

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

Floor Debate
January 04, 2017

[]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the first day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Senator Kolterman. Please rise.

SENATOR KOLTERMAN: (Prayer offered.)

PRESIDENT FOLEY: The Legislature will come to order. Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Fifth Legislature, First Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol, at the hour of 10:00 a.m. on Wednesday, January 4, 2017, is now called to order. Mr. Clerk, will you please call the roll for purposes of establishing a quorum.

CLERK: Mr. President. Members, I would ask for you to respond by saying either "yes" or "present" when you hear your name called. (Roll read, Legislative Journal page 1.) Mr. President, I have a quorum present.

PRESIDENT FOLEY: Mr. Clerk, please record. Thank you, Mr. Clerk. We'll now proceed to the appointment of temporary officers. Senator Burke Harr, you are recognized for a motion.

SENATOR HARR: Thank you, Mr. Lieutenant Governor. I move to appoint Mr. Patrick J. O'Donnell as temporary Clerk of the Legislature, and Mr. Ron Witkowski as temporary Sergeant at Arms.

PRESIDENT FOLEY: Thank you, Senator Harr. The motion before you, members, is the appointment of temporary officers. All those in favor say aye. Those opposed say nay. The motion is adopted. Mr. Clerk, do we have resignation or appointment letters?

CLERK: I have no resignation or appointment letters, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Brasch, you are recognized to make a motion regarding the establishment of the Committee on Credentials.

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

Floor Debate
January 04, 2017

SENATOR BRASCH: Thank you, Mr. President. I move that we proceed to the election of five persons to serve as the Committee on Credentials who will forthwith report to the Legislature on the credentials of those claiming to be elected to the Legislature in the general election in November 2016.

PRESIDENT FOLEY: Thank you, Senator Brasch. Members, the question before you is the adoption of the motion to elect the Committee on Credentials. All those in favor say aye. Those opposed say nay. The motion is adopted. Senator Hughes, you are recognized for a motion.

SENATOR HUGHES: Thank you, Mr. President. I move to elect the following five members of the Legislature to serve on the Committee on Credentials: Senators Harr, Krist, Schumacher, Smith, and Watermeier.

PRESIDENT FOLEY: Thank you, Senator Hughes. The motion before you is to elect five members. Are there further nominations? All those in favor of the five nominations made by Senator Hughes say aye. All those opposed say nay. The motion is adopted. The five members should retire to the rear of the Chamber to join with the Clerk and the Secretary of State. The Clerk informs me that the five members will meet in Room 2022 with the Clerk and the Secretary of State. Thank you. For the benefit of the new members, we are going to wait for the committee to return to the Chamber and make their report. The Committee on Credentials has returned. The Chair recognizes Senator Smith for a motion.

SENATOR SMITH: Mr. President, I move to approve the attached report as certified and presented by the Secretary of State. And furthermore, the committee takes notice of Statutory Section 32-1111 R.R.S. which states in part that when an election is contested, the person holding the certificate of election shall exercise the duties of office until the election contest is decided. Thank you, Mr. President. (Legislative Journal pages 2-6.)

PRESIDENT FOLEY: Thank you, Senator Smith. Members, the motion before you is to approve the report of the Committee on Credentials. All those in favor say aye. Those opposed say nay. The report is approved. Chair recognizes Senator Morfeld for a motion.

SENATOR MORFELD: Mr. President, I move that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the members of the Legislature.

PRESIDENT FOLEY: Thank you, Senator Morfeld. The motion before you is to select a committee of five to escort the Chief Justice. All those in favor say aye. Those opposed say nay.

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

Floor Debate
January 04, 2017

The motion is adopted. The Chair appoints the following senators to the escort committee: Senator Ebke, Senator Kolterman, Senator Riepe, Senator Pansing Brooks, and Senator Harr. Will those five senators please retire to the Clerk of the Supreme Court's Office. The Chair recognizes the Sergeant at Arms.

SERGEANT AT ARMS: Mr. President, your committee now escorting Nebraska Supreme Court Chief Judge Mike Heavican.

PRESIDENT FOLEY: The Chair recognizes the Chief Justice of the Nebraska Supreme Court for purposes of administering the oath of office.

CHIEF JUSTICE HEAVICAN: Thank you, Mr. Lieutenant Governor. And you all may be seated at the moment. I will call the names of the newly elected and re-elected senators, and then please come forward when I call your name and assemble in front of the podium: Joni Albrecht; Carol Blood; Kate Bolz; Bruce Bostelman; Tom Brewer; Tom Briese; Ernie Chambers; Sue Crawford; Steve Erdman; Suzanne Geist; Steve Halloran; Mike Hilgers; Sara Howard; Rick Kolowski; Lou Ann Linehan; John S. Lowe; Mike McDonnell; John Murante; Dan Quick; Jim Scheer; Tony Vargas; Lynne Walz; Dan Watermeier; Justin Wayne; and, finally, Anna Wishart. And if I missed any names, raise your hand (laughter). Thank you very much. Large bunch. (Oath of office administered, Legislative Journal page 6.) Congratulations.

PRESIDENT FOLEY: Mr. Chief Justice, thank you so much for your presence this morning. Will the committee of five please escort the Chief Justice from the Chamber. Members, I know that we have many, many family members, friends, children, so forth with us on the floor of the Legislature this morning and it's been our pleasure to have you with us on the floor. In fact, we would invite you to stay in the Legislative Chamber for as long as you are able to, but at this point we need to clear the floor and reserve it for senators only, so if family members could find some space either under the balconies or in the upper balconies. I observe that there are a number of open seats in the center balcony above us. You are welcome to be seated there or anywhere you can find space. So, thank you so much for being with us this morning. We will pause now for a moment while the families depart. If the senators could return to their seats, we can continue with our business this morning. The Chair recognizes Senator Schumacher for a motion.

SENATOR SCHUMACHER: Mr. President, I move that the rules as now in our possession be adopted for today only, Wednesday, January 4, 2017.

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

Floor Debate
January 04, 2017

PRESIDENT FOLEY: Thank you, Senator Schumacher. For the new members, the temporary rules refer to the rules that were in effect during the prior legislative session. There are no amendments pending. Senator Kuehn, you are recognized.

SENATOR KUEHN: Thank you, Mr. President, colleagues, distinguished guests, and citizens of the state of Nebraska. I rise today to take a brief moment of time to explain a vote that I will be taking regarding the adoption of the temporary rules. I will be voting against adoption of the temporary rules today, and I want to just be clear that I have no desire to amend them today or establish a debate on the temporary rules. I simply wanted to explain my vote to the body and for the record as I do believe that the temporary rules before us today--specifically Rule 1, Section 1, and Rule 3, Section 8--calling for the provision of secret ballots is in contradiction to Article III, Section 11 of the Nebraska Constitution which states that "the yeas and nays of the members on any question shall at the desire of any one of them be entered on the journal. All votes shall be viva voce." The Nebraska Supreme Court in 1933 in Day v. Walker clearly established the difference between an open vote--viva voce--and a secret ballot, which is a private process. Furthermore, the voters of the state of Nebraska, when they adopted Initiative 330 in 1934 which established the Unicameral Legislature, clearly stated in the petition language to which they signed, the request from any one member to be sufficient to secure a roll call vote on any question. With that, I ask that the following vote be done in a roll call vote, and I have lodged my objection. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Kuehn. Members, the motion before you is the adoption of temporary rules. There has been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: (Roll call vote taken.) 45 ayes, 4 nays, Mr. President, on adoption of temporary rules.

PRESIDENT FOLEY: Thank you, Mr. Clerk. The motion to adopt the rules is adopted. We now move to election of permanent officers. The Chair recognizes Senator Krist.

SENATOR KRIST: Good morning, Nebraska. Thank you, Mr. President. I move that the following officers recommended by the Executive Board be elected to serve for the One Hundred Fifth Legislature: Clerk of the Legislature, Patrick J. O'Donnell; Assistant Clerk of the Legislature, Richard K. Brown; Sergeant at Arms, Ron Witkowski.

PRESIDENT FOLEY: Thank you, Senator Krist. Members, the motion before you is to elect the permanent officers of the Legislature. All those in favor say aye. Those opposed say nay. The motion is adopted. The Chair recognizes Senator Watermeier for a motion.

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

Floor Debate
January 04, 2017

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraska. I move to proceed to the election of the Speaker of the Legislature.

PRESIDENT FOLEY: Thank you, Senator Watermeier. The motion before us is to proceed with the election of the Speaker. All those in favor say aye. Those opposed say nay. The motion is adopted. Again, for the benefit of the new members, as we elect the Speaker and the committee chairs and so forth, any member may speak one time for the purpose of placing your name in nomination or someone else's name in nomination or to speak to the nominations. The Chair now recognizes Senator Williams.

SENATOR WILLIAMS: Thank you, Mr. President, and good morning, Senators. Good morning, family and friends. It's a special day in the Legislature, and a special opportunity, and I am standing here today to place my name in nomination to be your Speaker. And I say "your Speaker" because I believe the Speaker works for the senators, and works to create the opportunities that allow senators to have the best opportunity to be successful in representing their constituents in their legislative districts. We have just come through a very tough political season full of contentiousness and division. There hasn't been a lot of cooperation and working together, and I think that needs to change and can change. I would ask each of the senators here to look around at the other senators and tell me what you see. You could see Republicans and Democrats. You could see urban senators and rural senators. You could see senators with a great deal of experience and senators sitting in these chairs for the first time. You could see conservatives and liberals. I think it's a fair question that you should ask me: What do I see? As your Speaker, I will see 49 committed, hardworking people doing the best job they can to represent their constituents and the great state of Nebraska. And I believe it's the task of the Speaker to recognize and help that business get done. And things that stand in the way of us being able to do that business, you have my promise that I will do my best to fix them because I believe with the right leadership we can have a positive legislative experience. A few weeks ago I was asked by a reporter and they opened the interview by saying, you have to be dreading this session of the Legislature. First of all, they didn't know me very well. And second of all, that is just plainly wrong. I am excited and optimistic about this session of the Legislature, even recognizing that we have significant challenges. We have the challenge of the budget. We have the challenge of Corrections. We have the challenge of changing and adapting new tax policy. But I believe behind those challenges rest great opportunities, and I believe this group is clearly up to the task, and my role as Speaker will be to keep us on that task. Now I could stand here and list those reasons why I am qualified to be Speaker. I would rather take these few short minutes and tell you a little bit about myself because you need to know that both on a personal and professional level I follow a very concrete and established set of core values that I believe are important. And my first core value is to recognize the importance of people in our success. There is very little that any one of us can accomplish by ourselves, but when we join together and work together, we can accomplish great things. We come in to this body as 49 individuals, different

Floor Debate
January 04, 2017

backgrounds, different geographies, different philosophies. And if you didn't know it, when you walk through those doors, somebody in here put a label on you. And the problem with those labels is they put you in categories and categories tend to emphasize our differences rather than embrace our areas of commonality. And I believe we each have a great deal more in common than we have as differences. And as your Speaker, I will work to build and find those commonalities and not let our differences wedge us apart. My second core value is to conduct myself with a sense of responsibility. Ethics are important, and to me ethics are like that bright yellow line on the highway. We know what's right. We just have to do what's right--easier said than done, but certainly not impossible. What I would tell you is I have been told by some that, you know, this is politics and everything is fair in politics. Not with me. I don't believe that for one minute, and I don't believe you do either. We need to be able to disagree on issues, but one thing we have to agree on is that we have high ethical standards and we have a responsibility to meet those in our life in this Chamber and around this building and everything we do. And I hold myself to a high ethical standard, and if I am Speaker, I will do my best to hold each member in this body to a high standard. My third core value is to strive to reach our potential. You know, one of the unique things about humans is we have no idea what our full potential is. Each day when I wake up, there is something I need to do. That is just like this Legislature. Each day of the legislative session we will come here and there is work for us to do. And it will be my responsibility to be sure that we have the opportunity to do and complete that work. I will be fair. I will be evenhanded. I will diligently work to protect our constitutional right as a separate branch of government. I will also, under all conditions, step up and accept the responsibility of working together for positive change. I have great faith in the 49 senators the citizens of our state have elected. And if we put our differences aside, we can accomplish a great deal in this session. I'm happy to place my name in nomination, I am excited to place my name in nomination, and I humbly and with a thankful heart ask for your vote to be your Speaker. Thank you, Mr. Speaker.

