING THEY UNDERSTAND THOSE RIGHTS; ENSURING YOUTH HAS A PACKET OF IMPORTANT DOCUMENTS WHEN HE OR SHE AGES OUT OF FOSTER CARE--AND IF WE THINK ABOUT THIS WITH OUR OWN CHILDREN, THE DOCUMENTS SUCH AS A BIRTH CERTIFICATE, A SOCIAL SECURITY CARD, MEDICAL AND SCHOOL RECORDS, DRIVER'S LICENSE, OR STATE-APPROVED I.D.; SETTING FORWARD GUIDELINES FOR THE COURT TO REVIEW WITH THE YOUTH PERMANENT ASPECTS OF THE TRANSITIONAL PLAN AND NOTICE OF RIGHTS; ENSURING THAT THE JUVENILE COURT OR THE DISTRICT COURT IS FOLLOWING...MAKING SURE THE YOUTH HAS ALL OF THIS INFORMATION. AND WE CREATE THE NORMALCY TASK FORCE UNDER THE AUSPICES OF THE NEBRASKA CHILDREN'S COMMISSION. OVER THE PAST FEW YEARS THE LEGISLATURE HAS TAKEN SIGNIFICANT STEPS TO STRENGTHEN OUR FOSTER CARE SYSTEM, NOTABLY PROVIDING LANGUAGE FROM THE FEDERAL FOSTERING CONNECTIONS ACT AND TO NEBRASKA STATUTE AND ESTABLISHING THE BRIDGES TO INDEPENDENCE. FOR ME, LB746 IS THE NEXT STEP. COLLEAGUES, SHORTLY BEFORE I CAME TO THE LEGISLATURE AND WHILE I WAS WORKING FOR CEDARS, WHICH IS A CHILD-SERVING AGENCY HERE IN LINCOLN, WE HAD THE OPPORTUNITY TO SEE A PERMANENCY PLAN THAT HAD BEEN PUT TOGETHER BY THE DEPARTMENT WITH A YOUTH WHO WAS STAYING WITH US IN THE SHELTER. AND THAT PLAN SIMPLY STATED, GO TO THE PEOPLE'S CITY MISSION. HOW TRAGIC IT WOULD BE THAT WE WOULD STILL BE READING THAT FOR OUR FOSTER YOUTH. LB746 IS AN IMPORTANT STEP TO ENSURING THAT OUR FOSTER YOUTH HAVE THE VERY BEST START THAT THEY CAN HAVE. THANK YOU, MR. PRESIDENT. [LB746 LR248]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. AS THE CLERK STATED, THERE ARE AMENDMENTS FROM THE HEALTH AND HUMAN SERVICES COMMITTEE. SENATOR CAMPBELL, AS THE CHAIR, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENTS. [LB746]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AM1903 TO LB746 MAKES TWO CHANGES REQUESTED BY THE DEPARTMENT OF HEALTH AND HUMAN SERVICES. AND I WANT TO ADD HERE THAT AT THE HEARING THIS SUMMER ON LR248, THE DEPARTMENT TESTIFIED THAT THEY HAD BEEN WORKING AND PLANNING TO BE READY FOR THE IMPLEMENTATION AND THEY HAD NOTIFIED THE FEDERAL GOVERNMENT THAT THEY WERE AND THAT LEGISLATION WOULD BE COMING. THE DEPARTMENT ASKED US TO AMEND LB746, THAT IT WOULD CONTAIN AN OPERATIVE DATE OF JULY 1, 2016, TO ALLOW DHHS TIME TO MAKE CHANGES IN THEIR DATA SYSTEMS. IT ALSO CLARIFIES THE CREDIT CARD

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REPORT REQUIRED UNDER THE BILL IS WHAT ALSO IS REQUIRED BY FEDERAL LAW, WHICH SHOULD REDUCE THE FISCAL IMPACT. THE COMMITTEE AMENDMENT WAS ADVANCED ON A 7-0 VOTE AND I URGE YOU TO SUPPORT...YOUR SUPPORT OF THE AMENDMENT. THANK YOU, MR. PRESIDENT. [LB746 LR248]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. COLLEAGUES, YOU'VE HEARD THE OPENING ON LB746 AND THE PROPOSED AM1903. THOSE WISHING TO SPEAK, SENATOR BOLZ AND SENATOR CRAWFORD. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB746]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I JUST WANTED TO ACKNOWLEDGE THE HARD WORK OF THE CHILDREN'S COMMISSION, GENERALLY AND SPECIFICALLY, ON THIS PIECE OF LEGISLATION. THEY HAVE BEEN IMPORTANT STAKEHOLDERS IN ENSURING THAT THE LEGISLATION CAME TOGETHER AS IT SHOULD, AND I DON'T THINK THEY ALWAYS GET THE RECOGNITION THEY DESERVE. SO MYSELF, SENATOR CAMPBELL, AND SENATOR PANSING BROOKS SERVE AS THE LEGISLATIVE REPRESENTATIVES ON THE CHILDREN'S COMMISSION AND I WANTED TO TAKE A MOMENT, IN ADDITION TO THANKING THEM, TO TELL THE BODY THAT I THINK THAT COMMISSION IS WORKING AS IT SHOULD BE, IS DOING A GOOD JOB OF BRINGING STAKEHOLDERS TOGETHER AND MAKING GOOD RECOMMENDATIONS TO THIS BODY AND THIS IS AN EXAMPLE OF THEIR WORK. SO MY THANKS TO THEM. THANK YOU, MR. PRESIDENT. [LB746]

SENATOR KRIST: THANK YOU, SENATOR BOLZ. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB746]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB746 AND THE COMMITTEE AMENDMENT AND ALSO WANT TO EXTEND MY THANKS TO SENATOR CAMPBELL FOR HER LEADERSHIP AND THE CHILDREN'S COMMISSION AND ALL OF THE FELLOW SENATORS AND OTHERS WHO SERVE ON THAT COMMISSION, AS WELL AS THE NEBRASKA STRENGTHENING FAMILIES ACT STAKEHOLDER GROUP THAT MET AND REALLY HAMMERED OUT HOW THIS SHOULD WORK IN OUR STATE TO MAKE SURE THAT THIS IS A...HOW WE MAKE SURE THAT WE CREATE NORMALCY FOR FOSTER CHILDREN IN OUR STATE. I JUST WANT TO TAKE A MOMENT TO SHARE WITH YOU, COLLEAGUES, A BIT OF WHAT WE HEARD FROM FORMER FOSTER YOUTH WHO HAVE BEEN SO ENGAGED AND ACTIVE ON THIS ISSUE, AND I'M SO PROUD OF THEIR ADVOCACY ON THIS ISSUE.

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SEVERAL OF THE FORMER FOSTER YOUTH ARE NOT IN A POSITION WHERE THEY WILL BENEFIT FROM THESE CHANGES, BUT THEY WERE AT STAKEHOLDER GROUP MEETINGS. THEY WERE AT SUMMER BRIEFINGS, INTERIM BRIEFINGS, AND THEY WERE THERE AT THE HEARING TO TELL THEIR STORY AND EMPHASIZE HOW IMPORTANT THESE NORMALCY PROVISIONS ARE. AND IN PARTICULAR, JUST A COUPLE OF PERSONAL STORIES, THE WAY IT IMPACTS THOSE YOUTH PERSONALLY, I WAS STRUCK BY THE FACT THAT SOME OF THE FORMER FOSTER YOUTH WHO ARE NOW LAWYERS AND HAVE PROFESSIONAL CAREERS AND ARE ADVOCATES, TALKED ABOUT THE FACT THAT SOMETHING HAD HAPPENED THAT HAD ALLOWED THEM TO BE PART OF A SCHOOL EVENT. AND I THINK WE ALL KNOW HOW IMPORTANT SCHOOL EVENTS ARE FOR GRADUATION, FOR ACADEMIC SUCCESS, FOR MENTAL HEALTH. THEY'RE VERY CRITICAL. AND IN A COUPLE OF INSTANCES, I WAS JUST STRUCK IN THE INTERIM BRIEFING, A COUPLE OF THE KEY LEADERS AND ONE WAS A NATIONAL LEADER WHO WAS A FORMER FOSTER YOUTH. AND IT HAD BEEN A SCHOOL EVENT WHERE SOMEONE HAD REALLY GIVEN HER THE OPPORTUNITY TO SHOW WHAT SHE WAS ABLE TO DO AND ALL OF A SUDDEN, THEN, THAT CLICKED FOR HER AND SHE REALIZED SHE COULD...SHE WAS SMART AND SHE COULD SUCCEED AT SCHOOL AND SHE COULD SUCCEED AT LIFE. AND IT WAS A SCHOOL ACTIVITY THAT REALLY OPENED THAT DOOR FOR HER AND I THINK THAT'S THE CASE FOR SO MANY KIDS WHEN THEY HAVE AN OPPORTUNITY TO SHINE, AN OPPORTUNITY TO EXCEL AT SOMETHING, THAT THEY THEN REALIZE THEIR WORTH AND REALIZE THE VALUE OF COMPLETING HIGH SCHOOL, REALIZE THE VALUE OF STAYING ON A PATH TO SUCCESS. AND ON THE FLIP SIDE, YOU KNOW, ONE OF THE FOSTER YOUTH TALKED ABOUT THE TEMPTATION TO RUN AWAY--AND SENATOR CAMPBELL HAS ALREADY TALKED ABOUT HOW CRITICAL THIS IS IN TERMS OF REDUCING SEX TRAFFICKING--THE TEMPTATION TO RUN AWAY WHEN YOU JUST KEEP RUNNING INTO THESE WALLS. AND A FRIEND INVITES YOU OVER TO THEIR HOUSE FOR A SLEEPOVER AND YOU HAVE TO SAY NO. AND YOU DON'T WANT TO SAY, "NO, BECAUSE I HAVE TO GET A BACKGROUND CHECK ON EVERYONE ELSE WHO WILL BE THERE." YOU JUST SAY NO AND THEN YOU JUST, YOU KNOW, AVOID MAKING FRIENDS BECAUSE IF YOU MAKE FRIENDS, IT'S GOING TO LEAD TO THIS AWKWARD CONVERSATION OF WHY YOU CAN'T GO WITH YOUR FRIENDS SOMEWHERE. AND THEN ALSO THE FRUSTRATION OF WANTING TO BE INVOLVED IN SCHOOL ACTIVITIES, WANTING TO BE ENGAGED LIKE OTHER KIDS AND ALWAYS HEARING THE WORD NO, AND HAVING THAT BARRIER, AND THEN THAT LEADS TO THAT FRUSTRATION AND TEMPTATION TO JUST RUN AWAY. AND THAT AGAIN IS ONE OF OUR KEY CHALLENGES. WE'RE GOING TO TRY TO PROTECT OUR CHILDREN FROM SEX TRAFFICKING AND HELP GIVE THEM EVERY INCENTIVE TO STAY WITH A FAMILY AND SUCCEED IN

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SCHOOL. SO THOSE WERE SOME OF THE STORIES THAT WE HEARD, YOU KNOW, IMPORTANT REASONS WHY THIS IS AN IMPORTANT MOVEMENT, IMPORTANT FOR OUR FOSTER YOUTH TO SUCCEED IN OUR STATE AND TO HAVE NURTURING RELATIONSHIPS. ONE OTHER PERSON WHO CAME TO SPEAK AT THE HEARING WAS A FORMER FOSTER CHILD HERSELF AND NOW A FOSTER PARENT. AND SHE SPOKE OF THE PAIN OF NOT BEING ABLE TO TAKE HER FOUR-YEAR-OLD FOSTER... [LB746]

SENATOR KRIST: ONE MINUTE. [LB746]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT...FOUR-YEAR-OLD FOSTER CHILD WITH HER AS THE FAMILY WENT ON A CAMPING TRIP AND HOW DIFFICULT THAT WAS AND HOW MUCH SHE WAS WORRIED ABOUT THE IMPACT THAT WOULD HAVE ON THAT FOUR-YEAR-OLD FOSTER CHILD. AND THAT WAS VERY PAINFUL. AND SO EVERYTHING WE CAN DO TO TRY TO ALLOW THESE FOSTER YOUTH TO HAVE A MORE NORMAL EXPERIENCE WITH THEIR FOSTER FAMILIES AND GIVE THEM THAT INCENTIVE TO STAY IN SCHOOL AND SUCCEED, THE BETTER. SO I URGE YOUR SUPPORT OF LB746. THANK YOU. [LB746]

SENATOR KRIST: THANK YOU, SENATOR CRAWFORD. SEEING NO ONE ELSE WISHING TO SPEAK, THE QUESTION BEFORE YOU IS THE ADOPTION OF AM1903 TO LB746. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB746]

CLERK: 33 AYES, 0 NAYS ON ADOPTION OF COMMITTEE AMENDMENTS. [LB746]

SENATOR KRIST: COMMITTEE AMENDMENTS ARE ADOPTED. SEEING NO ONE ELSE IN THE QUEUE, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON LB746. [LB746]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, I'D LIKE TO MAKE SEVERAL COMMENTS IN CLOSING TO YOU. WE WILL HAVE AN AMENDMENT ON SELECT BECAUSE WE NEED TO REAUTHORIZE THE CHILDREN'S COMMISSION. AND SO WHEN THIS BILL, HOPEFULLY THE GREEN LIGHT WILL PUT IT ON SELECT FILE, WE WILL HAVE THAT AMENDMENT AND WILL TALK FURTHER ABOUT THE CHILDREN'S COMMISSION. THE SECOND THING I WANT TO MENTION IS THAT A GREAT ORGANIZATION IN THIS STATE IS CALLED NEBRASKA FRIENDS OF FOSTER CHILDREN AND THIS IS AN ORGANIZATION, ALL VOLUNTEER, THAT WAS FORMED IN 1992 BY FOSTER PARENTS AND COMMUNITY

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VOLUNTEERS WHO DESIRED TO SUPPLEMENT THE LIMITED STATE MAINTENANCE PAYMENT FOR FOSTER CARE WHICH COVERS ONLY THE BASICS. WHAT WE ARE SEEING IN LB746 TO CREATE A NORMALCY FOR FOSTER YOUTH, OBVIOUSLY WILL REQUIRE THAT AT TIMES PEOPLE WILL HAVE TO STEP IN AND HOPEFULLY DONATE A PARTICULAR ENTRANCE FEE TO BE ON A SOCCER TEAM OR UNIFORMS OR SOME...AN OUTFIT TO BE ON THE DEBATE TEAM. OUR OWN LIZ HRUSKA HAS BEEN VERY INSTRUMENTAL IN THIS ORGANIZATION AND WE WILL PROVIDE SOME MORE INFORMATION ABOUT IT TO YOU, BUT THERE ARE PEOPLE ALL ACROSS THE STATE WHO REALLY DO WANT A NORMAL SITUATION FOR OUR FOSTER KIDS. AND I WOULD HOPE THAT YOU WOULD TAKE TIME THIS MORNING TO LOOK AT THE OMAHA WORLD-HERALD BECAUSE IN THE OMAHA WORLD-HERALD IS A NEBRASKA VOICE OF A WOMAN WHO HAD BEEN IN THE FOSTER SYSTEM, WAS VERY SUPPORTIVE OF LB746, AND SHE TELLS HER STORY. AND AS SHE SAID, I JUST WANTED TO BE A NORMAL KID. I APPRECIATE YOUR SUPPORT ON LB746. THANK YOU, MR. PRESIDENT. [LB746]

SENATOR KRIST: THANK YOU, SENATOR CAMPBELL. COLLEAGUES, YOU'VE HEARD THE CLOSING ON LB746. THE QUESTION IS THE ADVANCEMENT TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LB746]

CLERK: 37 AYES, 0 NAYS ON THE ADVANCEMENT OF LB746. [LB746]

SENATOR KRIST: LB746 ADVANCES TO E&R INITIAL. (VISITORS INTRODUCED.) NEXT ITEM, MR. CLERK. [LB746]

CLERK: MR. PRESIDENT, LR35 WAS INTRODUCED BY SENATOR EBKE. (READ TITLE.) THE RESOLUTION WAS INTRODUCED ON JANUARY 21 OF LAST YEAR, AT THAT TIME REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE FOR PUBLIC HEARING. THE RESOLUTION WAS ADVANCED AND PLACED ON GENERAL FILE, MR. PRESIDENT. [LR35]

SENATOR KRIST: THANK YOU, MR. CLERK. SENATOR EBKE, YOU'RE RECOGNIZED TO OPEN ON LR35. [LR35]

SENATOR EBKE: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. TODAY WE BEGIN A DISCUSSION OF LR35. LR35 WOULD SERVE AS NEBRASKA'S APPLICATION FOR A CONVENTION OF STATES UNDER ARTICLE V OF THE U.S. CONSTITUTION. FOR THOSE WHO ARE NOT FAMILIAR WITH ARTICLE V,

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LET ME READ THE RELEVANT TEXT WHICH DESCRIBES THE PROCESS FOR PROPOSING AND RATIFYING AMENDMENTS TO THE CONSTITUTION. QUOTE: "THE CONGRESS, WHENEVER TWO THIRDS OF BOTH HOUSES SHALL DEEM IT NECESSARY, SHALL PROPOSE AMENDMENTS TO THIS CONSTITUTION, OR, ON THE APPLICATION OF THE LEGISLATURES OF TWO THIRDS OF THE SEVERAL STATES, SHALL CALL A CONVENTION FOR PROPOSING AMENDMENTS, WHICH, IN EITHER CASE, SHALL BE VALID TO ALL INTENTS AND PURPOSES, AS PART OF THIS CONSTITUTION, WHEN RATIFIED BY THE LEGISLATURES OF THREE FOURTHS OF THE SEVERAL STATES, OR BY CONVENTIONS IN THREE FOURTHS THEREOF, AS THE ONE OR THE OTHER MODE OF RATIFICATION MAY BE PROPOSED BY THE CONGRESS." I SPENT LAST SUMMER AND FALL TRAVELING AROUND THE STATE HOLDING TOWN HALL EVENTS WHICH ALLOWED CITIZENS TO LEARN MORE ABOUT THIS PROCESS. SOME OF YOU ATTENDED THE EVENTS IN YOUR DISTRICT AND FOR THAT I THANK YOU. IN TOTAL, WE DID 33 TOWN HALLS AND I PUT OVER 5,000 MILES ON MY CAR. I SPENT THREE NIGHTS AWAY FROM HOME, AND MISSED A MONTH'S WORTH OF MEALS WITH MY FAMILY. WHEN YOU CONSIDER THE COMBINED OMAHA AND LINCOLN DISTRICTS, I THINK WE HAD EVENTS THAT WOULD HAVE COVERED ALL BUT ONE OR TWO LEGISLATIVE DISTRICTS IN THE STATE. I DID THAT, BY THE WAY, AT MY OWN EXPENSE BECAUSE IT IS A CAUSE I BELIEVE IN AND BECAUSE I SEE A \$19 TRILLION NATIONAL DEBT WITH \$100-PLUS TRILLION OUT THERE IN UNFUNDED OBLIGATIONS THAT THE GOVERNMENT, OUR CHILDREN WILL HAVE TO PAY OFF. AND I WORRY ABOUT MY KIDS' FUTURE. FOR THOSE OF YOU WHO COULDN'T MAKE IT TO ONE OF THE TOWN HALLS, WE HELD A BRIEFING ON THE PROCESS THE DAY BEFORE THE SESSION STARTED FOR YOU AND YOUR STAFF. AGAIN, THANK YOU TO THOSE WHO TOOK THE TIME TO COME AND LEARN A LITTLE BIT MORE ABOUT THE PROCESS. THE POWERPOINT SLIDES FROM THAT PRESENTATION ARE ON YOUR DESK, SO PULL THOSE OUT AS I'LL REFER TO THEM SHORTLY. FIRST, LET ME TELL YOU WHAT THIS APPLICATION WOULD DO. IT WOULD CALL FOR A CONVENTION THAT COULD CONSIDER PROPOSING AMENDMENTS TO THE CONSTITUTION, WHICH WOULD COVER THREE AREAS: ONE, IMPOSING FISCAL RESTRAINTS ON THE FEDERAL GOVERNMENT; TWO, LIMITING THE POWER AND JURISDICTION OF THE FEDERAL GOVERNMENT; AND THREE, LIMITING THE TERMS OF OFFICE FOR OFFICIALS IN THE FEDERAL GOVERNMENT, THOSE WHO AREN'T THE PRESIDENT, WHO IS ALREADY TERM LIMITED VIA THE TWENTY-SECOND AMENDMENT. A CONVENTION OF THE STATES WOULD ONLY DEAL WITH PROPOSALS, ONLY PROPOSED AMENDMENTS, MY FRIENDS, WHICH WOULD THEN BE SENT BACK TO THE STATES FOR RATIFICATION. IF YOU WANT TO REFER TO PAGE 3 OF THE HANDOUT, YOU'LL SEE THAT NO PROPOSAL BECOMES PART OF THE CONSTITUTION UNTIL 38 STATES HAVE RATIFIED. WHAT THAT MEANS

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EFFECTIVELY, IS THAT IF RATIFICATION BY STATE LEGISLATURES IS STIPULATED, AS OPPOSED TO STATE CONVENTIONS, IT WOULD TAKE BOTH HOUSES IN 38 STATES, OR JUST US, AND BOTH HOUSES OF 37 STATES BEFORE ANY PROPOSED AMENDMENT WOULD BE RATIFIED. THAT MEANS IF THERE IS JUST ONE HOUSE IN EACH OF 13 STATES THAT REFUSES TO ACT ON ANY OF THE PROPOSED AMENDMENTS, THEY ARE DEAD IN THE WATER. IF YOU REFER TO PAGES 4 AND 5 OF THE HANDOUT, YOU'LL SEE THAT THERE HAVE BEEN A LOT OF APPLICATIONS OVER THE YEARS, OVER 400. NO CONVENTION HAS BEEN CALLED BECAUSE OF THE NEAR UNIVERSAL AGREEMENT AND PRACTICE OF CONGRESS THAT THE CONVENTIONS HAVE TO MATCH IN ORDER FOR THERE TO BE A CALL MADE; 34 STATES, TWO-THIRDS OF THE STATES, HAVE TO MATCH. IF YOU TURN TO PAGE 6 AND 7 OF THE HANDOUT, YOU SEE THAT NEBRASKA HAS A LONG HISTORY OF FILING THESE APPLICATIONS FOR CONVENTIONS. IN 1893, NEBRASKA WAS THE FIRST STATE TO CALL FOR A CONVENTION TO CONSIDER AN AMENDMENT CALLING FOR A DIRECT ELECTION OF SENATORS. THREE DIFFERENT VERSIONS OF A DIRECT ELECTION OF SENATORS APPLICATION WERE FLOATING AROUND IN THE LATE 1800s AND EARLY 1900s. CONGRESS DID NOT RECOGNIZE THEM AS BEING THE SAME AND SO A CONVENTION WAS NEVER CALLED. BETWEEN THOSE THREE VERSIONS, THERE WERE THE REQUISITE TWO-THIRDS OF STATES. THE EXPERIENCE WITH THAT PARTICULAR APPLICATION PROCESS DEMONSTRATES ONE THING. THE PRECEDENT IS THAT ONLY MATCHING APPLICATIONS WILL BE LIKELY TO TRIGGER A CALL FOR A CONVENTION. AH, BUT NEBRASKA ALSO HAS A NUMBER OF OTHER APPLICATIONS THAT HAVE EITHER BEEN CONSIDERED OR ARE ON THE BOOKS, AND WHILE SOME OF THEM ARE LARGELY MOOT AT THIS POINT, THEY ARE CONSIDERED ACTIVE. YOU CAN SEE THE LIST OF THOSE ON PAGE 8. LATE IN THE SESSION LAST YEAR, WE DISCOVERED THE APPLICATIONS FROM THE '60s AND BEYOND. OUR APPLICATION FOR A CONVENTION TO CONSIDER PROPORTIONALITY IN THE ELECTORAL COLLEGE IN 1965 SEEMINGLY HAD NO END DATE. SO IT'S STILL TECHNICALLY ACTIVE, AS ARE THE RIGHT TO LIFE AND BALANCED BUDGET AMENDMENT APPLICATIONS FROM THE LATE '70s. BEGINNING IN 1965, LR9, THE SO-CALLED LIBERTY AMENDMENT, WAS PROPOSED BY TERRY CARPENTER, AND THERE WAS CONSIDERABLE DEBATE AND A LONG HEARING AND IT ENDED UP ON THE FLOOR, BUT FAILED TO PASS. LR14 IN THE SAME YEAR WAS A CONVENTION TO DISCUSS APPORTIONMENT OF REPRESENTATION IN STATE LEGISLATURES. THAT WAS PASSED BY THE LEGISLATURE ON MARCH 31, 1965, AND WAS READ INTO THE CONGRESSIONAL RECORD AS OUR APPLICATION IN SEPTEMBER 22, 1965. LR42 WAS OUR CONVENTION TO DISCUSS ELECTORAL VOTES PASSED BY THE LEGISLATURE ON AUGUST 10, 1965, READ INTO THE CONGRESSIONAL RECORD MAY 7, 1966. LR106, IN 1976, WAS A CONVENTION FOR A BALANCED BUDGET AMENDMENT, ENTERED

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INTO THE CONGRESSIONAL RECORD ON FEBRUARY 8, 1979. IT WAS PASSED BY THE STATE OF NEBRASKA ON FEBRUARY 24, 1976. LR152 IN 1978 WAS A CONVENTION TO CONSIDER PRO-LIFE AMENDMENT. IT WAS READ INTO THE RECORD...CONGRESSIONAL RECORD ON MAY 2, 1978. IT CITED THE FIFTH AND FOURTEENTH AMENDMENTS FOR REASONING. IT WAS PASSED BY THE NEBRASKA LEGISLATURE ON APRIL 21, 1978. AND MOST RECENTLY, IN 2010, LR538 INTRODUCED BY SENATOR PETE PIRSCH, COSIGNED BY SENATORS KARPISEK, PAHLS, PRICE, SULLIVAN, JANSSEN, AND WHITE, CALLED FOR A CONVENTION TO PASS A BALANCED BUDGET AMENDMENT. IT WAS BASICALLY TO RECOGNIZE THE 1976 LR106 RESOLUTION WAS STILL ACTIVE. IT PASSED BY THE STATE OF NEBRASKA ON APRIL 13, 2010, ON A 39-1 VOTE AND 8-0 COMING OUT OF THE GOVERNMENT COMMITTEE. ONE OF THE ARGUMENTS THAT I'VE HEARD IN THE HALLS IN OPPOSITION TO LR35 IS RELATED TO THE FISCAL RESTRAINT FEARS...FEARS THAT FISCAL RESTRAINT WOULD BE ECONOMICALLY DISASTROUS. AND YET I HAVEN'T SEEN ANY EFFORTS TO RESCIND THE BALANCED BUDGET APPLICATION THAT WE, AMONG 27 OTHER STATES, HAVE MADE OVER THE YEARS, AND WHICH SEVERAL STATES HAVE PASSED IN THE LAST YEAR OR SO. REALISTICALLY SPEAKING, THERE'S A VERY REAL POSSIBILITY THAT THE BALANCED BUDGET AMENDMENT CONVENTION COULD CROSS THE TWO-THIRDS THRESHOLD BEFORE THE ONE THAT I HAVE PROPOSED, WHICH IS IDENTICAL, BY THE WAY, TO THE RESOLUTION AND APPLICATIONS WHICH HAVE ALREADY BEEN PASSED IN ALABAMA, ALASKA, GEORGIA, FLORIDA, AND TENNESSEE. IN NEW MEXICO, OKLAHOMA, MISSOURI, ARIZONA, INDIANA, AND VIRGINIA, ONE OF THEIR TWO HOUSES OF THE LEGISLATURE HAVE PASSED THE RESOLUTION, AND TODAY, THIS RESOLUTION IS BEING DEBATED IN ONE OF THE HOUSES OF THE KANSAS LEGISLATURE AND WAS PASSED OUT OF COMMITTEE IN THE SOUTH DAKOTA HOUSE. SOME HAVE SUGGESTED FEARS OF A SO-CALLED RUNAWAY CONVENTION AND YET THERE HAVE BEEN DOZENS OF INTERSTATE CONVENTIONS SINCE THE COUNTRY WAS FORMED WHICH PROVIDE PRECEDENT FOR HOW THIS COULD WORK. IN EACH INSTANCE, STATES CAME TOGETHER WITH A SPECIFIC MISSION, OR SET OF MISSIONS. THEY NEGOTIATED FROM A POSITION OF EQUALITY WITH EACH STATE BEING EQUAL IN THE CONVENTION. PERHAPS THE LAST MAJOR INTERSTATE CONVENTION... [LR35]

SENATOR KRIST: ONE MINUTE. [LR35]