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Scheer, you are recognized.

SENATOR SCHEER: Thank you, Mr. Lieutenant Governor. One thing I will promise you as the Speaker is brevity. I will get to the point and stay to the point. What I have to say this morning is short but, I think, important. I, like the rest of you, we're elected by our constituents to serve them and the state of Nebraska. I never had any thought or expectation to be the Speaker of this body. Last spring a number of you, my colleagues, individually contacted me about the possibility of seeking this position. It took a great deal of thought and soul searching to come to a conclusion. So I stand this morning to ask for your support, your guidance, and your vote to be the next Speaker of this great institution. First and foremost on my mind is the autonomy of the Legislature. We are a separate but equal branch. I will guard our independence. Rest assured that I cannot, nor will not, be intimidated by anyone or any group. Having said that, the citizens of this state expect all three branches to work together for the betterment of the state. I will work to make sure that this Legislature upholds its end of the three-legged stool: the Legislature, the

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

Floor Debate
January 04, 2017

judiciary, and the executive branch. I have and I will continue to be fair. Every one of us here are equal. I've made no deals for any votes. I only promise to do my best to bring dignity and honor to this body. I have been a public servant for over 30 years. From the local school board, like many of you, to the mayor of Norfolk, which many of you have had experience in either city or county experience, to the State Board of Education, and now the Legislature, I have been elected to a leadership position in every area that I have served. I've been fortunate in business that's allowed me to provide my service to my community and my state. But working for the public, as we do in the Legislature, is a different arena. My experience in public service will pay dividends as the next Speaker of the Legislature. I have been a committee chairman for the last two year. I have provided every bill a full and fair hearing. The committee, not the chairman, made the decision and the choice to hold or descend bills forward. That's how it's supposed to work. That's how I made it work. On several occasions bills would require additional outside work from myself and committee people, lobbyists, and stakeholders. Everyone, without question, that I've worked with will always have thought that they received fair treatment regardless of the outcome of that proposal. There are great challenges that lay before us, but those challenges also come with great opportunities for us to succeed. This body is made up of 49 individuals, all doing their best to find that common ground that we can agree upon. Every challenge can be overcome, every dispute settled. We will at times have to agree to disagree, but in the end we will all have done our job and the citizens of this state will be better by our work. As you sit in your chairs this morning thinking of what is to come, I stand before you asking again for your support, your help, your guidance, and your vote. Thank you.

PRESIDENT FOLEY: Thank you, Senator Scheer. Members, for this election and for the future elections later this morning of the committee chairs, I am going to pause after we have heard the nomination speeches to give every member the opportunity to place his or her name in nomination. Are there any further nominations for the position of Speaker? Seeing none, the Chair declares the nominations closed. We'll now proceed to a vote. Senators, you will find pieces of paper on your desk that you can use to write the name of the individual you are voting for. The Clerk and the Assistant Clerk will collect the ballots. I would appoint the following three senators as tellers: Senator Schumacher, Senator Bolz, Senator Hughes. When those three senators have finished voting, if they could please proceed forward to serve us as tellers. Thank you. The results of the ballots are as follows: Senator Scheer received 27 votes; Senator Williams received 22 votes. Senator Scheer is declared the winner. Congratulations, Mr. Speaker. Members, the court is in session and the Chief Justice is currently occupied. We're going to stand at ease for a number of minutes here until he has an availability to join us, so please just stand at ease for now. Thank you.

EASE

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

Floor Debate
January 04, 2017

PRESIDENT FOLEY: Members, if we could return to order, I believe the Chief Justice is going to be available at this point. (Doctor of the day introduced.) Senator Pansing Brooks, you're recognized for a motion.

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I move that a committee of five be appointed to escort the Chief Justice of the Supreme Court to the Legislative Chamber for the purpose of administering the oath of office to the officers of the Legislature.

PRESIDENT FOLEY: Thank you, Senator. The motion before you is to select a committee of five to escort the Chief Justice to administer the oath of office to the officers selected. All those in favor say aye. Those opposed say nay. The motion is adopted. The Chair now appoints the following five senators to serve as our escort committee: Senator Stinner, Senator Friesen, Senator Howard, Senator Lindstrom, and Senator Crawford. Will the committee of five proceed to the rear of the Chamber to escort the Chief Justice to administer the oath. If the members could please return to their seats. The Chair recognizes the Sergeant at Arms.

SERGEANT AT ARMS: Mr. President, your committee now escorting Nebraska Supreme Court Chief Justice Mike Heavican.

PRESIDENT FOLEY: The Chair recognizes the Chief Justice of the Nebraska Supreme Court. Mr. Chief Justice, you are now recognized for the purpose of administering the oath to the newly elected officers of the Legislature.

CHIEF JUSTICE HEAVICAN: Mr. Lieutenant Governor, thank you very much. You may all be seated. And I will now swear in the new Speaker of the Legislature, Jim Scheer. Speaker Scheer, please come forward. You can do it from there or you can come around here, whichever way you wish. (Oath of office administered to Speaker Scheer.) Congratulations. (Legislative Journal page 8.)

PRESIDENT FOLEY: Thank you, Mr. Chief Justice. Will the committee please escort the Chief...excuse me. I apologize.

CHIEF JUSTICE HEAVICAN: We have a couple more oaths we have to do. We swear in both the Clerk of the Legislature, Patrick J. O'Donnell; the Assistant Clerk of the Legislature, Richard K. Brown; and also the Sergeant at Arms, Ron Witkowski. So, first of all, Mr. O'Donnell, would you come forward and raise your right hand. (Oath of office administered to Clerk O'Donnell.) Congratulations. Mr. Brown, Assistant Clerk of the Legislature, please raise your right hand. (Oath of office administered to Assistant Clerk Brown.) Congratulations. And Mr. Witkowski.

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

Floor Debate
January 04, 2017

Ron Witkowski, please raise your right hand. (Oath of office administered to Sergeant at Arms Witkowski.) Congratulations. (Legislative Journal page 8.)

PRESIDENT FOLEY: Thank you very much, Mr. Chief Justice. Will the committee please escort the Chief Justice from the Chamber. Chair recognizes Senator McCollister for a motion.

SENATOR MCCOLLISTER: Mr. President, I move to proceed to the election of the Chairperson of the Committee on Committees.

PRESIDENT FOLEY: Members, the motion before you is to proceed with the election of the Chair of the Committee on Committees. All those in favor say aye. All those opposed say nay. The motion is adopted. Nominations are now open for the Chair of the Committee on Committees. Senator Craighead, you're recognized.

SENATOR CRAIGHEAD: Thank you. I'm running for the Chair of Committee on Committees and ask for your support. During my time in the Legislature, I have had the honor of serving as a member of the Banking, Commerce and Insurance Committee; the Government, Military and Veterans Affairs Committee; and multiple special committees over the last two years. Through these committees, I have had the opportunity to serve directly with many of you and we have built strong working relationships. We all know that there are no easy bills in the Legislature and I believe that our relationships and my ability to work across the aisle were paramount to my legislative record of getting 11 good, commonsense bills passed in just two years. I know and understand the importance of giving everyone the opportunity to be heard and share their insight and I feel those skills will be beneficial in serving on the Committee on Committees allowing me to strive for fair representation on each committee. As a business owner and community activist, I have had years of experience in working in many diverse environments and finding ways to bring people together. I believe that my legislative record and business background lend themselves to the skills and discernment necessary for working through the kind of issues that will be addressed. My intent in seeking the chairmanship is to lead with honor, thoughtfulness, and respect for the legislative body as a whole. With much respect, I ask for your support for election as the next Chair of the Committee on Committees. Thank you.

PRESIDENT FOLEY: Thank you, Senator Craighead. Are there any further nominations for the Chair of the Committee on Committees? I'll pause for just a moment as we did before. Seeing no further nominations, Senator Hansen, you're recognized for a motion.

SENATOR HANSEN: Mr. President, I move that nominations cease and a unanimous ballot be cast for Senator Craighead as Chair of the Committee on Committees.

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

Floor Debate
January 04, 2017

PRESIDENT FOLEY: Thank you, Senator Hansen. The motion before you is the motion to cease nominations and declare Senator Craighead Chair by acclimation. All those in favor say aye. Those opposed say nay. The motion prevails. Senator Craighead, congratulations. The Chair now recognizes Senator Craighead for a motion.

SENATOR CRAIGHEAD: Mr. President, I move to proceed to the election of the remaining 12 members of the Committee on Committees and that we authorize the members residing with each of the three districts as enumerated in Rule 3, Section 2, to nominate four members to be elected by the legislative body to serve on the Committee on Committees.

PRESIDENT FOLEY: The question before us is the motion to elect the remaining members of the Committee on Committees. All those in favor say aye. All those opposed say nay. The motion is adopted. Mr. Clerk.

CLERK: Mr. President, I have received reports from the various caucuses. The 1st (District) Caucus offers...by Senators Schumacher and Brasch, offers that Senators Schumacher, Kolterman, Morfeld, and Pansing Brooks have been selected for membership on the Committee on Committees. The 2nd (District) Caucus, chaired by Senator Chambers, reports that Senators Smith, Harr, Howard, and Hilkemann have been selected to serve on the committee. And the 3rd (District) Caucus, as chaired by Senator Larson, reports that Senators Groene, Erdman, Friesen, and Kuehn have been selected to serve as members of the Committee on Committees.