SENATOR EBKE: THANK YOU...HAPPENED IN THE EARLY 20th CENTURY, THE COLORADO RIVER COMPACT WHICH CREATED THE SO-CALLED LAW OF THE RIVER GOVERNING THE COLORADO RIVER BASIN. COLLEAGUES, BELIEVING



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THAT THERE WILL BE A RUNAWAY CONVENTION DEFIES COMMON SENSE. CONGRESS HAS BEEN CONSISTENT IN NOT CALLING CONVENTIONS WITHOUT CLOSELY MATCHING APPLICATIONS. THOSE WHO SHOW UP WILL BE THERE FOR THE PURPOSES STIPULATED. TWO, MODERN COMMUNICATION, C-SPAN, 24-HOUR NEWS, FACEBOOK, TWITTER, MAKE IT EXTRAORDINARILY UNLIKELY THAT A ROGUE ELEMENT COULD TAKE OVER A CONVENTION AND THAT NO ONE WOULD KNOW ABOUT IT UNTIL THE AMENDMENT PROPOSALS CAME OUT. EVEN IF THE VIRTUALLY IMPOSSIBLE DID HAPPEN, THOSE AMENDMENTS WOULD STILL HAVE TO BE RATIFIED. REMEMBER, IT TAKES 75 PERCENT OF THE STATES, EVEN MORE THAN OUR CLOTURE RULE, BEFORE ANYTHING IS RATIFIED. AND WITH THAT, MR. PRESIDENT, I WILL YIELD BACK THE REMAINDER OF MY TIME. [LR35]

SENATOR KRIST: THANK YOU, SENATOR EBKE. MR. CLERK. [LR35]

CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECOMMIT LR35 TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. [LR35]

SENATOR KRIST: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LR35]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, I'M DOING THIS FOR A NUMBER OF REASONS, BUT THE MAIN ONE IS TO TAKE AWAY FROM US THE NECESSITY TO SPEND ALL THE HOURS THAT I'M PREPARED TO TAKE ALONE IN ORDER TO KILL THIS LAMEBRAIN PROPOSAL. SENATOR EBKE BROUGHT IT, BUT SHE DIDN'T WRITE IT. THE LANGUAGE IN THE THING ITSELF IS SO INFLAMMATORY, SO DEMEANING AND INSULTING, SO TOTALLY ERRONEOUS THAT NOBODY WITH THE LEVEL OF EDUCATION THAT SENATOR EBKE HAS WOULD PUT SOMETHING LIKE THIS BEFORE THE LEGISLATURE TO TRY TO GET THE LEGISLATURE TO SUPPORT IT AND THEN SEND IT TO CONGRESS, TO THE HEAD OF THE SENATE, THE SPEAKER OF THE HOUSE, TO ALL THE MEMBERS WHO ARE IN LEADERSHIP POSITIONS, AND THE REST OF THE STATE, SHOWING JUST HOW DUMB NEBRASKANS ARE. BUT I THINK BECAUSE I'VE BECOME THE GARBAGE MAN, I NEED TO HAVE A THEME SONG. AND I WOULD TAKE IT FROM QUEEN. I'M NOT GONNA SING IT, BUT IT'S SOMETHING LIKE A MONOTONE. (SINGING) THAT'S "ANOTHER ONE BITES THE DUST," IF YOU DIDN'T GET IT. WHEN I READ ARTICLE V OF THE U.S. CONSTITUTION, I ALWAYS GO TO ARTICLE I, CLAUSE...SECTION 9, CLAUSE ONE AND CLAUSE TWO. YOU TALK ABOUT AMENDING THIS CONSTITUTION. LET ME READ TO YOU WHAT ARTICLE V SAYS TOWARD THE BOTTOM: "...PROVIDED THAT

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NO AMENDMENT WHICH MAY BE MADE PRIOR TO THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHT SHALL IN ANY MANNER AFFECT THE FIRST AND FOURTH CLAUSES IN THE NINTH SECTION OF THE FIRST ARTICLE, AND THAT NO STATE, WITHOUT ITS CONSENT, SHALL BE DEPRIVED OF ITS EQUAL SUFFRAGE IN THE SENATE." WHAT THAT SAYS IS THAT THE SLAVE TRADE CANNOT BE TOUCHED BY AMENDMENT. YOU CAN AMEND ANYTHING IN THIS CONSTITUTION EXCEPT THE TRADE IN MY ANCESTORS. AND SENATOR EBKE SAID SHE WAS CONCERNED ABOUT FUTURE GENERATIONS. I'M SURE SOME OF MY ANCESTORS BROUGHT HERE ON THOSE BOATS WERE CONCERNED ABOUT PEOPLE LIKE ME. AND I'M CONCERNED ABOUT THE DEFAMATION, THE DEGRADATION, THE "THINGIFICATION" OF MY FOREBEARS. AND THIS IS WHAT SECTION 9, CLAUSE ONE OF THE UNITED STATES CONSTITUTION, WHICH IS SUPPOSED TO CREATE A "WE THE PEOPLE" DEMOCRACY: "THE MIGRATION OR IMPORTATION OF SUCH PERSONS AS ANY OF THE STATES NOW EXISTING SHALL THINK PROPER TO ADMIT, SHALL NOT BE PROHIBITED BY THE CONGRESS PRIOR TO THE YEAR ONE THOUSAND EIGHT HUNDRED AND EIGHT, BUT A TAX OR DUTY MAY BE IMPOSED ON SUCH IMPORTATION, NOT EXCEEDING TEN DOLLARS FOR EACH PERSON." WHAT DOES THE FOURTH CLAUSE SAY? "NO CAPITATION, OR OTHER DIRECT, TAX SHALL BE LAID, UNLESS IN PROPORTION TO THE CENSUS OR ENUMERATION HEREIN BEFORE DIRECTED TO BE TAKEN." THAT'S TO MAKE SURE THAT THEY COULD LEVY THAT TAX ON EACH ONE OF MY ANCESTORS WHO WERE SHIPPED TO THIS COUNTRY AND YOUR CONSTITUTION SAID THAT THAT PROVISION CANNOT BE TOUCHED OR AMENDED BY CONGRESS OR ANY OTHER METHOD UNTIL 1808. TWENTY YEARS THEY GUARANTEED THE IMPORTATION OF MY PEOPLE. BUT DESPITE THE INSULT, THE DEGRADATION THAT WAS OFFICIALLY SANCTIONED IN THIS SLAVE-HOLDING, WHITE SUPREMACIST DOCUMENT, IT'S THE ONLY THING THAT THE DESCENDANTS OF THOSE "THINGIFIED" PEOPLE HAVE TO TRY TO GET SOME MODICUM OF RIGHT IN THIS COUNTRY. SO I FEEL AN OBLIGATION TO DEFEND, TO THE EXTENT THAT I CAN, THIS CONSTITUTION FROM LAMEBRAINED NOTIONS SUCH AS THIS THAT'S BEFORE US NOW. THERE ARE SOME OTHER PROVISIONS WHICH ARE DISTRESSING, AND YOU'RE GOING TO HAVE TO JUST ALLOW ME TO TELL YOU WHAT THEY ARE. ONE HAS TO DO WITH THE DETERMINATION OF REPRESENTATION THAT PEOPLE WOULD HAVE IN THE HOUSE OF REPRESENTATIVES. WHEREAS THERE ARE PEOPLE IN THIS COUNTRY WHO WANT TO SAY THAT YOU MIGHT HAVE SO-CALLED ILLEGAL ALIENS COUNTED FOR THE PURPOSE OF THE CENSUS, AND SINCE THEY WOULDN'T GO FOR THE WHITE RACIST "REPELICAN" PARTY, THEY DON'T LIKE THAT. BUT LET ME SHOW YOU WHAT WAS IN YOUR CONSTITUTION WITH REFERENCE TO BLACK PEOPLE. THIS IS IN ARTICLE I, SECTION 2: "REPRESENTATIVES AND DIRECT TAXES SHALL BE APPORTIONED AMONG THE SEVERAL STATES WHICH MAY BE

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INCLUDED WITHIN THIS UNION, ACCORDING TO THEIR RESPECTIVE NUMBERS, WHICH SHALL BE DETERMINED BY ADDING TO THE WHOLE NUMBER OF FREE PERSONS, INCLUDING THOSE BOUND TO SERVICE FOR A TERM OF YEARS, AND EXCLUDING INDIANS NOT TAXED, THREE FIFTHS OF ALL OTHER PERSONS." AND THREE-FIFTHS WERE BLACK PEOPLE. PEOPLE WHO WERE USED AS PROPERTY WOULD BE COUNTED; THREE-FIFTHS OF THAT NUMBER WOULD BE COUNTED TO ADD TO THE REPRESENTATION OF THESE SLAVEHOLDERS IN THE CONGRESS. OUR NUMBERS...WE WERE SLAVES, BUT WE WERE USED TO GIVE THE SLAVEHOLDERS MORE REPRESENTATION IN THE HOUSE. OUR NUMBERS WOULD BE COUNTED FOR THAT PURPOSE. THEN THE OTHER PROVISION, WHICH I WILL JUST TELL YOU ABOUT, HAD TO DO WITH THE FUGITIVE SLAVE LAW. ANY OF US WHO HAD THE TEMERITY, THE RESOURCEFULNESS TO ESCAPE WOULD HAVE TO BE RETURNED TO SLAVERY IF CAPTURED ANYWHERE. AND YOU ALL WONDER WHY I HAVE THE ATTITUDE THAT I HAVE. YOU ALL DON'T READ THE CONSTITUTION. YOU DON'T RESPECT IT. BUT WHEN THE KOCH BROTHERS, AND THOSE OTHER TYPES, WILL TELL YOU TO DO SOMETHING LIKE THIS, HERE WILL SOME PEOPLE COME RUNNING. BUT THERE IS NO WAY IF A CONVENTION SHOULD BE CALLED TO CONTROL WHAT IS TO BE DONE. ONCE SUCH A THING IS ASSEMBLED, THEY CAN REWRITE THE ENTIRE CONSTITUTION. THEY CAN CHANGE THE FORM OF GOVERNMENT FROM THIS REPRESENTATIVE FORM THAT PEOPLE ARE SO FAMILIAR WITH, WITH A HOUSE, A SENATE, A PRESIDENT, TO THE KIND OF SET-UP THEY HAVE IN ENGLAND, A PARLIAMENT. THEY CAN CHANGE ANYTHING IN HERE. THEY CAN DO AWAY WITH THE RIGHT OF WOMEN TO VOTE. THEY CAN DO AWAY WITH THE RIGHT OF BLACK PEOPLE TO VOTE. THEY CAN REINSTATE SLAVERY. THEY CAN DO ANYTHING THAT A MAJORITY OF THEM WANT TO DO. AND THEN THOSE THINGS ARE, AS SENATOR EBKE POINTED OUT, SUBMITTED TO THE STATES. BUT WHY IN THE WORLD SHOULD THIS LEGISLATURE COUNT ON OTHER PEOPLE TO BE MORE INTELLIGENT, MORE PRUDENT THAN THE MEMBERS OF THIS LEGISLATURE AND UNDO THE DAMAGE THAT WOULD BE DONE BY PASSING SOMETHING LIKE THIS? I KNOW THERE ARE OTHERS WHO WILL BE ABLE TO DEAL IN A MORE MEASURED TONE THAN I HAVE SHOWN THIS MORNING. BUT WHEN OLD WOUNDS HAVE THE SCABS RAKED OFF AND ALL THOSE MEMORIES COME FLOODING BACK TO ME, NOT ONLY BASED ON WHAT I'VE READ BUT WHAT HAPPENED TO ME AS A CHILD WHEN I WAS GROWING UP, AND WHICH YOU MIGHT CALL THAT COLLECTIVE MEMORY OF MY RACE, IT IS NOT A PLEASANT SET OF CIRCUMSTANCES. SO THIS MORNING, I AM OFFERING US THE OPPORTUNITY TO BE RID OF THIS MONSTROSITY BY RECOMMITTING IT TO THE GOVERNMENT COMMITTEE, WHICH COMMITTEE NEVER SHOULD HAVE ADVANCED IT. AND WHILE I'M BEING VERY FRANK, THERE ARE SOME PEOPLE... [LR35]

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SENATOR KRIST: ONE MINUTE. [LR35]

SENATOR CHAMBERS: ...WHO HAVE CHAIRMANSHIPS WHO MAY NOT HAVE THEM NEXT TIME AROUND, WHEN YOU SEE HOW POORLY THEY HAVE HANDLED THOSE COMMITTEES. AND I THINK THIS IS THE ONE OF WORST THINGS AND SOME BAD THINGS HAVE COME OUT OF THAT GOVERNMENT COMMITTEE. THIS IS ONE OF THE ABSOLUTE WORST, AND I WILL TAKE SIX HOURS ON GENERAL FILE, I WILL TAKE FOUR HOURS ON SELECT, IF IT GOES THERE, AND I WILL TAKE TWO MORE HOURS ON FINAL READING, I PROMISE YOU. AND ALL THE WHILE I'LL STOP IN BETWEEN AND SAY, (SINGING) AND ANOTHER ONE'S GONE, AND ANOTHER ONE'S GONE, ANOTHER ONE BITES THE DUST, YEAH, YEAH, YEAH; HMM, HMM, HMM, ANOTHER ONE BITES THE DUST. AND I'LL FEEL SO GOOD SINGING IT. AND MAYBE AFTER I KILL IT, I'LL SAY AS FAR AS THIS ONE IS CONCERNED, FREE AT LAST, FREE AT LAST, THANK GOODNESS THE LEGISLATURE IS FREE AT LAST, AT LEAST OF THIS ONE. THANK YOU, MR. PRESIDENT. [LR35]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. THOSE WISHING TO SPEAK: SENATOR MORFELD, CHAMBERS, GARRETT, BOLZ, HANSEN, EBKE, AND OTHERS. SENATOR MORFELD, YOU'RE RECOGNIZED. [LR35]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, I RISE IN OPPOSITION TO LR35 AND IN SUPPORT OF THE RECOMMIT MOTION OFFERED BY SENATOR CHAMBERS. AND THIS IS AN ISSUE THAT I HAVE LOOKED AT FOR THE LAST SIX OR SEVEN MONTHS SINCE SENATOR EBKE HAS BROUGHT IT TO MY ATTENTION. AND, IN FACT, I WENT OUT TO THE CONFERENCE THAT WAS IN SALT LAKE CITY THAT WAS NOT NECESSARILY DEDICATED TO THIS SPECIFIC RESOLUTION, BUT IT...THAT CONVENTION LOOKED AT CREATING THE FRAMEWORK OF THE RULES THAT WOULD GOVERN A CONVENTION. NOW, ONE OF THE PROBLEMS WITH GOING OUT TO THAT GATHERING WAS THAT MANY PEOPLE WHO WERE GATHERED TO DEBATE AND DELIBERATE THE POTENTIAL RULES WERE THERE SUPPOSEDLY ON AUTHORITY OF THEIR STATE LEGISLATURES, AND WERE ACTING ON THAT AUTHORITY, WHEN, IN FACT, MANY OF THEM WERE NOT. AND THERE WAS MUCH DEBATE AND DISSENSION ON WHAT THE RULES WOULD BE AND WHAT THEY WOULD NOT BE GOVERNING A CONVENTION. NOW, THE FACT THAT THAT BODY LACKED THE AUTHORITY TO CREATE THOSE RULES TO BEGIN WITH, EVEN THOUGH WE WERE CONVENED AS A DELIBERATIVE BODY WITHIN THE UTAH HOUSE OF REPRESENTATIVES CHAMBER, IT BROUGHT TO LIGHT A VERY IMPORTANT POINT ON WHY I AM OPPOSED TO THIS CONVENTION, AND OPPOSED TO THIS RESOLUTION IN PARTICULAR. THAT'S...THERE ARE NO RULES, AND THERE IS VERY LITTLE

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PRECEDENT OF HOW ONE OF THESE CONVENTIONS WOULD BE GOVERNED. ARTICLE V IS A VERY SHORT ARTICLE IN OUR CONSTITUTION. IT LEAVES A LOT OF QUESTIONS TO BE ANSWERED. AND THERE'S ONE POINT IN MY OPPOSITION THAT I WANT TO MAKE SURE EVERYBODY UNDERSTANDS IN PARTICULAR. THE LAST TIME THAT WE HAD A LIMITED CONSTITUTIONAL CONVENTION WAS 1787 WHEN THEY WERE SUPPOSED TO CONVENE AND CREATE A TAXING AUTHORITY FOR THE FEDERAL GOVERNMENT. INSTEAD WHAT THEY DID WAS THROW OUT THE ENTIRE ARTICLES OF CONFEDERATION AND CREATE THE CONSTITUTION. THAT WAS THE LAST TIME AND THE ONLY TIME WE HAD A LIMITED FEDERAL CONSTITUTIONAL CONVENTION. IT WASN'T SO LIMITED. AND QUITE FRANKLY, I DON'T KNOW HOW MANY JAMES MADISONS AND THOMAS JEFFERSONS WE HAVE LEFT IN THE UNITED STATES TO RECONVENE AND DO WHAT'S RIGHT FOR THE COUNTRY AND FOR DEMOCRACY AS A WHOLE. THAT IS THE NUMBER ONE DANGER WITH LR35 IS, YES, IT'S SUPPOSED TO BE A CONVENTION TO COME UP WITH POTENTIAL AND PROPOSED CONSTITUTIONAL RESOLUTIONS AND AMENDMENTS. THAT BEING SAID, IT'S BEING AUTHORIZED UNDER ARTICLE V OF THE CONSTITUTION, AND IF YOU'RE AUTHORIZING AN ARTICLE V CONVENTION, THAT OPENS UP THE DOOR TO HAVING AMENDMENTS. THERE'S NO PRECEDENT THAT SAYS YOU CAN JUST SIMPLY HAVE A CONVENTION AND THEN YOU HAVE TO BRING THE AMENDMENTS BACK TO THE STATE. THERE IS ABSOLUTELY NO PRECEDENT. I'VE LOOKED FOR IT. AND ALL I'VE FOUND IS A LOT OF CONSERVATIVE SCHOLARS, LEGAL SCHOLARS, AND LIBERAL LEGAL SCHOLARS THAT SAY THIS OPENS THE DOOR. THERE IS NO GUARANTEE THAT ONCE YOU AUTHORIZE THIS CONVENTION THAT WE WILL BE ABLE TO CONTROL THE SCOPE. AND, IN FACT, THE ONLY PRECEDENT THAT'S OUT THERE IS THE LAST TIME THAT WE HAD A CONSTITUTIONAL CONVENTION IN 1787, AND IT WASN'T LIMITED BY ANY STRETCH OF THE IMAGINATION. ONCE WE OPEN THIS DOOR, WE WILL NOT BE ABLE TO CLOSE IT. [LR35]

SENATOR KRIST: ONE MINUTE. [LR35]

SENATOR MORFELD: THANK YOU, MR. PRESIDENT. AND ONCE WE OPEN THE DOOR, EVERYTHING WILL BE ON THE TABLE. SO MAYBE WE COME FOR A BALANCED BUDGET AMENDMENT, BUT WHAT ARE PEOPLE WILLING TO SACRIFICE AND BARGAIN AWAY TO GET THEIR BALANCED BUDGET AMENDMENT? GUN RIGHTS? REPRODUCTIVE RIGHTS? RELIGIOUS FREEDOM? WHO KNOWS? AS WE KNOW JUST AS A DELIBERATIVE BODY IN HERE, SOMETIMES WE MAKE COMPROMISES. THE COMPROMISES THAT COME OUT OF A CONSTITUTIONAL CONVENTION MAY NOT BE TO THE LIKING OF MANY PEOPLE HERE, NOT ONLY TO MENTION WHO'S GOING TO BE OUR DELEGATES. WHO ARE

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WE GOING TO SEND? ME? SENATOR KINTNER? WHO ARE OUR DELEGATES? THAT...SENATOR CHAMBERS? THERE ARE MANY UNANSWERED QUESTIONS WITH THIS, AND THE FACT OF THE MATTER IS THAT ALL OF THE PROBLEMS THAT THIS IS SEEKING TO ADDRESS ARE PROBLEMS THAT CAN BE ADDRESSED UNDER OUR NORMAL POLITICAL SYSTEM UNDER THE CURRENT CONSTITUTIONAL FRAMEWORK OF OUR CURRENT CONSTITUTION. [LR35]

SENATOR KRIST: TIME, SENATOR. [LR35]

SENATOR MORFELD: THANK YOU. [LR35]

SENATOR KRIST: THANK YOU, SENATOR MORFELD. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LR35]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, NOW THAT I HAVE GOTTEN SOME OF THOSE THINGS OFF MY MIND AND INTO THE RECORD, I HAD MADE SOME ALLEGATIONS ABOUT THIS DOCUMENT WHICH I THINK I OUGHT TO ESTABLISH FROM READING IT. THIS IS THE LANGUAGE THAT I THINK IS INFLAMMATORY: "...THE FEDERAL GOVERNMENT HAS CREATED A CRUSHING NATIONAL DEBT THROUGH IMPROPER AND IMPRUDENT SPENDING." WHAT KIND OF SPENDING IS IMPROPER AND HOW DO YOU DETERMINE THAT IT'S IMPROPER? WAS IT UNCONSTITUTIONAL? DID IT GO FOR THINGS MAYBE YOU DIDN'T AGREE WITH? BUT I THINK THAT'S HIGHLY INFLAMMATORY AND NOT SUSTAINED BY ANY EVIDENCE. "WHEREAS," NUMBER THREE, "THE FEDERAL GOVERNMENT HAS INVADDED THE LEGITIMATE ROLES OF THE STATES THROUGH THE MANIPULATIVE PROCESS OF FEDERAL MANDATES, MOST OF WHICH ARE UNFUNDED TO A GREAT EXTENT," THAT IS NOT TRUE. I DON'T SEE ANYTHING THAT WOULD BE A LEGITIMATE ACTION BY A LEGISLATURE WHICH THE FEDERAL GOVERNMENT HAS PROHIBITED. AND WHAT IS THE FEDERAL GOVERNMENT ANYWAY? IS IT CONGRESS? IS IT THE PRESIDENT? IS IT THE SUPREME COURT? IS IT THAT ARMY OF FEDERAL OFFICIALS, SOME APPOINTED, SOME ELECTED? THERE'S NOT EVEN A DEFINITION OF WHAT THE FEDERAL GOVERNMENT IS. THEN YOU GO ON: "...THE FEDERAL GOVERNMENT HAS CEASED TO LIVE UNDER A PROPER INTERPRETATION OF THE CONSTITUTION..." INTERPRETED BY THE KOCH BROTHERS, BY SOME OF THOSE OTHER LOONEY-TUNE PEOPLE OUT THERE WHO MAKE THESE BLANKET ALLEGATIONS WITHOUT ANY EVIDENCE BECAUSE THEY KNOW THEY'RE DEALING WITH THE KIND OF PEOPLE WHO WILL SUPPORT A DONALD TRUMP BASED ON SOUND AND FURY SIGNIFYING NOTHING BUT IGNORANCE? AND

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YOU'RE GOING TO SIGN YOUR NAME TO SOMETHING LIKE THIS? FIFTH, "WHEREAS, IT IS THE SOLEMN DUTY OF THE STATES TO PROTECT THE LIBERTY OF OUR PEOPLE--PARTICULARLY FOR THE GENERATIONS TO COME..." GENERATIONS ARE COMING. YOU WON'T TAKE CARE OF THE GENERATIONS HERE RIGHT NOW WHO NEED MEDICAL CARE. YOU'RE GOING TO TRY TO TALK ABOUT MAKING THE FEDERAL GOVERNMENT DO SOMETHING WHEN YOU WILL NOT EVEN MAKE AVAILABLE MEDICAL CARE FOR CHILDREN WHO ARE HERE NOW. IT'S EASY TO SAY FUTURE GENERATIONS BECAUSE THEY DON'T EXIST. THEY ARE NOT A DEBT THAT'S DUE AND OWING RIGHT NOW. BUT TO TAKE CARE OF OUR CHILDREN IS THE RESPONSIBILITY HERE AND NOW, BUT THESE KIND OF PEOPLE ALWAYS TALK ABOUT FUTURE GENERATIONS. BUT IF THEY WERE ALIVE WHEN THOSE SO-CALLED FUTURE GENERATIONS BECAME THE HERE AND NOW GENERATION, THEY WOULD BE AS AGAINST THEM AS THEY ARE RIGHT NOW THE EXISTING GENERATION. THEN IT GOES ON TO SAY, "...IT IS THE SOLEMN DUTY OF THE STATES TO PROTECT THE LIBERTY," AND SO FORTH. AND SO THEY ARE PROPOSING AMENDMENTS TO THE CONSTITUTION OF THE UNITED STATES THROUGH A CONVENTION OF THE STATES UNDER ARTICLE V FOR THE PURPOSE OF RESTRAINING THESE AND RELATED ABUSES OF POWER. WHAT ABUSES OF POWER? THESE SIMPLE ALLEGATIONS ARE SIMPLEMINDED. YOU KNOW WHAT AN ALLEGATION IS? IT'S A CHARGE WITH NO EVIDENCE SUPPORTING IT, JUST EMPTY WORDS. AND IF YOU WOULD HAVE WRITTEN SOMETHING LIKE THIS, YOU SHOULD BE ASHAMED OF YOURSELF, BUT SENATOR EBKE DIDN'T. BUT THOSE OF YOU WHO HAVE READ THIS, IF YOU PUT YOUR NAME TO THIS, YOU'RE GOING TO TELL ME AND EVERYBODY SOMETHING ABOUT YOU. AND SOMETIMES WHEN I'VE BEEN A BIT CRITICAL... [LR35]

SENATOR KRIST: ONE MINUTE. [LR35]

SENATOR CHAMBERS: ...AND SATIRICAL, AT MY WORST I'VE GIVEN MORE CREDIT THAN YOU'D BE DUE IF YOU SUPPORT SOMETHING LIKE THIS. AND IT'S NOT GOING HAPPEN ANYWAY. IT'S NOT GOING TO HAPPEN ANYWAY. I PROBABLY WON'T HAVE A CHANCE TO SPEAK ON THIS AGAIN BEFORE THE MATTER IS TAKEN TO A VOTE, BUT I SHOULD BE ABLE TO CLOSE, AND AT THAT TIME WE'RE GOING TO LOOK AT THE ACTUAL TEXT OF ARTICLE V OF THE U.S. CONSTITUTION. WHY WAS NOT THAT GONE INTO IN DETAIL FOR THE RECORD TO SHOW THAT THOSE WHO ARE APPEALING TO ARTICLE V OF THE U.S. CONSTITUTION KNOW WHAT IT SAYS AND UNDERSTANDS WHAT IT SAYS? AND UNDERSTANDS WHAT IT SAYS. YOU'RE BEING ASKED NOT TO TAKE A PIG IN A POKE, BUT SOMETHING EVEN WORSE THAN THAT. BUT I WILL OBSERVE HOW MY

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COLLEAGUES VOTE, AND I'M GOING TO DO ALL I CAN TO KILL THIS NEFARIOUS PIECE OF LEGISLATION PROPOSED... [LR35]

SENATOR KRIST: TIME, SENATOR. [LR35]

SENATOR CHAMBERS: ...BY THE KOCH BROTHERS AND THEIR ILK. THANK YOU, MR. PRESIDENT. [LR35]

SENATOR KRIST: THANK YOU, SENATOR CHAMBERS. SENATOR GARRETT, YOU'RE RECOGNIZED. [LR35]

SENATOR GARRETT: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO SENATOR CHAMBERS' MOTION TO RECOMMIT TO COMMITTEE. I'M ONE OF THE MEMBERS OF THAT COMMITTEE AND I SUPPORT LR35. I WAS A SKEPTIC AT FIRST WITH LR35. I WAS AFRAID OF ALL THE THINGS I THINK MOST OF US WOULD BE AFRAID OF, A RUNAWAY CONVENTION AND OTHER THINGS. I THINK THE CONSTITUTION OF THE UNITED STATES IS THE SECOND GREATEST DOCUMENT EVER IN THE WORLD...IN THE HISTORY OF THE WORLD; NUMBER ONE, OF COURSE, BEING THE BIBLE. BUT I THINK THERE ARE SO MANY THINGS THAT NEED TO BE ADDRESSED, THAT I FEEL NEED TO BE ADDRESSED, THAT I'M NOT AFRAID OF A CONVENTION OF THE STATES. I THINK IT WOULD BE GREAT FOR US TO TAKE A LOOK AT THINGS AND JUST SEE. IT'S GOING TO BE EXTREMELY HARD TO GET ANYTHING PASSED BECAUSE OF ALL THE SUPPORT REQUIREMENTS, SO I'M NOT AFRAID OF IT. I THINK THE DIALOGUE IS GOOD. THE DISCUSSION NEEDS TO BE HAD. AND WITH THAT, I'LL YIELD THE REST OF MY TIME TO SENATOR EBKE IF SHE'D LIKE IT. [LR35]

SENATOR KRIST: SENATOR EBKE, 4:00. [LR35]

SENATOR EBKE: THANK YOU, SENATOR GARRETT. I'M SORRY THAT SENATOR CHAMBERS STEPPED OUT. HE APPARENTLY DIDN'T HEAR WHEN I ACTUALLY READ ARTICLE V OF THE CONSTITUTION. COLLEAGUES, WE SHOULDN'T LIVE IN FEAR OF THE INCREDIBLY UNLIKELY. IF YOU DON'T LIKE THE APPLICATION BECAUSE YOU DON'T BELIEVE THAT STATES SHOULD HAVE THE POWER TO CALL CONVENTIONS, WHICH ARE AUTHORIZED UNDER ARTICLE V OF THE CONSTITUTION, FINE. IF YOU'RE NOT IN FAVOR OF THIS APPLICATION BECAUSE YOU THINK THERE'S NO PROBLEM WITH THIS GENERATION LEAVING A GROWING DEBT IN EXCESS OF \$19 TRILLION TO OUR CHILDREN AND GRANDCHILDREN WITHOUT EVEN TRYING TO DEAL WITH THE CONTINUED GROWTH, THAT'S FINE.