PRESIDENT FOLEY: Thank you, Mr. Clerk. The Chair recognizes Senator Craighead for a motion to approve the nominees.

SENATOR CRAIGHEAD: I move the approval of the nominees to the Committee on Committees.

PRESIDENT FOLEY: Thank you, Senator. The motion before us is the motion to approve the nominees. All those in favor say aye. Those opposed say nay. The motion is adopted. We will now proceed to the election of the Chairperson of the Executive Board. Senator Chambers, for a motion, you're recognized.

SENATOR CHAMBERS: To put on my glasses, reiterate what the Chair said, I will now read my script. Mr. President, I move to proceed to the election of the Chairperson of the the Executive Board of the Legislative Council.

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

Floor Debate
January 04, 2017

PRESIDENT FOLEY: Thank you, Senator Chambers. The question before us is the motion to proceed with the election of the Chairperson of the Executive Board. All those in favor say aye. All those opposed say nay. The motion is adopted. Nominations are now open. Senator Watermeier, you're recognized.

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, colleagues. Good morning, family, and good morning, Nebraska. On November 10, I stated my intentions to run for the Vice Chair of the Executive Board. In recent days, I now realize that that environment has changed and my role needs to change. I rise today to place my name on the ballot for Chairman of the Executive Board. I have given much thought and prayer for this position and I believe that I am the best candidate. I am honored to serve in this institution. Every member of this body is gifted, dedicated, and has a unique set of skills that will serve this state as we discuss policy and to build our next biennium budget. The Executive Board Chair is a unique position that is required to protect the independence and the integrity of the Legislature as well as administer our Legislature structure. I am humbled and grateful by the encouragement of many of you to pursue this Chamber and this chairmanship. I will welcome the suggestions and input from every member so that we can conduct ourselves in the most responsible and professional manner. I believe my service as Vice Chair of the Executive Board has prepared me to be the Chairman of the Executive Board. I respectfully ask for your vote as Chair of the Executive Board. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Watermeier. Nominations are open if anyone would wish to push their light. Senator Krist, you're recognized.

SENATOR KRIST: Thank you, Mr. President. Once again, good morning, Nebraska, members of the Legislature, and guests. I stand before this body asking for your vote to continue serving as the Chair of the Executive Board of the Legislative Council. I previously served as the Vice Chairman from 2013 to 2014 under John Wightman, and I'm the current sitting Chair of the Executive Board. I stood here in 2015 and promised to listen and understand your concerns. No matter the subject, no matter the hour, no matter the length, I was here to serve. I've done that to the best of my ability as I have my oath. During the session, I have been here for each of you when you asked for personnel issues, when you asked for office issues, when you asked for any issue that handled policy and procedure of the Executive Board. I did not make many of those decisions unilaterally. I consulted with my board on most occasions to make sure that those decisions were correct, and particularly with legal counsel. I've also been here during the interim. This building can be really dark and lonely during the interim. But I've been here to handle those issues, and if anybody doubts that--I know you don't because we would never doubt the word of a fellow senator--check my Microsoft calendar or just ask my wife. Two years ago, I set several lofty and seemingly impossible goals, according to a couple of my staff members. I'd like to review just a couple of those successes with you today. First of all, personnel, building security,

Floor Debate
January 04, 2017

and health and safety: We revitalized our safety committee, our legislative safety committee, and we reached out and solicited the help of the other branches of government and brought in an outside security assessment team. The result of that assessment you see here today with additional security, both of the State Patrol and Capitol Security, additional cameras, as well as if you'll notice many more AEDs in the building providing personal health and safety. They're located throughout the building and, most importantly, with our insistence, on every floor of this magnificent building. Second, having spent three of my eight years so far in a shared office, a pleasure that you freshmen will never see, my personal goal was for every senator's staff to have a private office to be able to deal with constituents and issues in private. With the help and the collaboration of the Capitol Commission and the executive branch, we now have an office, a private office for every senator and staff. That's a first in history. Finally, with the upcoming HVAC upgrade, heating and air conditioning, reconstruction of the building which will begin in 2018, we became aware of a plan that would displace senators and staff outside of this building during that lengthy construction. We formed a legislative working group that expanded, and collaboratively, into the other branches of government. The result is all key personnel and all senators and staff will be officed in the Capitol throughout all phases of HVAC. That will last for seven years--God bless you all while you are here for that event. We will also have access to this Chamber during our regular sessions, so don't plan on a special session during that time frame; you may not have a Chamber to work in. These results do not happen by accident or by haphazardly throwing myself into the job, or my fellow colleagues. My dedication as a citizen senator is well known. To those who have worked with me and directly for me, and especially those that I've been involved with the projects, to them I say thank you for putting up for my demanding and sometimes aggressive timetables to get things done. But that is in my nature and that's what I will continue to do if you'll allow me to continue as the Chair of the Executive Board. I am asking once again for your vote and your confidence to continue to serve as your Chair of the Executive Board of the Legislative Council. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Krist. Are there any further nominations? Seeing no further nominations, the Chair declares the nominations are now closed. Senators, once again, you'll find your paper ballots on your desk. Please complete them, provide them to the Clerk or the Assistant Clerk. And I'm going to ask the following three senators to serve us as tellers: Senator Albrecht, Senator Crawford, Senator Friesen, after you've completed your ballots, if you could step forward and serve us as tellers. Thank you. The vote tally is 28 votes for Senator Watermeier, 21 votes for Senator Krist. Senator Watermeier is declared the winner. Congratulations, Senator Watermeier. Senator Hilkemann, you are recognized for a motion.

SENATOR HILKEMANN: Mr. Speaker, I move to proceed to the election of the Vice (Chair)person of the Executive Board of the Legislative Council.

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

Floor Debate
January 04, 2017

PRESIDENT FOLEY: Thank you, Senator. The question before us is the motion to proceed with the election of the Vice Chair of the Executive Board. All those in favor say aye. All those opposed say nay. The motion is adopted. Nominations are now open. Senator Hughes, you're recognized.

SENATOR HUGHES: Thank you, Mr. President. Members of the body, I would like to nominate Senator John Kuehn for Vice Chair of the Exec Board. Those of us in the body who have served with Senator Kuehn know that he is able to work across the aisle. He is thoughtful and deliberate in making all of his decisions. For the senators who have not had the pleasure of working with Senator Kuehn, he has spent the past couple of years completing leadership training courses offered to state legislators. Senator Kuehn is fair-minded and deeply respects the value and integrity of the Legislature as an institution. I encourage all of you to vote for Senator Kuehn as Vice Chair of the Exec Board. Thank you.

PRESIDENT FOLEY: Thank you, Senator Hughes. Are there further nominations? Senator Kuehn, you're recognized.

SENATOR KUEHN: Thank you, Mr. President. Thank you, Senator Hughes. I accept the nomination and appreciate your support for Exec Board Vice Chair. Thank you.

PRESIDENT FOLEY: Thank you, Senator Kuehn. Are there further nominations? I see no further nominations. Senator Hansen, you're recognized for a motion.

SENATOR HANSEN: Mr. President, I move that nominations cease and a unanimous ballot be cast for Senator Kuehn for Vice Chairman of the Executive Board.

PRESIDENT FOLEY: Thank you, Senator Hansen. The motion before us is to cease nominations and declare Senator Kuehn as Vice Chair of the Executive Board by acclamation. All those in favor say aye. Those opposed say nay. Senator Kuehn...the motion is adopted. Senator Kuehn, you...congratulations on your election. Senator Williams, you're recognized for a motion.

SENATOR WILLIAMS: Thank you, Mr. President. I move to proceed to the election of the other six members of the Executive Board of the Legislative Council as outlined in 50-401.01. Thank you.

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

Floor Debate
January 04, 2017

PRESIDENT FOLEY: Thank you, Senator Williams. The question before us is the adoption of the motion to proceed to the election of the members of the Executive Board. All those in favor say aye. All those opposed say nay. The motion is adopted. Mr. Clerk.

CLERK: Mr. President, I have received reports from the various caucuses. From the 1st (District) Caucus, chaired by Senators Schumacher and Brasch, they have selected Senator Bolz and Crawford. From the 2nd (District) Caucus, Senator Chambers, Chair; Senators Chambers and McCollister have been elected to serve on the Executive Board. And from the 3rd (District) Caucus, chaired by Senator Larson, Senators Larson and Hughes have been selected.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Williams, you're recognized for a motion.

SENATOR WILLIAMS: Thank you, Mr. President. I move the approval of the nominees to the Executive Board of the Legislative Council.

PRESIDENT FOLEY: Thank you, sir. The motion before us is the adoption of the caucus reports. All those in favor say aye. All those opposed say nay. The caucus reports are adopted. We now move to the election of the standing committee chairpersons. Senator Ebke, you're recognized for a motion.

SENATOR EBKE: Thank you, Mr. President. I move to proceed to the election of the standing committee chairpersons, in accordance with Rule 3, Section 8(a).

PRESIDENT FOLEY: Thank you, Senator Ebke. The question before us is the adoption of the motion to proceed to the election of the standing committee chairpersons. All those in favor say aye. All those opposed say nay. The motion is adopted. We'll now start with the Chair of the Agriculture Committee. Nominations are open. Senator Brasch, you're recognized.

SENATOR BRASCH: Good morning, colleagues, families, and friends all; and to the second house watching by means of broadcast or on-line. I want to extend a warm welcome to our 17 newest members of the Unicameral. I will always consider it a great honor and privilege to be here to serve with you and begin work with you, whether it's your first time here, and for others your second biennium, some of you starting your second term; and, yes, the 11th term for Senator Chambers. This biennium will be my final two years serving my district and this great state of Nebraska. I look forward to the year ahead, despite our challenges; they will all become opportunities. Today I respectfully rise to ask for your consideration and also your vote in my seeking the Chairmanship of the Agriculture Committee. Please do allow me to share a little bit about myself, primarily for the new members who do not know me yet, and I look forward to