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IF YOU THINK THAT THE PEOPLE ARE BEST SERVED WHEN THE FEDERAL GOVERNMENT TELLS COUNTY COMMISSIONERS THAT THEY CAN'T REPLACE A BRIDGE THAT FEEDS THE MAIN ROAD THAT HEADS INTO THEIR COUNTY'S MAIN HOSPITAL, WHICH WAS DAMAGED IN FLOODING, ONE THAT HAD BEEN THERE FOR 50 YEARS, UNLESS THEY SPEND THE MONEY TO DO AN ENVIRONMENTAL IMPACT STUDY, THAT'S FINE. IF YOU THINK THAT MEMBERS OF CONGRESS SHOULDN'T BE HELD TO THE SAME TYPES OF LIMITS ON THE NUMBER OF TERMS THAT THEY CAN SERVE, AS WE ARE IN THIS LEGISLATURE, THAT'S FINE, BUT BE HONEST ABOUT IT. AND BE HONEST ABOUT WHAT A CONVENTION DOES. THERE IS NO GUARANTEE THAT ONE WORD WILL COME OUT OF A CONVENTION. A CONVENTION MAY BE HELD, BUT YOU KNOW WHAT? MAYBE NOTHING COMES OUT. MAYBE ONE PROPOSED AMENDMENT COMES OUT. IF WE PASS THIS RESOLUTION, WE WILL BE THE SIXTH STATE TO CALL FOR A CONVENTION THAT WOULD DEAL WITH THESE LIMITED TOPICS THAT I'VE DISCUSSED. TWENTY-EIGHT OTHERS STILL NEED TO PASS THIS. NO COST WILL ACCRUE TO NEBRASKA AS A RESULT OF ANYTHING WE DO WITH THIS RESOLUTION, AT LEAST NOT UNTIL SUCH TIME AS A CONVENTION IS CALLED AND IT'S DECIDED WHETHER THE STATE WILL COVER THE EXPENSES OF ITS COMMISSIONERS. IF WE PASS THIS RESOLUTION, IT WILL BE SENT TO THE HOUSE AND THE SENATE AND BE PART OF THE CONGRESSIONAL RECORD WAITING FOR MORE TO JOIN IT. IF WE PASS THIS RESOLUTION, NOTHING GOES IN THE STATUTE BOOKS, NO AGENCIES ARE CREATED, NO NEW EMPLOYEES WILL BE HIRED. IF WE PASS THIS, WE ARE DOING NOTHING MORE THAN DOING WHAT THE SEVENTY-SIXTH LEGISLATURE DID IN 1965 WHEN IT PASSED TWO APPLICATIONS. WE ARE DOING NOTHING MORE THAN THE EIGHTY-FOURTH AND EIGHTY-FIFTH LEGISLATURES DID WHEN THEY PASSED THE RIGHT TO LIFE AMENDMENT IN ONE YEAR, AND THE BALANCED BUDGET AMENDMENT APPLICATION IN ANOTHER. WHAT WE'RE DOING IS SAYING THIS, HEY, CONGRESS, ADD US TO THE LIST OF STATES WHO THINK WE OUGHT TO SIT DOWN AND TALK ABOUT THESE THINGS. WHAT WE ARE DOING IS SENDING A MESSAGE THAT WE BELIEVE THAT GOVERNMENT COULD BE SMALLER AND MORE FISCALLY RESPONSIBLE AND NEEDS TO LIVE WITHIN ITS BOUNDARIES. I LOOK FORWARD TO THE DISCUSSION. I'M SURE WE WILL HAVE A LONG ONE, IT SOUNDS LIKE. [LR35]

SENATOR KRIST: ONE MINUTE. [LR35]

SENATOR EBKE: AND ULTIMATELY I HOPE THAT YOU'LL JOIN ME IN CASTING A GREEN VOTE FOR THIS RESOLUTION, BUT A RED VOTE ON THE RECOMMIT MOTION. [LR35]

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SENATOR KRIST: THANK YOU, SENATOR EBKE AND SENATOR GARRETT. SENATOR BOLZ, YOU'RE RECOGNIZED. [LR35]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. AS A MEMBER OF OUR OWN BUDGET COMMITTEE, I APPRECIATE THE IMPETUS TO HAVE A DISCUSSION ABOUT FISCAL RESTRAINT, AND I APPRECIATE THE HARD WORK THAT SENATOR EBKE HAS PUT INTO BUILDING THESE CONVERSATIONS ACROSS THE STATE AND IN OUR COMMUNITIES. AND MY STAFF WAS ABLE TO ATTEND SOME OF THE INFORMATIONAL SESSIONS. SO, I DO APPRECIATE THE INFORMATION THAT WE HAVE GOTTEN ABOUT THIS CONCEPT, BUT I'M NOT FULLY CLEAR ABOUT THE PROCESS. I UNDERSTAND THE MOTIVATION, BUT I'M STILL UNCLEAR ABOUT THE PROCESS. AND THE PIECE THAT I'M MOST CONCERNED ABOUT IS THE PROCESS OF ASSIGNING DELEGATES, BECAUSE ON OUR OWN BUDGET COMMITTEE I THINK THE BALANCE THAT WE HAVE AMONG THE REPRESENTATION IS REALLY IMPORTANT. WE HAVE REPRESENTATION FROM EACH OF OUR THREE CAUCUSES. WE HAVE RURAL, WE HAVE URBAN, WE HAVE FOLKS WITH DIFFERENT LIFE EXPERIENCES, AND I THINK THAT REALLY ADDS TO THE DEVELOPMENT OF OUR REASONABLE, BALANCED BUDGET. BUT AS I READ THE MATERIALS, AND AS I READ THE HEARING TRANSCRIPT, THERE SEEMS TO BE A LOT OF LACK OF CLARITY ABOUT THE DELEGATION PROCESS. HOW WOULD THOSE DELEGATES COME TOGETHER? WOULD THE LEGISLATURE CHOOSE? AND IF THE LEGISLATURE DID CHOOSE, HOW WOULD WE CHOOSE? AND WOULD WE CHOOSE A MEMBER OF OUR BODY, OR MEMBERS OF OUR BODY, OR COULD WE EVEN CHOOSE CITIZENS, AND HOW DO WE DO THAT IN A FAIR AND REASONABLE MANNER? WOULD WE TAKE IT TO THE EXECUTIVE BOARD, WHICH IS THE WAY THAT WE HANDLE THINGS WHEN WE ASSIGN PEOPLE TO OTHER COMMITTEES? SO, I'M JUST A LITTLE UNCLEAR ABOUT HOW THAT WOULD WORK BECAUSE NOT ONLY IS IT IMPORTANT THAT WE SEND APPROPRIATE DELEGATES TO A CONVERSATION LIKE THIS, I THINK IT WOULD ALSO BE IMPORTANT THAT WE WOULD BE ABLE TO TRUST THEM TO REPRESENT THE INTEREST OF NEBRASKA. AND THAT, TOO, I THINK, IS A QUESTION. HOW DO WE LIMIT THE SCOPE AND AUTHORITY OF DELEGATES IN AN APPROPRIATE MANNER? HOW DO WE MAKE SURE THAT ONCE THERE, THEY DO NOT ONLY REFLECT THE INTEREST OF NEBRASKA BUT ALSO STAY TRUE TO THE SCOPE OF THE CALL, WHICH I THINK IS AN IMPORTANT PART OF THE CONVERSATION HERE. SENATOR MORFELD, I BELIEVE YOU REFERENCED ATTENDING A CONFERENCE ABOUT THIS ISSUE. WOULD YOU BE WILLING TO ANSWER A QUESTION? [LR35]

SENATOR KRIST: SENATOR MORFELD, WILL YOU YIELD? [LR35]

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SENATOR MORFELD: YES. [LR35]

SENATOR BOLZ: SENATOR MORFELD, CAN YOU PROVIDE ANY CLARITY FOR ME IN THE PROCESS OF ASSIGNING AND SENDING DELEGATES TO THE CONVENTION? [LR35]

SENATOR MORFELD: NO, THE PROCESS IS NOT OUTLINED, AND THERE'S A LOT OF QUESTIONS AS TO HOW THAT WOULD WORK. [LR35]

SENATOR BOLZ: OKAY. AND IN OTHER STATES THERE'S NOT CLARITY EITHER. AM I RIGHT TO UNDERSTAND THAT IT'S NOT JUST THAT NEBRASKA'S LR HAS BEEN WRITTEN IN SUCH A WAY THAT THERE ISN'T CLARITY, IT'S THAT ACROSS THE COUNTRY THERE IS NOT CLARITY. IS THAT CORRECT? [LR35]

SENATOR MORFELD: THERE'S NO CLARITY IN THE LR, WHICH HAS TO BE THE EXACT SAME AS THE OTHER STATES'. SO, THERE'S NO CLARITY AT ALL. IN FACT, SOME PEOPLE WERE SAYING THAT MAYBE MICHIGAN COULD ASSIGN TEN DELEGATES AND IT WOULD CREATE A RULE WHERE ALL TEN HAD TO AGREE UNLESS THEIR VOTE...FOR THEIR VOTE TO ACTUALLY COUNT, OR ONE STATE COULD HAVE ONE DELEGATE AND HAVE THE FINAL SAY. [LR35]

SENATOR BOLZ: OKAY. THANK YOU, SENATOR MORFELD. WOULD SENATOR EBKE YIELD TO A QUESTION? [LR35]

SENATOR KRIST: SENATOR EBKE, WILL YOU YIELD? [LR35]

SENATOR EBKE: YES, I WILL. [LR35]

SENATOR BOLZ: SENATOR EBKE, DO YOU HAVE ANYTHING TO ADD TO HELP ME GET CLARITY AROUND HOW THE DELEGATION PROCESS WOULD WORK? [LR35]

SENATOR EBKE: SURE. THIS IS A CONVENTION OF THE STATES PROPOSAL SO THE EASY ANSWER IS THAT THE STATES WILL DECIDE INDIVIDUALLY HOW THEY WILL ALLOCATE OR HOW THEY WILL SEND DELEGATES, OR IN MANY CASES THEY'RE REFERRED TO AS COMMISSIONERS. THINK OF THEM SOMETHING AS AN AMBASSADOR. THEY WILL BE SENT WITH A COMMISSION OR WITH DIRECTION, AND THE ASSUMPTION IS, NO MATTER WHETHER WE SEND 5 OR WHETHER WE SEND 15, IT WILL BE A ONE-STATE, ONE-VOTE KIND OF SITUATION. [LR35]

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SENATOR BOLZ: OKAY. AND, YOU KNOW, I GUESS NOT TO MAKE MY NEBRASKA COMPETITIVE STRIPES SHOW TOO MUCH,... [LR35]

SENATOR KRIST: ONE MINUTE. [LR35]

SENATOR BOLZ: ...BUT COULD IOWA SEND MORE DELEGATES THAN NEBRASKA, AND THEN WOULDN'T IOWA HAVE MORE REPRESENTATION IN TERMS OF DIALOGUE AND DEMOCRACY? [LR35]

SENATOR EBKE: WELL, I MEAN, I SUPPOSE THEY COULD CERTAINLY SEND MORE DELEGATES IF THEY SO CHOOSE, BUT THEY WOULD NOT HAVE ANY MORE VOTING POWER THAN WE WOULD, SO I THINK THAT I HAVE TO GO BACK AND LOOK AT THE NUMBERS, BUT I THINK AT THE CONSTITUTIONAL CONVENTION IN 1787 THERE WERE A FEW STATES THAT SENT ONLY ONE DELEGATE. THERE WERE STATES THAT SENT EIGHT OR NINE. [LR35]

SENATOR BOLZ: AND THE DELEGATE THAT WE WOULD SEND, DELEGATE OR DELEGATES THAT WE WOULD SEND, IF WE SENT THEM WITH AN UNDERSTANDING OF WHAT WE EXPECTED AS A LEGISLATIVE BODY AND THEY DIDN'T ABIDE BY THAT, WHAT WOULD HAPPEN NEXT? [LR35]

SENATOR EBKE: WELL, I MEAN, I THINK THAT WOULD BE UP TO US OR UP TO THE LEGISLATIVE BODY TO DECIDE. INDIANA HAS INTRODUCED A BINDING STATUTE WHICH WOULD GIVE ANY DELEGATE TO A SPECIFIC ARTICLE V CONVENTION INSTRUCTIONS, AND IF THEY DEVIATED FROM THAT IN SOME WAY, THEN THEY COULD BE HELD CIVILLY AND CRIMINALLY LIABLE WHEN THEY RETURN TO THE STATE. [LR35]

SENATOR KRIST: TIME, SENATORS. [LR35]

SENATOR BOLZ: THANK YOU, SENATOR. [LR35]

SENATOR KRIST: THANK YOU, SENATOR BOLZ, SENATOR MORFELD, AND SENATOR EBKE. SENATOR HANSEN, YOU'RE RECOGNIZED. [LR35]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. COLLEAGUES, I RISE TODAY IN OPPOSITION OF LR35. IF YOU LOOK AT THE COMMITTEE STATEMENT, I WAS ONE OF THE THREE MEMBERS OF THE GOVERNMENT, MILITARY AND VETERANS