Floor Debate
January 04, 2017

getting to knowing all of you. I am a first-generation American. Both of my parents were legal immigrants from the Ukraine. They came here in 1950. They came to America with two young sons in tow. And I recall my mother saying that it was by the grace of God that they were sponsored by a very kind farm family in Holmesville near Beatrice. I also recall the times when there was a Greek Orthodox priest who lived in our basement. And so I've carried a strong faith and always trust in God. My parents moved to Lincoln for blue-collar work. Three years later, I was born and once again the church congregation stepped in that sponsored them and insisted and demanded my name be Lydia from the Bible. My father joined the railroad, a lot of sweat equity, hard work, a lot of labor. And my mother, initially a seamstress, became a United Rubber Worker at Goodyear, but first she needed to learn to speak English and fill out a job application. They considered America and especially Nebraska a glimpse of heaven, especially after they came here surviving the nightmares they experienced through Communism. They barely survived life in a work camp, forced labor in Germany. And my mother was certain that every day and every night was their last because they heard bombs falling around them constantly. They were so grateful that they could leave and come here to America, even though it was a long and difficult journey to get here by sea, and yes, they were terribly seasick. And then they came to Nebraska by a train. And they even survived navigating a very challenging bureaucracy in this country. When they arrived on the shores of America at Ellis Island they were so afraid that they would be turned away and sent back to the Ukraine if even one tiny thing was found wrong with them, health or otherwise. And to her last day, my mother always rejected the claim that my high cholesterol, which is an inherited trait, was not possibly anything to do with their genes because they would not be here in America if so. My parents learned English at a nearby grade school, not too far from the Capitol here. Grew up in the German Russian Bottoms. And they became so proud when they became American citizens. They came here without much money, very little, and only their prayers and a very strong work ethic. They sought the American dream, which always included much sacrifice and sweat equity by individuals and families, and I know it still does today. That has not changed. Although my parents did love Lincoln and moved from Holmesville, they came here to build a family and a life, but the farm was always a source of joy for me, the farm in Holmesville that we visited and the farm that I live on today. As I grew up in Lincoln, and I started at the university, I shortly went to work at the Department of Revenue. While I was there, I continued my education and earned my degree in the evenings. But life really began for me when I left state government and I went to work in 1991 for the Nebraska State Fair as their marketing director. And there I met one especially important fifth-generation family farmer, who is my husband of 23 years. Yes, I'll confess, I was smitten. Moving from the bright lights of Lincoln to the brilliant starlit nights of Bancroft, things were interesting and challenging. And after 23 years of marriage and assisting daily with farm operations, I learned to drive the tractor, my list goes on. But I truly love agriculture and Nebraska is undeniably an agriculture state. It is the heartbeat of our state's economy, but it's more than that. It's a way of life in Nebraska. To highlight the importance of agriculture, please consider that one in every four occupations in Nebraska are related to agriculture. In 2014 then it contributed \$25 billion,

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

Floor Debate
January 04, 2017

and that's with a B, to our state's economy. Nebraska's farms and ranches utilize 45.3 million acres, amounting to 92 percent of the state's land area. Given our resources and the technological developments by all citizens, the toughness and grit of our farmers and ranchers, Nebraska is perfectly poised to continue as a world leader in agriculture. It is our job as the Legislature to create policies that help expand and continue that leadership in agriculture. America and the world will continue to look to Nebraska for its beef, pork, poultry, dairy, corn, soybeans, alfalfa, hay, grain sorghum, sugar beets, sunflower seeds, oats, and so much, much more I dare not list. But we can continue to expand and diversify our agricultural portfolio. Today I do believe I'm more than prepared to serve as Chairman of the Agriculture Committee, but only with your support and votes I humbly and respectfully ask for today. Being the chair of any committee is a demanding task, a task that requires a strong work ethic that our second house and this body deserves. I do have a perfect attendance record going on six years and that also includes a special session, I believe one day more than Senator Schumacher. I came here in the blizzard; he did not. (Laughter) My focus has been to absorb and learn as much as possible about my Legislature, my district, and my state, which is your state. I have experienced the privilege of serving on numerous committees, including various leadership roles. I have been the Vice Chair of the Transportation and Telecommunications Committee, Natural Resources, Rules, and State-Tribal Relations Committee. I have always served on Government, Military and Veterans Affairs; Agriculture; Revenue; and General Affairs Committees. It was an exciting honor to be accepted as CSG's BILLD fellow and then to be chosen by the Speaker of the Legislature, Mike Flood, to attend the 2012 Emerging Leadership Symposium where each Speaker in all 50 states selected only one member to attend. In 2014, I was also honored to be selected as a Henry Toll fellow and many of our committee chairman have been graduates of BILLD or Henry Toll fellow programs. Each of these work-study fellowships had but one focus and that is to cultivate legislative leaders. I believe my work here, the knowledge that I have gathered from those special institutions of higher legislative learning and my experience in my district and on our family's farm have continually prepared me to serve the common good. As the Chair of Agriculture Committee, I will continue my dedication to the people of Nebraska and this Legislature. This is an important position, I believe, for our state and I would greatly appreciate your support. Thank you for your patience, time, and consideration.

PRESIDENT FOLEY: Thank you, Senator Brasch. Are there further nominations for Chairperson of the Committee on Agriculture? Seeing no further nominations, Senator Hansen, you're recognized for a motion.

SENATOR HANSEN: Thank you, Mr. President. I move that nominations cease and a unanimous ballot be cast for Senator Brasch as Chair of the Agriculture Committee.

PRESIDENT FOLEY: Thank you, Senator Hansen. The motion before us is to close nominations for this position and to declare Senator Brasch, Chairperson of the Committee on

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

Floor Debate
January 04, 2017

Agriculture by acclamation. All those in favor say aye. Those opposed say nay. The motion is adopted. Congratulations, Senator Brasch. We'll now proceed to the selection of the Chairperson for the Committee on Appropriations. Nominations are now open. Senator Stinner, you're recognized.

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, I rise today requesting your vote for the Chairmanship of the Appropriations Committee. You know, this morning my wife gave me a big hug and gave me some advice. She said, Honey, you don't have to be charming, you don't have to be witty or eloquent, just be yourself. So, that's great advice. Thank you. I also had a 12-page speech prepared but I cut it down so this is my first cut. I could show it to you. I do want to first thank the 48th District, the people of the 48th District for their trust and faith in me to send me down here to represent them. I also thank them for their input since I've been in office. It's greatly appreciated. The genius of our Legislature really comes from the diversity of backgrounds each and every one brings to this Chamber. The education and life experiences that we have are valuable ingredients as we deliberate matters of public policy. Many here are educated and trained in the law, some in medicine, some in education, some social work, some in private enterprise. All of us bring our own special gifts. My background has been from public accounting and banking. Approximately 30 years ago, just to give you a little background information, I, along with a group of investors, started what was called Gering State Bank at the time. And I'll give you a little bit of the backdrop. There was two Gering banks that failed, two S&Ls were about to fail. The sugar factory had filed bankruptcy. And, of course, farming was coming out of a very long and protracted and deep recession. Over time, we became Valley Bank and Trust, a \$350 million bank with locations in western Nebraska and northern Colorado. Recently, just this last year, we became Western States Bank, a \$500 million institution in three states. I tell you this not only to inform you of my background but to encourage the young senators and the young people who are listening, don't be afraid to dream. Don't be afraid to dream big and then work like crazy to get it done. Over my business career, I've worked through some very sharp, deep recessions. I've walked the floors trying to rethink, reposition, reprioritize my organization. I can tell you it's no fun. And we have no fun in front of us either with our current budget situation and we're all going to be challenged. But I can also tell you that cycling out of it we were more focused, we were more efficient, and we were more effective. That's what I'm hoping that our state agencies, the commissions, and the boards will take on as a challenge and an opportunity to become more focused, to reprioritize some of their missions. I also know that when money is short, prioritization becomes an absolute must. Now we already know we have one priority and that's Corrections. I'm sure throughout the session other priorities may emerge, but I believe that we can address those as they come and we can make this fit into our budget. I think we all also all know Appropriations Committee interacts and touches almost every aspect of government. I will pledge to you that if I'm an elected chair I will always listen, I will promote fairness and balance, I will seek compromise when and where appropriate, and I will work to protect the independence and integrity of this, of our branch of

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

Floor Debate
January 04, 2017

government. I am absolutely convinced that working together with you that we can turn out the best budget possible for the state of Nebraska. Thank you.

PRESIDENT FOLEY: Thank you, Senator Stinner. Are there other nominations for Chairperson of the Appropriations Committee? I see none. Senator Hansen, you're recognized for a motion.

SENATOR HANSEN: Thank you, Mr. President. I move that nominations cease and a unanimous ballot be cast for Senator Stinner as Chair of Appropriations Committee.

PRESIDENT FOLEY: Thank you, Senator Hansen. The motion before you, members, is to cease nominations and to declare Senator Stinner as Chair of the Appropriations Committee by acclamation. All those in favor say aye. Those opposed say nay. The motion is adopted. Congratulations, Senator Stinner. We will now proceed to the selection of the Chairperson for the Committee on Banking, Commerce and Insurance. Nominations are now open. Senator Lindstrom, you're recognized.

SENATOR LINDSTROM: Thank you, Mr. President, colleagues. I stand before you today to place my name in nomination for Chairmanship of Banking, Commerce and Insurance Committee. After working on LR430 and LR431 this year with industry professionals and representatives of government agencies, I'm prepared to confront the issues that will be important this session. I've spent over a decade as a financial adviser for two of the largest investment firms in the world and hold both life and health insurance licenses. I believe that my industry experience has contributed greatly to the two years of service I have already committed to the Banking, Commerce and Insurance Committee. I am now eager to further serve in this leadership role. I will provide strategies to allow us to build and maintain Nebraska's strong banking and insurance sectors for generations to come. Thank you and I look forward to working with you and for the citizens of Nebraska.

PRESIDENT FOLEY: Thank you, Senator Lindstrom. Are there further nominations? I see none. Senator Hansen, you're recognized for a motion.

SENATOR HANSEN: Mr. President, I move that nominations cease and that a unanimous ballot be cast for Senator Lindstrom for the Chair of the Banking, Commerce and Insurance Committee.

PRESIDENT FOLEY: Thank you, Senator Hansen. Members, the motion before you is to close off nominations and to declare Senator Lindstrom as Chair of the Committee on Banking, Commerce and Insurance by acclamation. All those in favor say aye. Those opposed say nay.

Floor Debate
January 04, 2017

The motion is adopted. Congratulations, Senator Lindstrom. We will now proceed to the selection of the Chairperson of the Business and Labor Committee. Nominations are now open. Senator Harr, you're recognized.