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AFFAIRS COMMITTEE THAT VOTED AGAINST THIS COMING OUT OF COMMITTEE. AND BEING ONE OF THE FEW PEOPLE TO HAVE ALREADY VOTED AGAINST IT, I FELT IT WAS PROPER FOR ME TO GET UP AND EXPLAIN MY STANCE. FUNDAMENTALLY, I HAVE A CONCERN ABOUT CALLING ANOTHER GOVERNMENTAL BODY ESSENTIALLY OUT OF THIN AIR WITH A LACK OF PRECEDENT AND A LACK OF CLEAR RULES AND STRUCTURE. AS EVEN WE'VE HEARD TODAY, THERE'S CONFUSION ON THAT. FUNDAMENTALLY, IF WE FEEL THAT CONGRESS IS TOO GRIDLOCKED AND TOO PARTISAN TO DO ANYTHING EFFECTIVE, AND CONGRESS IS DOING TOO MUCH--I DON'T EVEN KNOW HOW TO CHARACTERIZE IT--CONGRESS IS DOING WHATEVER THEY DO AND IT'S NOT WORKING WELL AND THE AMERICAN PEOPLE ARE NOT HAPPY ABOUT IT, WELL, THAT CONGRESS IS ELECTED BY THE AMERICAN POPULACE. IF THEN THE AMERICAN POPULACE, VIA CITIZENS PETITIONING, VIA THEIR STATE LEGISLATURES, ARE THEN CHOOSING ANOTHER DELIBERATIVE BODY TO ADDRESS THE FAULTS OF CONGRESS, I HAVE NO THOUGHT OR NO NOTION THAT THAT BODY WOULD BE ANY MORE COHESIVE, ANY LESS PARTISAN, ANY LESS GRIDLOCKED. SO, I THINK RATHER THAN GOING FOR A CLEAR SOLUTION TO A CLEAR PROBLEM, WE HAVE A MESSY PROBLEM WITH A MESSY SOLUTION, AND I DON'T THINK THAT'S GOOD GOVERNANCE TO OFFER UP THAT HUGE CONCESSION OF POWER WITHOUT MORE CLARITY. I'M ALSO OF THE OPINION THAT I REALLY DOUBT THAT WE CAN LIMIT THE SCOPE OF A CONVENTION. THAT CAME UP IN TESTIMONY. I ASKED A REPRESENTATIVE FROM THE CONVENTION OF STATES. HE REFERENCED AGENCY LAW, WHICH I REGRET NOT PROMPTING HIM MORE ON, BUT IT WASN'T BY ANY MEANS A CLEAR ANSWER, AND AT VARIOUS POINTS, AT TIMES, YOU KNOW, HE'S TALKED ABOUT THERE NOT BEING A PRECEDENT. AND THEN ONE OF THE FEW PRECEDENTS HE TALKED ABOUT WAS STATE CONVENTIONS, VARIOUS STATES OVER THE YEARS HAVE HAD CONSTITUTIONAL CONVENTIONS OF THIS MEASURE, AND I WAS JUST LOOKING FOR IT, BUT COULDN'T FIND IT. BUT I WAS READING A CONGRESSIONAL REPORT ON THIS ISSUE, AND THERE WAS A SCHOLAR WHO HAD SUMMARIZED STATE CONVENTIONS ALMOST ALWAYS, IF THEY START OFF LIMITED, GROW, AND THE DELEGATES AREN'T CONTENT TO DISCUSS THEIR LIMITED CHARTER. I THINK EVEN IF WE PUT LIMITS ON OR WE PUT BROAD LIMITS ON, WE HAVE A PROBLEM. HERE WE'RE TALKING ABOUT, YOU KNOW, LIMITING THE POWER OF THE FEDERAL GOVERNMENT. IF THAT IS AN ACCEPTABLE LIMIT AND THAT IS SOMETHING WE CAN HOLD A LIMITED CONVENTION TO, THE WHOLE LIMITING FEDERAL POWER, I MEAN, THAT'S BROAD AND VERY OPEN TO INTERPRETATION. YOU KNOW, ABOLISHING THE EPA MIGHT BE LIMITING FEDERAL POWER AND SO MIGHT BE ABOLISHING THE SENATE. GRANTED, YOU KNOW, ANY PROPOSAL WOULD THEN HAVE TO HAVE SUPPORT FROM THE POPULACE, BUT WE'RE GIVING

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THIS BODY, TO REALLY DRIVE THE POLITICAL DISCUSSION IN OUR COUNTRY AND IN OUR STATE PROBABLY FOR YEARS TO COME, QUITE A BIT OF POWER WITHOUT KNOWING WHO'S GOING TO GO, WHO'S GOING TO BE THERE, HOW THE POWER WORKS. SO I STILL JUST THINK THERE ARE TOO MANY QUESTIONS AND TOO MANY CONCERNS AND SO THAT WE NEED TO REMAIN CAUTIOUS IN THIS AREA. I WOULD CALL UPON MY COLLEAGUES, IF YOU THINK THIS IS A GOOD IDEA, TO, I GUESS, SEND A SHOT ACROSS THE BOW OF CONGRESS, TO TAKE A SYMBOLIC VOTE ON THE NATIONAL DEBT... [LR35]

SENATOR KRIST: ONE MINUTE. [LR35]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT...I THINK THAT'S A WORTHY NOTION, BUT I DON'T NECESSARILY THINK THIS IS THAT VEHICLE. I THINK THIS ACTUALLY BASED ON THE SUPPORT AND THE DESIRE FOR IT IS INARGUABLY A REAL CALL FOR A REAL CONVENTION. AND SO, IF THERE'S ANYBODY ON THE FENCE, OR WHO QUITE SIMPLY ISN'T TAKING THIS SERIOUSLY OR THINKS THIS MIGHT BE A MORE SYMBOLIC NOTE, I WOULD URGE YOU TO STRONGLY CONSIDER THAT AND I WOULD URGE YOU TO VOTE AGAINST LR35. THANK YOU, MR. PRESIDENT. [LR35]

SENATOR KRIST: THANK YOU, SENATOR HANSEN. THOSE STILL WISHING TO SPEAK: SENATORS EBKE, COOK, FRIESEN, HILKEMANN, McCOLLISTER, AND OTHERS. SENATOR EBKE, YOU'RE RECOGNIZED. [LR35]

SENATOR EBKE: THANK YOU, MR. PRESIDENT. I WAS TAKEN BY SENATOR HANSEN'S COMMENT THAT THIS IS A MESSY PROBLEM WITH A MESSY SOLUTION. PERHAPS, IT IS. DEMOCRACY IS OFTENTIMES RATHER MESSY. I'VE HAD A NUMBER OF CONSTITUENTS WHO HAVE WATCHED OUR PROCEEDINGS OVER THE LAST FEW WEEKS AND THEY MENTION THAT WITH SOME FREQUENCY THAT THINGS ARE AWFULLY MESSY IN THE NEBRASKA LEGISLATURE. AGAIN, WHAT WE ARE PROPOSING HERE IS NOTHING OTHER THAN WHAT HAS BEEN PROPOSED BY ALL 50 STATES IN THE NATION, 400 TIMES. IT IS NOTHING DIFFERENT THAN WHAT HAS BEEN PROPOSED BY NEBRASKA AT LEAST SEVEN TIMES IN THE LAST 100 YEARS. THIS IS NOT, YOU KNOW, A CRAZY NOTION. IT IS A CONSTITUTIONAL RIGHT OF THE STATES TO REQUEST A CALL FOR A CONVENTION, WHICH WOULD CONSIDER AMENDMENTS TO THE CONSTITUTION THAT COULD BE PROPOSED. IF MY COLLEAGUES ARE CONCERNED ABOUT A RUNAWAY CONVENTION, LET'S TALK ABOUT WHAT THE CHANCES OF THAT ARE. I WATCHED AS SENATOR MORFELD ATTENDED THE ASSEMBLY OF STATE

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LEGISLATORS IN UTAH A FEW MONTHS AGO. I HAD INTENDED TO GO, HAD A DEATH IN THE FAMILY AND WAS UNABLE TO LEAVE. SENATOR MORFELD WAS GIVEN DIRECTIONS BY SPEAKER HADLEY THAT HE HAD NO AUTHORITY TO SPEAK ON BEHALF OF THE NEBRASKA LEGISLATURE, WHICH IS AS IT SHOULD BE. AND SENATOR MORFELD, TO HIS CREDIT, SAID... YOU KNOW, REFRAINED FROM VOTING. AND I APPRECIATE THAT. SOMEHOW WE THINK THAT THERE ARE A BUNCH OF ROGUE FOLKS OUT THERE WHO ARE GOING TO GET DIRECTIONS FROM THE STATES AND THEN, IN TERMS OF WHAT THEY'RE ABLE TO DISCUSS, AND THEN BOLT. AND SOMEHOW WE'VE FORGOTTEN ABOUT MODERN TECHNOLOGY. WE HAVE 24-HOUR NEWS. WE HAVE C-SPAN. WE HAVE TWITTER, WE HAVE FACEBOOK. DOES ANYBODY REALLY THINK THAT WE'RE GOING TO CHECK OUR SMARTPHONES AT THE DOOR AND THAT NOBODY WILL BE TWEETING OUT WHAT'S GOING ON IN A CONVENTION OF THE STATES? THIS WILL BE THE BIGGEST THING THAT'S HAPPENED IN THE LAST CENTURY. AND SO, I THINK THAT THERE WILL BE PLENTY OF OVERSIGHT BY BOTH THE LEGISLATORS AND LEGISLATURES WHO HAVE SENT DELEGATES, BUT ALSO BY THE CITIZENS. AND IF THERE'S EVEN A WHIFF THAT SOMETHING BAD IS GOING TO HAPPEN, THAT THERE IS A ROGUE ELEMENT OUT THERE, DON'T YOU THINK THAT THAT WILL BE STOPPED IN PRETTY SHORT ORDER AS STATES WHO HAVE SENT THEIR AMBASSADORS, IF YOU WILL, THAT STATES DECIDE TO CALL THEIR AMBASSADORS HOME FOR FAILING TO DO THEIR DUTY APPROPRIATELY? I APPRECIATE THE FEARS. YOU KNOW, I TAUGHT AMERICAN GOVERNMENT FOR NEARLY 20 YEARS AT THE COLLEGE LEVEL, AND I ALWAYS STEPPED OVER THIS METHOD OF PROPOSING AMENDMENTS TO THE CONSTITUTION. I WOULD SAY, YEAH, YOU KNOW, THERE'S TWO WAYS TO PROPOSE AMENDMENTS TO THE CONSTITUTION, THERE'S THROUGH CONGRESS AND THERE'S THROUGH THE STATES, BUT WE'VE NEVER DONE IT THROUGH THE STATES BECAUSE WE'RE ALWAYS KIND OF WORRIED ABOUT WHAT MIGHT COME OUT. WELL, YOU KNOW, WE MIGHT BE WORRIED, BUT IS THIS THE TIME TO TAKE A RISK OR NOT? YOU KNOW, ARE YOU WORRIED ABOUT THE NATURE OF OUR NATIONAL DEBT OR NOT? DO YOU AS STATE LEGISLATORS AND AS CITIZENS BELIEVE THAT THE NATIONAL GOVERNMENT HAS GOTTEN TOO POWER, OR NOT? I HAD ONE GENTLEMEN WHO I BELIEVE LIVES IN SENATOR McCOY'S DISTRICT, WHO CAME TO ONE OF MY TOWN HALLS. AND HE SAID, SENATOR EBKE, I FEEL LIKE I'M UNDER SIEGE, I'M GETTING READY TO OPEN A NEW BUSINESS,... [LR35]

SENATOR KRIST: ONE MINUTE. [LR35]

SENATOR EBKE: ...AND IT'S BEEN DELAYED FOR THREE WEEKS UNTIL I CAN FILL OUT A FORM TELLING THE EPA WHAT KIND OF LIGHT BULBS I'M GOING TO USE.

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THAT IS THE CASE OF A FEDERAL GOVERNMENT GONE MAD. WE CAN EITHER PROTECT OUR CITIZENS, OUR SMALL BUSINESSES, AND FUTURE GENERATIONS BY BEGINNING THIS CONVERSATION, OR WE CAN'T. I'M GLAD TO SEE THAT SENATOR CHAMBERS HAS RETURNED. I DID READ ARTICLE V OF THE CONSTITUTION A LITTLE WHILE AGO, AND I KNOW THAT HE KNOWS THAT THE 1808 DATE WAS PUT THERE TO PREVENT ANY AMENDMENTS TO TAKE PLACE BEFORE THAT TIME DEALING WITH THOSE PARTICULAR ARTICLES; THAT THIS WAS NOT SOME SORT OF A SLIGHT ON ANY PARTICULAR GROUP OF PEOPLE. THANK YOU, MR. PRESIDENT. [LR35]

SENATOR KRIST: THANK YOU, SENATOR EBKE. SENATOR COOK, YOU ARE RECOGNIZED. [LR35]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD MORNING, COLLEAGUES. I RISE IN SUPPORT OF THE RECOMMIT TO COMMITTEE MOTION OFFERED BY SENATOR CHAMBERS THIS MORNING, AND IN OPPOSITION TO LR35. I WOULD LIKE TO COMMEND MY FRIEND, SENATOR EBKE, ON THE ENORMOUS AMOUNT OF ENERGY AND TIME THAT SHE INVESTED IN THIS EXERCISE, BUT I CANNOT BE IN SUPPORT OF LR35 AS IT IS CURRENTLY DRAFTED. MY PRIMARY CONCERN AS SOMEONE WHO IS THE DESCENDANT OF AFRICAN SLAVES, AS SENATOR CHAMBERS IS ALSO, WHO WERE COUNTED AS THREE-FIFTHS OF A PERSON, WHO WERE OWNED BY A COUPLE OF THE FOUNDERS, TO WHICH SENATOR MORFELD MADE REFERENCE--BOTH PRESIDENT MADISON AND JEFFERSON WERE SLAVEHOLDERS, AS WAS GEORGE WASHINGTON--SO THE IDEA THAT THIS IS NOT...EVEN THE INITIAL DRAFT IS NOT LIMITED TO A CONVERSATION ABOUT THE FEDERAL DEBT AND THE FACT, SENATOR EBKE, THAT YOU JUST MADE REFERENCE TO A CONSTITUENT ISSUE RELATED TO THE EPA, IS THAT GOING TO BE PART OF THE MIX? I HAPPEN TO LIKE FEDERAL OVERSIGHT. DO I WANT TO LIVE AND DIE BY IT? AM I GLAD I LIVE IN NEBRASKA? WELL, KIND OF MOSTLY, BUT HERE'S THE THING. I'D STILL BE WAITING AROUND OR MY ANCESTORS WOULD STILL BE WAITING AROUND FOR THINGS LIKE, YOU KNOW, THE CIVIL RIGHTS ACT, BROWN v. THE BOARD OF EDUCATION, SUPREME COURT DECISION, THE VOTING RIGHTS ACT, ALONG WITH MY RIGHT TO VOTE AS A WOMAN, MY RIGHT TO BE COUNTED AS A HUMAN BEING THAT'S GUARANTEED TO ME BY THE UNITED STATES CONSTITUTION, MY RIGHT TO NOT BE ENSLAVED. YOU KNOW, I'M NOT SURPRISED THAT MY FRIEND SENATOR GARRETT ISN'T BOTHERED BY THIS BECAUSE HE DOESN'T HAVE THESE MEMORIES OF THE HORRIFIC HISTORY OF THE UNITED STATES IN HIS DNA, AS I DO. WHEN I READ, AND SOME OF THESE HAVE BEEN TOUCHED UPON SO I WON'T REPEAT THEM, BUT WHEN I READ THE LANGUAGE OF LR35, IT ALSO MAKES REFERENCE TO