SENATOR HARR: Thank you, Mr. Lieutenant Governor, members of the body. I didn't have a 12-page speech prepared because I wanted to keep it short. I wanted to keep it sweet. I have asked all of you for my vote. I've spoken to many of you personally. To those of you I have not, I apologize. This is my chance today to talk to you about what I have done and who I am and why I want to serve as your Chair of Business and Labor. Two years ago, I was fortunate enough to be elected chair, humbled, and it was a responsibility that I took very seriously. The committee is often jokingly referred to as Labor and Labor, maybe with some good cause. However, two years ago, we were going to change things, because while I was chair the makeup of the body changed quite a bit from the previous year, and it was a challenge. But it wasn't, because it didn't change who I was and it didn't change who those individuals were. We came together as a committee. We worked as a committee. We had as our Vice Chair, Senator Bloomfield, who's up in the balcony right now. And he and I had a mutual respect. We were able to do something that hadn't been done before. We passed, for the first time in 16 years, a work comp bill, because before the fear was I can't give anything up unless the other side does. And I understood that. And I came in and said, guys, people, we're going to work together, we're going to find a way. You lose, I win, does not work anymore. Let's find a way to both get something so that it's greater than the individual, greater than each bill. And we did that. We got a work comp bill passed. We heard in two years 46 bills. Of those 46 bills, 26 came out of committee, 18 of them became law. Some of them came out but just ran out of time. Only two, two were filibustered and they were both having to do with minimum wage, one to raise minimum wage for our servers, and one to lower for those under the age of 16...or under the age of 18. And I knew they'd be filibustered and we had just had a ballott petition on it, but I felt it was important that we have that conversation. It reminds you that it takes 30 votes after a petition to pass. And they didn't. But we worked hard because that's what I see this body being, is working together so that we all get a little something. Maybe we don't all get everything we want, but we all get something. I was reminded this morning, my wife was not as kind as Rita, Senator Stinner's wife, my wife basically said don't say anything. (Laughter) Her advice was if they don't know you by now, then your reputation precedes you. But I am going to continue on. I am going to challenge Senator Brasch for longest speech. So I am a known entity and I try to work with everyone across the aisle when...and that's whether you're a senator or not. When Senator Kintner came with an E-Verify bill, I worked with him. I tried to find a solution. And I think if I'm back on there, we will find a solution so that we can make sure that our workers who do work are the properly, proper workers. When Senator Bostelman was a constituent, or not even a constituent but wanted to talk about wind energy, I took the time to talk to him because I think it's important. The citizens are the second house. Senator Erdman and I first met out in Scottsbluff...or was it Gering? I get those confused. But we were out there together and we were talking about property taxes. But I've

Floor Debate
January 04, 2017

always listened and I think that's important. I'm reminded of something. It was a sermon that I heard once from a guy, Father O'Leary, who has...unfortunately, is slowly leaving us, but he was a Jesuit priest at Prep. And he was doing a wedding of two of my friends. They both worked in the county attorney's office at the time. One has now gone on to be a defense attorney; one is still a prosecutor. And so we were in the office and everyone, I encouraged everyone to go to the wedding, and a lot of people in the office were like, oh, Catholic wedding. All you guys care about is abortion. I don't know about that. I said, oh, Father O'Leary will be great, you'll love him, come. So Father O'Leary marries the two and gives his homily and the first words out of his mouth were, "The last time I was in this church it was for a funeral for a doctor, and Dr. Carhart was here." I thought, oh jeez, where are we going with this? And Father O'Leary went on to talk and he talked about how, after the wedding, he saw Dr. Carhart and he made a beeline to him. Dr. Carhart was a little, whoa, well, you know, here's a priest. And Father always said, I want to thank you, I pray for you every day. You are my adversary. You are not my enemy. And he sat there and said, I want you to know I love you. I love you as a person and I love you because you are doing what you believe. I don't agree with what you're saying. He said, steel on steel makes you stronger. That's something I've kind of taken to heart and I agree with. And then he turned to Mickie and Jen and said, there are going to be days you're not going to...you're going to look at the person next to you and you're going to say, they're my adversary, but you're going to love them. That's what family is. And that's what we're here today for. So for...and that's what I realized, is we have to find a way to work with each other. I guess that's all I have. I would ask that, you know, you see who I am, that I work hard, that I care about this body. And I would appreciate your vote as Chair for Business and Labor. Thank you.

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Albrecht, you're recognized.

SENATOR ALBRECHT: Thank you, Mr. President. And I wanted to say good morning, but I believe it is afternoon. Thank you all for being here. I would like first to extend my appreciation to all of my colleagues. I want to thank you for your service to our state. I am tremendously excited as we open the One Hundred Fifth Legislative Session of 2017. I look forward to working with each of you. Over the past few months I have taken stock not only of the challenges before us this session but also the wonderful history that fills the walls of our State Capitol. The challenge that lie before us, as well as the accomplishments of those who preceded us, has led me to make an important decision. Today I'm announcing my intention to seek the Chairmanship of the Business and Labor Committee. Rest assured this is not an endeavor I have embarked on lightly. It is the result, however, of many conversations that I've had with several of you over the last few weeks. As those of you who know me are aware, I have committed to be a part of the solutions of the various serious and complex issues of our state. Finding common ground and respecting the view of all parties allow us to play a significant role in shaping our state. My 30 years' experience in the private sector provided me the necessary skills to lead and guide the city of Papillion to state and national prominence as I served on their city council.

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

Floor Debate
January 04, 2017

Later I served as the Chair of the Sarpy County Board while it was the fastest-growing county in the state. My current occupation as co-owner of a family farm with my husband, Mike, gives me further experience as a business owner. As a newly elected senator, I bring these diverse experiences that have offered me a chance to learn from many others and see firsthand how a strong, vibrant economic environment can make a difference in our communities, from our smallest villages to our largest cities. I humbly ask for your support for Chair of the Business and Labor Committee. I look forward to working with you to help grow not only our rural communities but our urban districts as well. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Albrecht. Are there any further nominations for Chair of the Business and Labor Committee? Senator Harr, for what purpose do you rise?

SENATOR HARR: I request a call of the house.

PRESIDENT FOLEY: There's been a request to place the house under call. All those in favor of the motion to place the house under call please vote aye on your electronic voting pad; those opposed vote nay. Record, Mr. Clerk.

CLERK: 48 ayes, 0 nays to place the house under call.

PRESIDENT FOLEY: 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. All senators are present. Are there any further nominations for the Chairperson of the Committee on Business and Labor? Seeing none, the Chair declares the nominations closed. We'll now proceed to a vote. Members, you have the ballots at your desk. Once again, fill out your ballots, provide them to the Clerk or the Assistant Clerk. And we'll need three senators to serve as tellers. Would Senator Kuehn, Senator McCollister, and Senator Morfeld serve us as tellers. After you've completed your ballots, if those three senators would come forward and serve us. Thank you. The vote tally is 26 votes for Senator Albrecht, 23 votes for Senator Harr. Congratulations, Senator Albrecht, the new Chair of the Committee on Business and Labor. I raise the call. We'll now proceed to the selection of the Chairperson of the Committee on Education. Nominations are now open. Senator Baker, you're recognized.

SENATOR BAKER: Ladies and gentlemen, fellow members of the Legislature, there's nothing more important to our state's future than education of our youth. I live my professional life helping students, teachers, and parents toward the greatest objective--academic success. Colleagues, I have a passion to promote world-class education in Nebraska. I also want to promote the incredible efforts within our postsecondary education--our community colleges, our

Floor Debate
January 04, 2017

state colleges, and our university system. The excellent elementary, secondary, and postsecondary schools of Nebraska have collectively resulted in one of our greatest competitive edges. Nebraska is seen as a preferred place to live, to attend school, and to conduct business. We need to take steps necessary to keep it that way. There's nothing competitive in weakening our public school system. Every year this body makes decisions in legislation that will impact children. These decisions aren't easy. They involve complex formulas, analysis of data, educational methodology and philosophy, and careful research. It also involves taxpayer dollars and judicious spending on the part of the state and the local school districts. I am proud to be an educator. I believe my 43 years of service in public education gives me tremendous experience and knowledge about what works and what does not work in the classrooms, at the administrative level, and even within district governance. I am also a fiscal conservative and believe that restraint in spending at any level of government is the best policy. My record in school administration demonstrates that I continually advocated for great responsibility in spending. I protected the taxpayers within my community and still provided quality learning environment and opportunities for children. We presently have 245 public school districts in Nebraska. All school districts receive state aid of one kind or another, but fewer and fewer districts are receiving equalization aid under our current school finance formula. If elected Chair of Education Committee, I will advocate for and preside over a review of the current formula and hope that we can have a broad-based discussion among all interested parties. We need a formula that makes sense, addresses important considerations, and one that we can actually read and understand. We are all ultimately responsible for the state aid system we use. I will make sure that all ideas are heard and explored. The enormous complexity of education issues we face today cannot be understated. I can recall years ago the issues our schools faced compared to today. I'm simply amazed, the social issues, family dynamics, legal issues, and funding issues are entirely more complicated now than even just a few years back. I believe my experience, understanding of parent concerns, school board concerns, teacher concerns, community concerns, and concerns of the state make me uniquely qualified to lead the Education Committee. Colleagues, we need steady and reasoned leadership for the chair of this important committee. We need a leader who will listen to all points of view, not be close-minded about new ideas. We also need a leader who possesses experience in education. Between the candidates, I have those qualifications and hope you will offer me an opportunity to prove worthy of this position. Thank you.

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Groene, you're recognized.

SENATOR GROENE: Thank you, Mr. President. Good afternoon, colleagues, honorable colleagues, your families, and the state of Nebraska as you view these proceedings. Today I rise to seek the Chair of the Education Committee. I assure my colleagues that as chairman that all legislation brought to the committee will have a fair and open hearing and a fair vote. After spending the last two years as a member of the committee, there is a record of my support of

Floor Debate
January 04, 2017

Nebraska public education system. More to the point, my record shows that my efforts have focused on the classroom, making sure all students have an opportunity to receive, if they so desire, an education that will serve them well throughout their lives. I am not one to mince words, as you all know, but thanks to my beautiful wife to my left, my words she makes sure are softened. We must focus on the classroom. Student success hinges on the safe and controlled classroom environment. Teachers need to be assured that they can demand proper, nondestructive behavior in their classrooms without fear of legal or administrative reprisals. Parents' rights must be...not be compromised by the actions of government in relation to public education. We must govern with the ideal that each student is an individual and a member of a family. Although important, public education is only one facet of a student's life. Local control has been a mainstay of our public education system. Decisions involving curriculum, personnel, and fiscal management of allotted resources must be made locally. We all understand that the burden of funding for Nebraska's pre-K through 12th grade public education, along with the community college system, has been laid on the backs of property owners. In urban area, it's the home and business owners. In rural Nebraska, it's farmers and ranchers who have shouldered the burden of property taxes. Statewide 67 percent of property taxes paid goes toward public school funding. Nationally we were 18th out of 50 in funding for our schools, but we were only 49th in the nation with state support. There is no denying that the name of Nebraska's state aid formula, the Tax Equity and Educational Opportunities Support Act, TEEOSA, as it is commonly known, is a misnomer. If we are to address the number one concern of Nebraska citizens, burdensome property taxes, we must correct the equity portion of the TEEOSA formula, the tax equity portion. When the citizens of 175 out of 245 school districts receive no portion of their income and sales taxes back to them through equalized state aid to schools, that injustice must be corrected. The inequity of the TEEOSA formula is the biggest divide I have seen in two years in this body between urban and rural senators. It has divided school districts into groups based on who gets what in the formula. For the good of Nebraska, we must fix the state aid formula. If we are to address property tax relief, it must come first through putting true tax equity back into how we fund public education. With the looming budget shortfall, public education funding must be part of the conversation. The Education Committee, families, and the statewide education establishment must be part of the solution. It will not be an easy task, but I believe this body of senators, the One Hundred Fifth Legislature, will accomplish what needs to be done. With your vote for Education Chair, I will strive to do my part. Thank you.

PRESIDENT FOLEY: Thank you, Senator Groene. Are there any further nominations for Chairperson of the Committee on Education? Seeing none, the Chair declares the nominations are now closed. In the usual manner, please use your ballots at your desk. And we will need three tellers to serve us for this election. I would ask Senator Walz, Senator Brasch, and Senator Wayne to please step forward and serve us as tellers after you've completed your ballot. The vote tally is 28 votes for Senator Groene, 21 votes for Senator Baker. Congratulations, Senator Groene, Chair of the Committee on Education. We'll now proceed to the election of the Chair of

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

Floor Debate
January 04, 2017

the Committee on General Affairs. Nominations are now open. Senator McCollister, you're recognized.

SENATOR MCCOLLISTER: Thank you, Mr. President, and good afternoon, colleagues. I rise to nominate myself to serve as your Chair of the General Affairs Committee. As I said in my letter of intent to seek this office, I became a member of the committee following the 2015 resignation of former Senator Jeremy Nordquist and the resulting change in committee assignments. Although my tenure to date has been brief, I have taken the initiative to become well-informed about the issues that typically come before the General Affairs Committee. Through my personal and professional experiences, I've developed the ability to examine divisive issues and forge compromises among divergent groups. During a 35-year career with an occasionally cantankerous father and two brothers in our family business, I quickly learned the value of compromise to achieve a beneficial result. To those with whom I may have served for the last two years, I believe I've demonstrated these skills and traits. I pledge to you and to our 17 new colleagues to listen, inquire, learn, serve the body and our state to the best of my ability. As the Chair of the General Affairs Committee, I will lead the committee without a preordained outcome about the subjects under the committee's purview, craft legislation that follows national best interests, collaborate with committee members and staff to develop and conduct public hearings that are fair and respectful to all individuals who wish to testify, ensure that committee session summaries are prepared every year, and interim subject study reports are written on subjects of particular relevance or interest to the public and future Legislatures, welcome new committee members with a written outline or personal orientation about the committee's subject areas of responsibility and procedural policies, maintain a fully-staffed legislative committee office during regular state business hours, guide the General Affairs Committee in debate on issues the committee advances to the floor by encouraging consensus building among committee members and the entire legislative body. This is what I intend to do as your Chair of the General Affairs Committee and I ask your support. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator McCollister. Senator Larson, you're recognized.

SENATOR LARSON: Thank you, Mr. President. Colleagues, after serving as Chairman for the General Affairs Committee for the past two years, I have decided to run for reelection. As chairman, I have learned much the last two years and would appreciate the opportunity to finish the work that I have begun. As chairman, I am proud that the committee reforms I have instituted have since been copied by other committees. General Affairs is now a paperless committee, saving the Legislature time and resources. The committee also allows individuals and representatives of organizations to appear on the committee statements without testifying if they submitted a letter and attended the hearing. This has led to more efficient hearings by avoiding repetitive testimony. These policies have helped move this Legislature into the twenty-first century and allow us to be more connected to the public we serve. While the General Affairs

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

Floor Debate
January 04, 2017

Committee has jurisdiction over liquor, gaming, cemeteries, and libraries, much of our efforts have been spent modernizing the 82-year-old Liquor Control Act. As chairman, I gained a greater appreciation for the unique challenges that the Nebraska Liquor Control Commission faces when regulating the liquor industry and ensuring proper tax collection. Under my leadership, the General Affairs Committee has crafted legislation that has become national best practices. We have led the nation in craft brewing policies, stood firm in our support for the three-tier system, and paved the way for those in agriculture to partner with our local brewers and distillers to utilize Nebraska's inputs in producing local products. In Nebraska we have shown that we do not follow best practices because we are creating those best practices, and that is something of which we can be proud. It has been an honor to serve as Chairman of the General Affairs Committee, and I would again be humbled to have all of your support in the post. Thank you.

PRESIDENT FOLEY: Thank you, Senator Larson. Are there any further nominations for the position of Chair of the General Affairs Committee? I see none. I declare the nominations closed. Members, please vote in the usual manner and provide your ballots to the Clerk or the Assistant Clerk. I'll ask the following three senators to serve us as tellers: Senator Kolowski, Senator Ebke, Senator Halloran. When those senators have completed their ballots, if they could step forward and serve us as tellers. Thank you. The vote tally is 31 votes for Senator Larson, 18 votes for Senator McCollister. Congratulations, Senator Larson, Chair of Committee on General Affairs. We will now proceed to the election of the Chair of the Committee on Government, Military and Veterans Affairs. Nominations are now open. Senator Murante, you're recognized.

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. I rise today to nominate myself for reelection to the Chairmanship of the Government, Military and Veterans Affairs Committee. For the last two years I've led the Government Committee. We've had a great committee, even though we had a lot of turnover, and I would like to especially thank the members who are now term limited, Senators McCoy, Senator Bloomfield who is in the balcony, Senator Garrett who will not be returning to us, but they did a lot of good work over the last two years. We put a lot of bills on the Governor's desk. We get a lot of bills referenced from the Government Committee. Senator Stinner advised us that we should have our priorities in line for the Appropriations Committee. Well, I'll put my plug in, Senator Stinner. We are in the process of revolutionizing and modernizing the election systems in the state of Nebraska, and we've had a special committee over the last year which has studied the subject matter. To implement this, which will be a very expensive process, will require a complete reevaluation of our election act and of the policies and how we administer elections, because the one thing the people of this state will not abide is government failing on how we conduct elections in this state. This is our priority. It will take a tremendous amount of work. We've put in a year so far, but it will be years more of effort and I look forward to continuing to work with you, with all of you, to accomplish those goals. But I would be remiss if I did not say hello to one of the newest members of the 49th

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

Floor Debate
January 04, 2017

Legislative District. My two-month-old daughter Talia and my wife Melissa are home watching. They couldn't make it today, but just wanted to say hello, I love you, will be home soon. And I appreciate all of your votes. Thank you very much, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Murante. Are there further nominations for the Chairperson of the Government, Military and Veterans Affairs Committee? Senator Hansen, you're recognized for a motion.

SENATOR HANSEN: Mr. President, I move that nominations cease and a unanimous ballot be cast for Senator Murante as Chair of the Committee on Government, Military and Veterans Affairs.

PRESIDENT FOLEY: Thank you, Senator Hansen. Members, the question before you is to cease nominations and to declare Senator Murante as Chair of the Government, Military and Veterans Affairs Committee by acclamation. All those in favor say aye. Those opposed say nay. The motion is adopted. Congratulations, Senator Murante. We will now proceed to the selection of the Chair of the Committee on Health and Human Services. Nominations are now open. Senator Riepe, you're recognized.

SENATOR RIEPE: Mr. President, first, my congratulations to Speaker Scheer on his election to this honorable and great body. I rise to humbly nominate myself to the Chair for Health and Human Services Committee. My fellow senators, my interest is to serve you and your constituents. I now serve on the HHS Committee, and my interest in health and human services is the result of academic preparation and my life's work. My drive to serve in this great body and now to chair HHS is founded in the spirit of Teddy Roosevelt who said, and I paraphrase, bully to the one who enters the arena, whose face is marred by dust, sweat and blood, who strives to do good deeds, who knows great enthusiasm and who spends himself in a worthy cause, not one who lives a life of fear and regret. Today this same drive and determination is the fire in my belly, my purpose for seeking the Chair of HHS. Human and health services are major expenditures for Nebraska taxpayers at \$3.6 billion. That's 33 percent of the entire state budget this year. We must address the needs of the most vulnerable, give hope and opportunity while being fiscally responsible. Governor Ricketts has displayed leadership in the selection of Courtney Phillips and her team as accountable managers of DHHS. Ms. Phillips and her team have exhibited talent, energy, and accomplishments. That said, more remains to be done. We must address eruptions of foster kids who have died on our watch as a result of abuse--not acceptable. We must address eruptions within DHHS that regards to policies that resulted in \$57 million of federal paybacks, millions lost in a Medicaid pharmacy scam, and \$13 million sitting around in an unlocked safe--not acceptable. We must and will do better through greater oversight. The skills I bring to the task include those of being a Navy corpsman and more than

Floor Debate
January 04, 2017

30 years as a hospital and ambulatory care center leader, both in physical and mental health in urban Omaha at Bergan Mercy Hospital and Children's Hospitals, along with experience in rural communities. Leadership responsibilities beyond institutions include a regional poison center responsibility--administrator, geriatric care, child development centers, and contracting with payers and providers. Should you elect me, I will work with all senators as we share human service challenges in each of our districts. Together we will work for sustainable ways to bring responsible services to low-income Nebraskans--a hand-up. I will work with leadership in the DHHS to promote timely, quality, and cost-effective services to Nebraskans with accountability. My personal mission while in this Legislature is the protection of children and the disabled, along with mental health promotion and affordable, accessible, quality, market-based healthcare that promotes choice, a strong patient-physician relationship, and price transparency. A new president will bring change. We must be prepared to respond to a likely repeal and replacement of the Affordable Care Act while adhering to our values and fiduciary duties. I ask for this challenge. I respectfully request your vote. Thank you to my fellow senators and thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Riepe. Senator Howard, you're recognized.

SENATOR HOWARD: Thank you, Mr. Lieutenant Governor. I rise today to nominate myself for the position of Chair of the Health and Human Services Committee. I feel my four years on the committee, two years as Vice Chair, and my work as Chair of the ACCESSNebraska Oversight Committee, along with my professional experience outside the Legislature, have prepared me well to serve in this leadership position. I'd like to first tell you about my background and why I'm qualified for this role. I graduated from law school in Chicago with an emphasis in child and family law, and I thought I would work in the juvenile court system. But my first job was as an attorney for a nonprofit policy group that focused on maternal and infant health policy. Basically, I was spending my time trying to get healthcare for moms and babies, and it was wonderful and satisfying and I was really happy there. But my sister passed away and I decided to move home. And after we lost Carrie, I wanted to live in Omaha and I took the first job that would have me, which was at a federally qualified health center in south Omaha. There I had the opportunity to see firsthand how important access to healthcare is in our state, and how it's a really significant economic driver for us. I feel like this background has allowed me to have a full view of the work of the Health and Human Services Committee from a variety of perspectives that includes child welfare and health practitioner licensure, insurance coverage, and healthcare access. As I mentioned before, I've been on the Health and Human Services Committee for four years, two as Vice Chair. During that time I've advocated to safely increase scope of practice. Specifically, I passed a bill for optometrists. I advocated for money saving and evidence-based therapies for our children. I passed a bill to draw down IV-E funds to build our work force for social workers. For two years I chaired our ACCESSNebraska Oversight Committee--a group that was tasked with ensuring the function of an inefficient system. This marked...the marked improvement that we've