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FOUNDERS AND FUTURE ABUSES OF POWER. SLIGHT SIDE TRACK HERE, MANY OF YOU HAPPEN TO KNOW THAT I HAVE...MY CURRENT OBSESSION IS BROADWAY'S HAMILTON, WHICH TELLS THE STORY OF THE FOUNDERS IN A FRAMEWORK OF TRADITIONAL BROADWAY MUSIC, BUT ALSO IN THE METER OF HIP HOP. AND WHAT IT OFFERS IS A REMINDER THAT THE FOUNDERS, NOT ONLY WERE THEY...HAPPEN TO BE EUROPEAN, WHICH MEANT WHITE, ALTHOUGH THERE'S KIND OF A LITTLE BIT MORE INFORMATION ABOUT WHO HAMILTON'S ACTUAL MOTHER WAS AND WHAT HER ANCESTRY WAS, WHO THEY WERE. AND I DON'T KNOW, MOST OF...MANY OF YOU, MAYBE YOUR FAMILIES DO REACH BACK TO EUROPEAN FOUNDERS WHO WERE FRIENDS OF THE KING, WHICH IS HOW YOU GOT LAND BACK THEN. MAYBE I JUST DON'T KNOW THAT ABOUT YOU YET. WERE YOUR ANCESTORS FRIENDS OF THE KING? AND WERE YOU HERE AND WERE YOU A LANDHOLDER? NOT MANY. SO THAT MEANS YOU'RE NOT INCLUDED, EITHER, ANY MORE THAN I WOULD BE. SO WHEN I THOUGHT ABOUT THE FUTURE ABUSES OF POWER, THAT LANGUAGE, I SAT AND KIND OF CHUCKLED TO MYSELF, AGAIN, REMEMBERING THIS SHOW THAT I'M OBSESSED WITH, AND THOUGHT, WOW, I WONDER WHAT A FUTURE ABUSE OF POWER IN THE MIND OF A EUROPEAN, FRIEND OF THE KING, LANDHOLDER,... [LR35]

SENATOR KRIST: ONE MINUTE. [LR35]

SENATOR COOK: ...OWNER OF SLAVES, PROBABLY FATHERS OF OTHER SLAVES ON HIS PLANTATION OR PLANTATIONS, I WONDER WHAT HE--BECAUSE IT WAS ALWAYS A HE--I WONDER WHAT HE WOULD IMAGINE AS A FUTURE ABUSE OF POWER? IN HIS MIND THE EXISTENCE OF THE STATE OF NEBRASKA MIGHT BE A FUTURE ABUSE OF POWER. THE FACT THAT WE ARE HERE, ESPECIALLY ME BEING HERE, THAT IS A FUTURE ABUSE OF POWER BY THE FEDERAL GOVERNMENT. HOW DARE THEY CREATE NEBRASKA. HOW DARE THEY ALLOW A WOMAN TO VOTE, A BLACK WOMAN TO VOTE, A BLACK WOMAN TO BE ON THE BALLOT MORE THAN ONCE, ONE THAT'S NOT KIND OF SECRETLY BLACK. THAT'S ANOTHER FIVE-MINUTE SPEECH BECAUSE THERE ARE PLENTY OF FOLKS IN HISTORY, AREN'T THERE, SENATOR CHAMBERS, THAT WEREN'T MAYBE QUITE VIEWED AS THAT BUT YOU...THAT WAS BEFORE SENATOR EBKE SAID...IT WAS BEFORE FACEBOOK AND TWITTER AND THE INTERNET WHERE YOU CAN KIND OF GET THE GENETIC BACKGROUND ON PEOPLE PRETTY FAST. [LR35]

SENATOR KRIST: TIME, SENATOR. [LR35]

SENATOR COOK: THANK YOU, MR. PRESIDENT. [LR35]

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SENATOR KRIST: THANK YOU, SENATOR COOK. SENATOR FRIESEN, YOU'RE RECOGNIZED. [LR35]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. THIS MORNING WE'VE HEARD A FAIR AMOUNT OF FEARMONGERING ALREADY, AND SO I'LL JUST ADD A LITTLE BIT TO THAT. I HAVE FEAR. EVERY YEAR WE ELECT A PERSON OR SEVERAL PERSONS TO REPRESENT US IN CONGRESS. EVERY SIX YEARS WE ELECT SOMEONE TO REPRESENT US IN THE SENATE. AND EACH ONE OF THOSE PEOPLE CAN VOTE TO CHANGE OUR CONSTITUTION. WE SEND THEM THERE WITH NO MANDATE WHATSOEVER. THEY DO AS THEY WISH. IF THEY WOULD GET TOGETHER AND HAVE A VOTE AND PASS A RESOLUTION TO CHANGE THINGS, AND WITH THE PRESIDENT SIGNING ON, WE SEND THEM THERE TO DO THAT. THEY HAVE NOT BEEN ABLE TO GET THINGS DONE LIKE THAT, AND I THINK NOW YOU CAN SEE THAT THE ANGER GENERATED IN THE COUNTRY BY OUR REPRESENTATIVES AT TIMES NOT LISTENING TO US, WHEN YOU SEE PEOPLE SUPPORTING DONALD TRUMP FOR PRESIDENT, YOU'VE GOT TO BE KIDDING ME. THAT SHOWS THE ANGER THAT'S OUT THERE THAT WE HAVE NOT LISTENED TO. THAT'S WHAT SCARES ME. THE ARTICLE V CONVENTION OF STATES DOESN'T SCARE ME. WE SEND THEM THERE WITH, I THINK, A LIMITED MANDATE, BUT, YES, IT COULD HEAD IN ALL KINDS OF DIRECTIONS BECAUSE IT ISN'T SPECIFIC, IT DOESN'T SPELL OUT A BALANCED BUDGET. IT JUST SETS SOME PARAMETERS MAYBE IN THE FUTURE THAT THEY CAN STICK TO IN THEIR SPENDING. THEY'RE OUT OF CONTROL. I'M OLD ENOUGH THAT IT'S NOT GOING TO AFFECT ME, BUT IT WILL AFFECT MY KIDS AND MY GRANDKIDS WHO HAVE TO PAY BACK THAT \$19 TRILLION IN DEBT, AND I WILL CALL IT IRRESPONSIBLE SPENDING. YOU CAN GO THROUGH THE BUDGET AND FIND BILLIONS OF DOLLARS OF IT. THEY HAVE EXCEEDED ANYTHING THAT WE EVER EXPECTED OF THEM. I, FOR ONE, WANT THEM TO BACK OFF AND GIVE THE STATES...WE SHOULD TAKE BACK SOME OF THE AUTHORITY THAT THE STATES SHOULD HAVE. THEY HAVE CONTINUED THEIR OVERREACH THROUGH OFFERING PROGRAMS AND FINANCING. IF YOU DON'T DO THE PROGRAM, YOU WON'T GET THE FINANCING. THAT'S MY MONEY THEY'VE TAKEN. THAT'S MY MONEY THEY'RE OFFERING TO GIVE BACK AT 10 CENTS ON THE DOLLAR. THERE'S ANOTHER GROUP THAT CAME AND APPROACHED ME ABOUT AN ARTICLE V CONVENTION OF STATES. THEY WANTED TO ADDRESS CAMPAIGN FINANCE REFORM. I WOULD IMAGINE SOME OF YOU MIGHT JUMP ON BOARD THAT ONE. THEY WERE "UNCLE" BERNIE FANS. THEY THOUGHT CAMPAIGN CONTRIBUTIONS WERE BUYING ELECTIONS IN THIS COUNTRY. I THINK ALL OF YOU HERE HAVE SEEN ELECTIONS IN THIS BODY AS LEAST THAT SOMEBODY COULD BE OUTSPENT 5-1 AND NOT WIN AN ELECTION, BUT, YES, MONEY HELPS. IT SURE DOESN'T HURT. BUT WHEN WE TALK ABOUT

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THE DIFFERENT FEARS THAT WE HAVE OF THINGS GETTING A RUNAWAY CONVENTION AND ALL THOSE...WHAT WE LOOK AT IN THIS BODY, WHAT WE ADDRESS DAY AFTER DAY, AND OUR CITIZENS DON'T DEMAND OF US A MANDATE WHEN THEY SEND US HERE, BUT I THINK IT'S TIME, WITH THE ANGER THAT'S OUT IN THE COUNTRY AND THE UNCONTROLLED SPENDING THAT'S HAPPENING, I THINK THIS IS THE TIME THAT MAYBE IT'S TIME FOR A CONVENTION OF STATES. AND HISTORY WILL SHOW THAT THESE ARE VERY SELDOM PASSED BY ALL THE STATES, BUT THEY DO PUT PRESSURE ON CONGRESS TO DO SOMETHING, BECAUSE WE DON'T EXPECT CONGRESS TO LIMIT THEIR OWN ABILITY. THEY CAN'T DO IT. THEY WON'T DO IT. ASKING THEM TO LIMIT THEIR AUTHORITY IS LIKE ASKING US TO LIMIT OUR AUTHORITY. IT DOESN'T HAPPEN. WE JUST KEEP TAKING MORE AND MORE EACH YEAR. SO WHEN WE...I'LL BE LISTENING MORE, BUT SO FAR ALL I'VE HEARD IS A LOT OF WHAT I WOULD CALL FEARMONGERING OF WHAT THIS GROUP MIGHT DO AND MIGHT NOT DO. BUT IN THE END, FOR 38 STATES TO HAVE TO PASS THIS,... [LR35]

SENATOR KRIST: ONE MINUTE. [LR35]

SENATOR FRIESEN: ... THAT'S OUR FINAL CONTROL. I JUST...I DON'T SEE THE NEED FOR ALL THE FEAR. LET'S TALK ABOUT THE FACTS. LET'S TALK ABOUT WHETHER OR NOT THE FEDERAL GOVERNMENT HAS OVERREACHED IN THE EPA AND THEIR REGULATORY AUTHORITY. LET'S TALK ABOUT THE DIFFERENT SPENDING HABITS THAT THE GOVERNMENT HAS HAD IN THE PAST AND WHETHER OR NOT THEY'RE SUSTAINABLE. SO, LET'S HAVE THAT CONVERSATION, BUT TO BRING IN THE FEARMONGERING THAT'S HAPPENING, LET'S NOT DO THAT. THANK YOU, MR. PRESIDENT. [LR35]

SENATOR KRIST: THANK YOU, SENATOR FRIESEN. SENATOR HILKEMANN, YOU ARE RECOGNIZED. [LR35]

SENATOR HILKEMANN: THANK YOU, MR. SPEAKER. I'D LIKE TO KNOW IF SENATOR EBKE WOULD ANSWER A COUPLE OF QUESTIONS FOR ME. [LR35]

SENATOR KRIST: SENATOR EBKE, WILL YOU YIELD? [LR35]

SENATOR EBKE: CERTAINLY. [LR35]

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SENATOR HILKEMANN: AS I SHARED WITH YOU A LITTLE EARLIER, I HAD A COFFEE AND CONVERSATION THIS WEEKEND AT MY LOCAL HY-VEE, AND THERE WERE ABOUT 25 PEOPLE HERE, AND THIS BECAME THE CENTER OF THE CONVERSATION ABOUT EQUALLY SPLIT. AND I APPRECIATED YOUR OPENING THIS MORNING. I JUST WANTED TO...THERE WERE A COUPLE OF THINGS YOU SAID THAT I REALLY WANT SOME CLARIFICATION ON, AND I...AND INITIALLY AS I'VE LISTENED TO YOUR...SEVERAL OF YOUR PRESENTATIONS ON THIS, I'VE ALWAYS FELT THAT THIS WAS SOMETHING THAT PROBABLY WASN'T GOING TO BE LIKELY OCCURRING, BUT, YOU KNOW, IT'S INTERESTING DISCUSSION AND WE KIND OF GO FROM THERE. BUT I HAVE...SOME OF MY CONSTITUENTS ARE VERY CONCERNED AS WE'VE HEARD SOME OF THESE TODAY. DID YOU SAY TO ME THAT THE APPLICATION OF 1893 FOR THE DIRECT ELECTION OF SENATORS, THAT'S STILL AN OPEN APPLICATION? [LR35]

SENATOR EBKE: WELL, YES, THERE ARE A NUMBER OF APPLICATIONS THAT ARE STILL TECHNICALLY OPEN, HOWEVER, THE SEVENTEENTH AMENDMENT WAS PASSED BY CONGRESS. CONGRESS SAW THAT THERE WERE ALL OF THESE APPLICATIONS FOR DIRECT ELECTION OF SENATORS AND TOOK IT UPON THEMSELVES, SO WHILE IT'S TECHNICALLY AN OPEN APPLICATION, IT'S IRRELEVANT AND MOOT BECAUSE WE ALREADY HAVE THE SEVENTEENTH AMENDMENT. [LR35]

SENATOR HILKEMANN: OKAY, SO...SO WHAT HAPPENED TO THE 1979 BALANCED BUDGET AMENDMENT? [LR35]

SENATOR EBKE: IT'S STILL SITTING THERE. IF YOU GO TO BALANCE...I DON'T KNOW WHAT THE WEB SITE IS, BALANCED BUDGET AMENDMENT COMPACT, OR SOMETHING LIKE THAT, NEBRASKA IS STILL LISTED AS AN ACTIVE APPLICATION. [LR35]