Floor Debate
January 04, 2017

seen in ACCESSNebraska has allowed myself and my current committee members, who I thank now, to allow the committee to be disbanded. And this work is evidence of my own commitment to ensuring that Nebraskans have a government that works for them and that spends their tax dollars wisely. Finally, last year I passed a prescription drug monitoring program that's the first of its kind in America. It will not only fight addiction; it will also streamline healthcare in our state and prevent the kind of heartache that my family experienced when we lost my sister to an opioid overdose. And I'd like to thank Senator Lindstrom and Senator Kuehn for helping me with that bill. While this list seems like a wide variety, it's really only a piece of what the Health and Human Services Committee works on, and there's much more to do. As we collectively face this budget deficit, it will be imperative to have a leader who has firsthand experience with the array of fiscal impacts, the programs, and the agencies the committee oversees. There will be a lot of changes at the federal level, including a repeal of the Affordable Care Act. And while many of its provisions actually impact our insurance law and would most likely go to Senator Lindstrom's Banking Committee, portions of the repeal may impact access to healthcare that could burden our state funding mechanisms for those who are uninsured. Federal changes could also occur to other important state programs, like TANF, ADC, LIHEAP, and Medicaid that will require a strong understanding of their function and a steady hand. I anticipate many scope of practice bills during the next two years. It is the cheapest way for us to expand access to care. And during my time in the Legislature, I personally have carried and passed a bill of that kind through a contentious debate that concluded in a compromise that both sides agreed upon. Finally and most critically, I believe that we have significant challenges and opportunities facing us in our child welfare system. Some examples that I'm sure you've all heard of are the deaths of 11 children last year that could have been prevented by a well-functioning child welfare system, as well as 36 instances of sexual abuse of children after we removed them from their homes. We put them in a foster care placement that wasn't safe. These are examples that keep me up at night, and these are the examples that compelled me to this leadership position. I believe that the role of the chairs in our body are as fair-minded arbiters who usher legislation that ultimately improves the lives of all Nebraskans. I want to make sure that every member of this body has a voice and that each piece of legislation that is brought to the Health and Human Services Committee is considered equally and fairly. I would be honored to have this opportunity to lead the committee as it carries out its important work for vulnerable Nebraskans. I appreciate your consideration, especially after a long day, and I would appreciate your vote. Thank you.

PRESIDENT FOLEY: Thank you, Senator Howard. Are there any further nominations for Chairperson of Health and Human Services Committee? I see none and I declare the nominations closed. Senators, if you will use the ballots on your desk to please vote for your chairperson. And I'll need three senators to serve us as tellers. Senator Briese, Senator McDonnell, and Senator Hilgers, after you've voted, if you could step forward and serve us as tellers. Thank you. The vote tally is 27 votes for Senator Riepe, 22 votes for Senator Howard. Congratulations, Senator Riepe, the new Chair of the Health and Human Services Committee.

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

Floor Debate
January 04, 2017

We'll now proceed to the election of the Chair of the Judiciary Committee. Nominations are now open. Senator Ebke, you're recognized.

SENATOR EBKE: Thank you, Mr. President and colleagues. I rise to place my name in nomination to serve as Judiciary Chair in the One Hundred Fifth Legislature. As your Judiciary Chair, it would be my intent to manage the committee fairly and efficiently. As I've served on the Judiciary Committee for the last two years, I've developed a keen appreciation for the depth of subject matter that comes before the committee. Whether it's family law and shared parenting questions, Second Amendment questions, questions of garnishment, digital privacy, Corrections, or assorted social questions, the Judiciary Committee is expected to do a lot of heavy lifting in the Unicameral as one of the busiest of standing committees. My pledge to you, if you have a bill referenced to the Judiciary Committee, is that it will receive a fair hearing, even if it's 8:00 p.m. on a Friday night. For those of you who might be on the committee, my plan is to have longer, regular Executive Sessions in the hopes that we can have vigorous debate on the merits of bills and make decisions on their disposition in a more timely fashion following their hearings. You have heard of the Corrections issues that our state is facing. Having served on the LR34 Special Investigative Committee for the last two years, I am well-aware of the challenges that our Department of Corrections has. I want to thank former Chair, Les Seiler, and LR34 Committee Vice Chair, Patty Pansing Brooks, for the effort they put into the LR34 process. It is my hope that the Judiciary Committee will be able to work collaboratively with Director Frakes, Governor Ricketts, and Attorney General Peterson as we continue to sort through the assorted issues associated with Corrections, which include not just the space and staffing issues but a larger vision of our criminal justice system. Senator Watermeier and I visited the Tecumseh facility a couple of weeks ago with the Ombudsman's Office. I participated in the Defy rollout program at the penitentiary earlier in the fall. I have visited the Lincoln Correctional Center and the Diagnostic and Evaluation Center. I intend to continue to familiarize myself with all of our correctional facilities, and I invite other senators, especially those who are on the committee, to do so as well. I think it's important for those of us who are making policy to understand what we are talking about. We will not always agree. There have been issues that have come before the Judiciary Committee where people of goodwill and good intent have disagreed. And there will continue to be issues that come before the Judiciary Committee where members will disagree with one another. And throughout this session, we will find that some of us will agree on one day and disagree on the next. But I believe it's important for us to be able to talk about our differences honestly and to recognize that we all want a better, safer Nebraska. We may just disagree on what it takes to get us there. My pledge is that I will do all in my power to administer a thoughtful, efficient Judiciary Committee and to always be open to conversation and compromise. Thank you for your consideration.

PRESIDENT FOLEY: Thank you, Senator Ebke. Are there any other nominations for the Chair of the Judiciary Committee? Senator Hansen, you're recognized for a motion.

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

Floor Debate
January 04, 2017

SENATOR HANSEN: Mr. President, I move that nominations cease and that a unanimous ballot be cast for Senator Ebke as Chair of Judiciary Committee.

PRESIDENT FOLEY: Members, the motion before you is to close off nominations and to elect Senator Ebke as Chair of the Judiciary Committee by acclamation. All those in favor say aye. Those opposed say nay. The motion is adopted. Congratulations, Senator Ebke. We'll now proceed to nominations for the Chairperson of the Committee on Natural Resources. Nominations are now open. Senator Kolowski, you're recognized.

SENATOR KOLOWSKI: Thank you, Mr. Speaker. And good afternoon, colleagues, and good afternoon, Nebraska. I'm announcing my candidacy for Chair of the Natural Resources Committee. Our natural resources are of primary importance to the future of our state. I have served on the Natural Resources Committee for the past four years, served on the Legislature's 2013 Water Policy (sic: Funding) Task Force and I served eight years as the elected board member of the Papio-Missouri River Natural Resources District. And I served as chair of that NRD my final three years of that experience. I have the knowledge and experience to provide thoughtful and consistent leadership to the Legislature and our state. As chair, I will advocate for integrated management plans, basinwide planning for water, enhanced coordination between surface water and groundwater interests, irrigation efficiency, compact compliance, soil and water conservation, precision agriculture, invest in water and flood control infrastructure. And agriculture, as we all know, is the state's number-one industry, must have the reliable supply of water and fertile soils. Without water, we have nothing. I will be an active chair that can bring people together to satisfy statewide issues. Urban and rural interests must work together. We have to be proactive in dealing with both drought and flooding. We have to invest in infrastructure and technology to assist in managing our resources and the national natural disasters. For example, a new modeling program and advanced computer technology, using those, we can proactively prepare and manage almost any scenario and can have answers to complex questions in minutes and hours, not months or years. A recent Omaha World-Herald article reviewed the millions of flood insurance savings that are possible due to the use of this technology. We as a state can no longer do things the way we have always done them. We will not solve our problems by kicking the can down the road or in a courthouse of endless litigation. We need to invest in natural resources projects and programs, not in lawyers and lawsuits. We control our own destiny and we, in Nebraska, have a great opportunity to position our state to prosper well into the future, but only if we can cooperatively and proactively manage our resources for future generations to come. I would appreciate, greatly appreciate, your vote as chair of this committee. Thank you very much.

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Hughes, you're recognized.

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

Floor Debate
January 04, 2017

SENATOR HUGHES: Thank you, Mr. President. Good afternoon, members of the Legislature. I rise today to nominate myself for Chair of the Natural Resources Committee. I believe I have the knowledge and expertise to serve well in this capacity. The great outdoors has been the primary source of my livelihood and enjoyment my entire life and I believe that lifetime of experience brought me to the Legislature with a good understanding and appreciation of many issues relating to our natural resources. Serving on the committee these past two years has helped me gain an even deeper familiarity with the Department of Natural Resources and with NRDs, water, power, energy, and environmental issues, as well as recreation. I've lived and farmed my whole life in the Republican River Basin and have experienced firsthand the challenges of trying to address both surface and well water issues. As an irrigated farmer, I've had meters measuring the amount of water I can pump for over 40 years. During that time, I have built a very close relationship with my own NRD as well as others. On the other hand, I certainly have experienced and understand the issues surrounding having too much water at times, especially how it could affect eastern parts of the state. I have seen how dangerous floods can be and know the value of reservoirs, retention ponds, and levees in mitigating their effects. I understand the balance needed to comply with water agreements as well as to ensure our farmers and ranchers can continue to feed our nation and the world, all the while protecting lives and property and preserving our water for future generations. On the Natural Resources Committee, I have gained a great deal of knowledge about the Southwest Power Pool and how it affects ratepayers in Nebraska, as well as possible consequences going into the future and how it relates to power generation in the state and ultimately the bottom line for our consumers. When it comes to power, I believe that we need to be sensitive to the issues surrounding renewable energy and make sound choices for all Nebraskans. My leadership experience will also serve Natural Resources Committee well. Before I came to the Legislature, I held county, state, and national officer positions in agricultural and renewable energy organizations and spent 12 years on my local school board. Running an effective committee is about more than just setting a schedule and following procedures. It involves making sure everyone's voice is heard and that an ample opportunity for discussion between all sides in seeking this position. I have opinions, like any human being does, but I do not pursue this chair with an agenda other than to serve this body and the men and women who sent us here to the best of my ability. I would be honored to have your trust and confidence to serve as the Natural Resources Chair. And like a couple of other senators before me, I did get some advice from my wife, as well, today. She said: If you want to be seen, stand up; if you want to be heard, speak up; if you want to be appreciated, shut up (laughter). Thank you.

PRESIDENT FOLEY: Thank you, Senator Hughes. Are there any further nominations for Chairperson of the Natural Resources Committee? I see none and I declare the nominations closed. Senators, if you'd please vote using your paper ballots at your desks. And I will need three senators to serve us as tellers. Senator Linehan, Senator Quick, Senator Vargas, if you could please vote, provide your ballots to the Clerk, and then step forward and serve us as tellers.

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

Floor Debate
January 04, 2017

Thank you. The vote tally is 30 votes for Senator Hughes, 19 votes for Senator Kolowski. Congratulations, Senator Hughes, Chairman of the Natural Resources Committee. We will now proceed to the selection of the Chairperson for the Nebraska Retirement Systems Committee. Nominations are now open. Senator Kolterman, you're recognized.