SENATOR HILKEMANN: OKAY. SO THEN, SENATOR, I ASK THE QUESTION, IF THAT APPLICATION IS STILL OPEN, WHY DO WE NEED TO SEND IN ANOTHER APPLICATION? [LR35]

SENATOR EBKE: BECAUSE THE BALANCED BUDGET AMENDMENT APPLICATION HAD VERY SPECIFIC LANGUAGE WITH ACTUAL LANGUAGE FOR A BALANCED BUDGET AMENDMENT. IT WAS VERY PRECISE IN TERMS OF THE LANGUAGE AND WHAT THEY EXPECTED. THIS IS JUST ANOTHER EFFORT OUT THERE. IF YOU'VE GOT THE HEARTLAND INSTITUTE'S ARTICLE V, WHAT DO THEY CALL IT,

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COMPENDIUM OR SOMETHING LIKE THAT, LAST FALL, THEY LISTED FIVE OR SIX DIFFERENT ARTICLE V APPLICATIONS THAT ARE OUT THERE THAT HAVE VARYING LEVELS OF SUPPORT, THE BALANCED BUDGET AMENDMENT, WOLF-PAC, THE CONVENTION OF STATES. THERE'S A TERM LIMITS AMENDMENT AND SOMETHING ELSE. [LR35]

SENATOR HILKEMANN: SO THEN, SENATOR, IF WE PASS THIS ONE, HOW IS THAT...AND IT SAID IN 2010 WE DID THE REAFFIRMATION OF THE BALANCED BUDGET AMENDMENT. IS THIS GOING TO BE A REAFFIRMATION OF THE REAFFIRMATION OF THE BALANCED BUDGET AMENDMENT? [LR35]

SENATOR EBKE: WE AREN'T...THIS PARTICULAR APPLICATION DOES NOT SPECIFY A BALANCED BUDGET AMENDMENT. IT SAYS, IMPOSING FISCAL RESTRAINTS. SO THERE ARE ANY NUMBER OF WAYS THAT THAT COULD BE ACCOMPLISHED. THE IMPORTANT THING WITH THIS PARTICULAR APPLICATION IS THAT RATHER THAN GETTING DOWN TO THE SPECIFIC LANGUAGE OF AN AMENDMENT THAT ALL OF THE STATES WOULD HAVE TO AGREE ON, AS WE SAW WITH THE DIRECT ELECTION OF SENATORS, OR ELSE CONGRESS WON'T CALL IT, WHAT THEY'VE DONE IS...WHAT WE'VE DONE IS AGREED UPON A SET OF PARAMETERS, GENERAL SUBJECTS THAT THE STATES MAY TAKE UP IN A CONVENTION THAT IS CALLED UNDER THIS APPLICATION. [LR35]

SENATOR HILKEMANN: NOW, SENATOR, AT CHURCH YESTERDAY ONE OF MY...ONE OF THE...MY FRIENDS AT CHURCH SAID, YOU KNOW, THERE'S WAYS TO GET TO A BALANCED BUDGET AND ONE OF THOSE IS TO TAX THE HECK OUT OF US. WHAT'S GOING TO KEEP THEM FROM GOING TO A 95 PERCENT INCOME TAX ON IT SO THAT THEY CAN BALANCE THE BUDGET? [LR35]

SENATOR EBKE: THAT'S CERTAINLY TRUE AND THAT WOULD BE WHY I WOULD BE CONCERNED ABOUT THE BALANCED BUDGET AMENDMENT THAT WE ALREADY HAVE ON FILE... [LR35]

SENATOR KRIST: ONE MINUTE. [LR35]

SENATOR EBKE: ...IF THAT BECOMES THE ONE THAT GOES FIRST BECAUSE YOU HAVE TO TAKE INTO CONSIDERATION THESE OTHER ISSUES, THE SIZE AND SCOPE OF FEDERAL GOVERNMENT, THE POWER OF THE FEDERAL GOVERNMENT, AND SO ON. SO FISCAL RESTRAINTS, I THINK, IS ABLE TO BETTER HANDLE THAT. [LR35]

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SENATOR HILKEMANN: SO, THIS ONE IS NOT NECESSARILY A BALANCED BUDGET, BUT FISCAL RESTRAINTS. [LR35]

SENATOR EBKE: FISCAL RESTRAINTS, CORRECT. [LR35]

SENATOR HILKEMANN: OKAY. THE OTHER QUESTION I HAD WAS FROM ANOTHER ONE, PERSON AT THE CONVERSATION I HAD YESTERDAY SAID THEY HAD ALREADY GOTTEN THE ROBO CALLS FROM THE NRA NOT TO SUPPORT THIS BECAUSE THEY'RE AFRAID IT WILL LOSE OUR SECOND AMENDMENT RIGHTS. TELL ME ABOUT THAT. [LR35]

SENATOR EBKE: YEAH, IT WASN'T THE NRA, IT WAS THE NATIONAL ASSOCIATION OF GUN RIGHTS BASED OUT OF COLORADO. IT IS A GROUP THAT SPENDS A FAIR AMOUNT OF TIME, IF THERE ARE--SENATOR CHAMBERS AND I MIGHT DISAGREE ON THIS--BUT IF THERE ARE EXTREMIST GUN RIGHTS GROUPS, THE NATIONAL ASSOCIATION OF GUN RIGHTS PROBABLY FITS THAT. [LR35]

SENATOR KRIST: TIME, SENATORS. [LR35]

SENATOR HILKEMANN: OKAY. THANK YOU. [LR35]

SENATOR KRIST: THANK YOU, SENATOR HILKEMANN AND SENATOR EBKE. SENATOR McCOLLISTER, YOU'RE RECOGNIZED. [LR35]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. IT IS TRULY HARD TO ARGUE AGAINST THE UNDERLYING PROPOSITION OF THIS LR35. IT MAKES A LOT OF SENSE. WE CAN CERTAINLY SAY THE FEDERAL GOVERNMENT HAS NO FISCAL DISCIPLINE, ABSOLUTELY NONE; REGULATORY AUTHORITY GONE AMOK, NO QUESTION ABOUT THAT; AND THE INABILITY TO DEAL WITH SOME OF THE CRITICAL ISSUES THAT THIS COUNTRY FACES LIKE IMMIGRATION, ENTITLEMENT REFORM, AND OTHERS. THOSE ARE IMPORTANT ISSUES THAT THE FEDERAL GOVERNMENT JUST HAS NOT DEALT WITH AND SHOWS AN INABILITY TO DO ITS JOB PROPERLY. BUT I REALLY WONDER IF THIS AILMENT...OR THE CURE IS BETTER THAN THE AILMENT, IT'S...WHAT ARE SOME OF THE MAJOR ISSUES CONNECTED WITH THIS LR? FIRST OFF, WE DON'T KNOW HOW TO DEAL WITH REVISION OR RESCISSION. I'LL READ THIS: IN MARCH OF 2014, THE GEORGIA LEGISLATURE APPLIED FOR A CONVENTION TO CONSIDER A BALANCED BUDGET REVOKING A RESCISSION OF

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AN EARLY APPLICATION IN APRIL OF 2014. TENNESSEE TOOK A SIMILAR ACTION. WHILE BOTH APPLICATIONS ARE VALID, THEY REVIVE QUESTIONS AS TO THE CONSTITUTIONALLY OF RESCISSIONS. THIS IS SOMETHING WE REALLY HAVEN'T DISCUSSED AND COULD ARGUABLY COMPLICATE AN ARTICLE V CONVENTION. THERE'S SOME OTHER ISSUES. ONE HAS TO DO WITH THE RULES, WHO WOULD ESTABLISH THE RULES AND HOW WOULD WE DEAL WITH THOSE RULES IN ANY KIND OF CONSTRUCTIVE WAY; SECONDLY, A THREAT OF A RUNAWAY CONVENTION. THOSE ARE ISSUES THAT WE HAVEN'T PROPERLY DEALT WITH. AND FINALLY, I'LL READ THE COMMENTS OF RECENTLY DECEASED ANTONIN SCALIA, THE JUSTICE OF THE SUPREME COURT, AND HE SAID, FOR INSTANCE, JUSTICE RECENTLY SAID: I CERTAINLY WOULD NOT WANT A CONSTITUTIONAL CONVENTION; WHOA; WHO KNOWS WHAT WOULD COME OUT OF IT. SO EVEN THIS BASTION OF CONSERVATIVE KNOWLEDGE WOULD NOT FAVOR A CONSTITUTIONAL CONVENTION, OR AN ARTICLE V CONSTITUTIONAL CONVENTION. SO, THANK YOU, MR. PRESIDENT, AND I YIELD THE BALANCE OF MY TIME. [LR35]

SENATOR KRIST: THANK YOU, SENATOR McCOLLISTER. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LR35]

SENATOR CRAWFORD: QUESTION. [LR35]

SENATOR KRIST: DO I SEE FIVE HANDS? I DO SEE FIVE HANDS. THE QUESTION BEFORE YOU IS, SHALL DEBATE CEASE? THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. HAVE ALL THOSE VOTED THAT WISH TO? PLEASE RECORD, MR. CLERK. [LR35]

CLERK: 34 AYES, 0 NAYS TO CEASE DEBATE. [LR35]

SENATOR KRIST: DEBATE DOES CEASE. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON YOUR FA188...SORRY, YOUR MOTION. [LR35]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, AS I'VE SAID ON OCCASION WHEN I'M DOING SOMETHING LIKE THIS, NOT ONLY AM I TRYING TO KILL THE PARTICULAR MATTER BEFORE US, BUT THE UNDERLYING REASON FOR THAT IS TO FACILITATE THE PROCESS OF LEGISLATING. WE CAN EITHER GET RID OF THIS NOW OR WE CAN CARRY IT ON. THIS WILL BE LIKE ONE OF THOSE TEST OR SAMPLE VOTES THAT I ALWAYS MENTION. IF WE CANNOT GET ANY OF THE MOTIONS OR THE AMENDMENTS

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THAT I WILL OFFER ADOPTED, THEN I WILL TAKE THE SIX HOURS. PEOPLE ALWAYS WILL SAY THAT WHEN I MAKE A COMMENT LIKE THAT I'M THREATENING, BUT HOW ABOUT THE OTHER SIDE WHICH SAYS, WE WILL STAY HERE AS LONG AS WE NEED TO, WE WILL DO WHATEVER WE HAVE TO DO TO GET OUR WAY? THAT'S NOT A THREAT BECAUSE THE MAJORITY OF THEM SAY IT? WELL, WHAT I AM SAYING CAN BE CONSTRUED OR LABELED ANY WAY SOMEBODY CHOOSES. TIME IS SHORT, BUT HOWEVER MANY DAYS WE HAVE REMAINING I'M GOING TO BE HERE TALKING ABOUT SOMETHING. IF THE BODY DECIDES IT WILL BURN THIS DAY, THEN BURN AT LEAST ONE MORE DAY, IT PLAYS INTO MY HANDS BECAUSE THERE ARE FEWER DAYS LEFT FOR BAD THINGS TO COME BEFORE US. I THINK THE WRITING SHOULD BE ON THE WALL. THE DISCUSSION HAS POINTED OUT MANY SHORTCOMINGS, SERIOUS PROBLEMS, GRAVE ISSUES THAT HAVE NOT BEEN RESOLVED EVEN IN THOSE STATES WHERE THEY HAVE GONE WILLY-NILLY AND HELTER-SKELTER INTO SUPPORTING SOMETHING OF THIS KIND. I'M NOT GOING TO TAKE THE FULL AMOUNT OF MY CLOSE, C-L-O-S-E. I WILL ASK, MR. PRESIDENT, FOR A CALL OF THE HOUSE. [LR35]

SENATOR KRIST: THERE HAS BEEN A REQUEST TO PUT THE HOUSE UNDER CALL. THE QUESTION IS, SHALL THE HOUSE GO UNDER CALL? THOSE IN FAVOR VOTE AYE; OPPOSED, NAY. PLEASE RECORD, MR. CLERK. [LR35]

CLERK: 37 AYES, 0 NAYS TO PLACE THE HOUSE UNDER CALL. [LR35]

SENATOR KRIST: 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. [LR35]

SENATOR CHAMBERS: A ROLL CALL IN REGULAR ORDER. [LR35]

SENATOR KRIST: REQUEST FOR A ROLL CALL IN REGULAR ORDER WHEN WE REASSEMBLE. SENATORS WATERMEIER, HOWARD, BURKE HARR, SENATOR HUGHES, SENATOR KINTNER, PLEASE RETURN TO THE CHAMBER. SENATOR KINTNER, JUST CHECK IN, THANK YOU. SENATOR BURKE HARR, PLEASE RETURN TO THE CHAMBER. THE HOUSE IS UNDER CALL. EVERYONE IS ACCOUNTED FOR. MR. CLERK. [LR35]



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

Floor Debate  
February 22, 2016

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CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 676-677.) 25  
AYES, 18 NAYS, MR. PRESIDENT, TO REFER THE RESOLUTION TO THE  
GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. [LR35]

SENATOR KRIST: LR35 IS RETURNED TO COMMITTEE. ITEMS, MR. CLERK? RAISE  
THE CALL, PLEASE. [LR35]

CLERK: I DO, MR. PRESIDENT, THANK YOU. YOUR COMMITTEE ON BUSINESS AND  
LABOR REPORTS LB83 TO GENERAL FILE WITH AMENDMENTS; LB821 TO  
GENERAL FILE WITH AMENDMENTS. HEALTH COMMITTEE REPORTS LB899 TO  
GENERAL FILE; LB722, GENERAL FILE WITH AMENDMENTS; LB866, LB895, LB1039,  
GENERAL FILE WITH AMENDMENTS, ALL SIGNED BY THE RESPECTIVE CHAIRS.  
HEALTH COMMITTEE NOTICE OF HEARING, AS WELL AS THE APPROPRIATIONS  
COMMITTEE AND THE TRANSPORTATION COMMITTEE. SENATOR KOLOWSKI  
OFFERS LR443 AND LR444. THOSE WILL BOTH BE LAID OVER AT THIS TIME.  
(LEGISLATIVE JOURNAL PAGES 677-688.) [LB83 LB821 LB899 LB722 LB866 LB895  
LB1039 LR443 LR444]

MR. PRESIDENT, PRIORITY MOTION. SENATOR SCHEER WOULD MOVE TO  
ADJOURN THE BODY UNTIL TUESDAY MORNING, FEBRUARY 23, AT 9:00 A.M.

SENATOR KRIST: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR, AYE.  
OPPOSED, NAY. WE ARE ADJOURNED UNTIL TOMORROW MORNING AT 9:00.