SENATOR KOLTERMAN: Thank you, Mr. President. Good afternoon, colleagues. I rise this afternoon to ask for your vote for my reelection as Chairman of the Nebraska Retirement Systems Committee. I am proud of the Retirement Committee's accomplishments this past year. I believe my leadership skills and open communication process helped facilitate some of these accomplishments. Moving forward, I intend for the committee to continue its work in protecting the plan assets, responsibly managing taxpayer dollars via the state's contribution to the plans, while fulfilling the promised benefits to our retirees. I have worked and will continue to work closely with the Nebraska Investment Council, the State Investment Officer, the Nebraska Public Employees (Retirement) Systems, employee groups, and the Governor's Office, as well as my committee and the body. Because of my 30 years of experience with retirement plans, I believe I am strongly suited to serve as your Retirement Chairman and would appreciate your support and like to be chair again this year. Thank you.

PRESIDENT FOLEY: Thank you, Senator Kolterman. Are there further nominations for the Chairperson of the Nebraska Retirement Systems Committee? I see none. Senator Hansen, you're recognized for a motion.

SENATOR HANSEN: Mr. President, I move that nominations cease and a unanimous ballot be cast for Senator Kolterman as Chair of the Retirement Committee.

PRESIDENT FOLEY: Thank you, Senator Hansen. The motion before you is to cease nominations and to declare Senator Kolterman as Chair of the Nebraska Retirement Systems Committee by acclamation. All those in favor say aye. Those opposed say nay. The motion is adopted. Congratulations, Senator Kolterman. We will now proceed to the selection of the Chairperson for the Revenue Committee. Nominations are now open. Senator Smith, you're recognized.

SENATOR SMITH: Thank you, Mr. President, and good afternoon, colleagues. Congratulations to my new colleagues. You are about to embark on a great journey and this is an amazing institution. And I join others here today to thank you for choosing public service and thank you to your families for sacrificing for you to be here. For the last couple of years, I've had the opportunity to serve as Chair of Transportation and Telecommunications Committee, and I believe we've achieved a great deal with that committee over the last couple of years and I want to take just a quick moment to thank the staff of that committee and, particularly, Legal Counsel,

Floor Debate
January 04, 2017

Mike Hybl, for working with me over the last couple of years. I could not have maneuvered my way through it without his help and I appreciate him very, very much. But today I'm rising to nominate myself for Chair of the Revenue Committee. In addition to accepting the importance of tax policy in funding the critical services of government and our state, I firmly believe that properly structured tax policy can benefit the growth of our economy and minimize the burdens on our businesses and our families. Although most of you know my philosophy on tax policy, I want to assure each of you that I believe diversity of thoughts and ideas help to shape the best outcomes in the legislative process. As I have demonstrated in my years as Chair of the Transportation and Telecommunications Committee, each piece of legislation brought will receive fair treatment and will be thoughtfully considered. With that, I will keep my remarks brief today and simply ask for your vote of approval. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Smith. Are there any further nominations for Chairperson of the Revenue Committee? I see none. Senator Hansen, you're recognized for a motion.

SENATOR HANSEN: Mr. President, I move that nominations cease and that a unanimous ballot be cast for Senator Smith for Chair of the Revenue Committee.

PRESIDENT FOLEY: Thank you, Senator Hansen. The motion before you is to cease nominations and to declare Senator Smith as Chair of the Revenue Committee by acclamation. All those in favor say aye. Those opposed say nay. The motion is adopted. Congratulations, Senator Smith. We will now proceed to the election of the Chairperson of the Transportation and Telecommunications Committee. Nominations are now open. Senator Friesen, you're recognized.

SENATOR FRIESEN: Thank you, Mr. President. Good afternoon, members of the Legislature. I just remember it's only been two sessions ago that I was a freshman. And I had my eyes set on Appropriations Committee, was looking forward to the work of that great committee, and ended up on Natural Resources and Transportation and, looking back now, one of the best moves that probably ever happened. I've really appreciated working on both of those committees. The part I've really appreciated is watching Senator Smith direct the Transportation Committee. That is why I rise to nominate myself for chairman of that committee. Under the leadership of Senator Smith, and Senator Brasch as Vice Chair, a lot of good bills came out of those committees. We addressed some issues that had been sitting idle in the state for years. And I think we've got a good roads program moving forward and I appreciate everything that everyone has done. But going forward, I think we've kind of set the tone, we need to look now, you know, it's a Transportation and Telecommunications Committee, and I hope our focus the next couple years is to work on the communications end of it. So I look forward to providing broadband access to all those parts of rural Nebraska that, without that access, we cannot have economic development

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

Floor Debate
January 04, 2017

in the western part of the state. When you take the small communities that are out there, if they do not have access to high-speed broadband Internet service, you cannot expect businesses anymore these days to be able to locate there and create the jobs we need to keep rural Nebraska vibrant. As agriculture has gone through its ups and down cycles, we are dependent on agribusiness to level out the playing field when we look at our economy and what happens in the state with our budget. And so I look forward to working very diligently to come up with a plan to where we can get that service to all communities and find a way to make that possible. And in the end, I strongly believe that we can create that economic development that we need in order to further the jobs in western...the rural parts of the state and that we can, I think, really improve our culture here and what we do as Nebraskans. So I appreciate your support. I ask for your vote. Thank you very much.

PRESIDENT FOLEY: Thank you, Senator Friesen. Are there any further nominations for the Chairperson of the Transportation and Telecommunications Committee? Senator Hansen, you're recognized for a motion.

SENATOR HANSEN: Mr. President, I move that nominations cease and that a unanimous ballot be cast for Senator Friesen for Chair of the Transportation and Telecommunications Committee.

PRESIDENT FOLEY: Thank you, Senator Hansen. Members, the motion before you is to cease nominations and to declare Senator Friesen as Chair of the Transportation and Telecommunications Committee by acclamation. All those in favor say aye. Those opposed say nay. The motion is adopted. Congratulations, Senator Friesen. We will now proceed to the election of the Chairperson of the Urban Affairs Committee. Nominations are now open. Senator Crawford, you're recognized.

SENATOR CRAWFORD: Thank you, Mr. President. And good afternoon, colleagues. The wonderful advice I got from my husband this morning was to just be myself. And myself is someone who is hard at work, who listens and reaches out to people across different divisions and lines, rural and urban, party, and works hard to try to find solutions. One of the reasons that I find this wonderful responsibility so important and rewarding and...is that it gives us an opportunity to come across from all different kinds of backgrounds and address the issues that are so important in our state. And the key question that is in my mind at all times in our deliberations is what's best for the state of Nebraska. And it's been an honor to serve as the Chair of the Urban Affairs Committee over these past two years and to previously serve as the Vice Chair. And I come from and reside in a first-class city, like many of you. I've often said the committee is misnamed. It's named Urban Affairs, but really it deals with the issues of municipalities across the state from our smallest villages to our metropolitan areas. And a key job of the committee is to understand what those issues look like in all of those communities and

Floor Debate
January 04, 2017

to ask, how do we best make sure we have strong local government in all of these communities? And what are our challenges to make sure that we have vibrant economic development in all of these communities? And those issues are different in the different communities. And it's been an honor to serve with members of the committee who come from all different sizes of communities as we tackle those issues from the key housing crisis, which is a huge issue in our smaller communities and all across the state--it has been a key economic development challenge to deal with those housing issues, tackling those issues--to making sure that we're addressing and updating our economic development tools, creating new ones where we need to, to create new opportunities in the state and new opportunities for our municipalities, to making sure that the existing tools that we have, like tax increment financing, work well and are effective. And that has been our aim and my aim as chair is to work with members on those issues that are important in your own municipality and issues that are important priorities across the state, like addressing housing and addressing economic development. As I've had the pleasure and honor to serve under many effective chairpersons here in the Legislature, and I'm particularly grateful to Senator Campbell and Senator Gloor for leadership they showed and mentorship that they showed when I was a freshman in walking me through what the important tasks of a chair are, and I see the key task of a chair is to make sure that you have effective committee processes. And I'm grateful to the hard work of our committee and the work of a very capable staff who have made that happen. We have been able to have hearings and schedule hearings in time for people to get their bills heard in time for priorities; we've been able to effectively work on issues that have been brought to the committee from across the state, and, in almost all cases, find some kind of effective resolution, not only an effective resolution to get that bill out of committee, but an effective resolution that also ensured the success of that bill on the floor. And that's an important part of the committee chair's job is to make sure that the ideas you bring to the committee that need to be passed to address those critical issues in your community have the support needed to pass on the floor, that the bill is well crafted, that the negotiations have been made, that the committee has worked hard to consider all of the opposition arguments so that when it comes to the floor it can be successful and we can make sure we're addressing those key issues that are critical in your communities. And I'm proud to say in our...my last two years as Urban Affairs Committee Chairs, 31 bills came out of the Urban Affairs Committee and, of those, all but one passed on the floor and that bill was one that just didn't receive a priority and so it did not receive time on the floor. We worked very hard to make sure that your bills that come to our committee are strengthened and that, when they hit the floor, they pass and we address those issues. We had 39 bills that came to the committee and, of those, 31 were...made it to the floor and, of those, all but one were passed. One of the issues that we have facing us, some of the bills that didn't make it to the floor, were bills addressing tax increment financing. And we have a ways...important conversations to have about that, but we have moved forward and we have the Auditor's report that has happened and we've worked hard with our committee staff on a comprehensive package to move forward to address the issues of the Auditor report, to address the issues of other interim studies we've had talking with school boards and talking with

Floor Debate
January 04, 2017

other...with county governments about some of their issues. And so I look forward to working with you if I am able to be elected as chair to work forward to making sure that this tool that is a very critical economic development tool in our communities is strengthened and is effective and transparent and that people have confidence in it. And so I look forward to that hard work, doing that hard work with you. Again, I thank you for the honor of serving as Chair of Urban Affairs Committee in the past two years and I thank all of you who have brought bills to our committee and have worked hard to resolve those issues with us and I stand today and nominate myself as Chair for Urban Affairs Committee and I humbly ask you for your vote. The Urban Affairs Committee is a very technical committee and so I suppose part of being myself is being a policy nerdy person. And it takes...that takes that background, that skill to really tackle the complexities of building codes and sanitary improvement districts. It takes some technical patience for the key technical issues that are in our committee. And it's not a liberal set of issues or a conservative set of issues but really important technical issues that are important to address. And I would say though a really core conservative principle that has been a touchstone in my leadership on the committee has been that of local control. So as we address these issues and decide how to have the best framework for legal issues in our state, trying to ensure that we are working hard to preserve local control and ensure that local communities have the maximum liberty that we can grant them to work and thrive and that, again, we're trying to allow those communities to thrive both in terms of their governance and in terms of their economic development. And it is my pledge to you that would continue to be an important principle as we work together to try to make sure that our communities across the state of Nebraska are as strong as we can make them and that our responsibility as State Legislature is to provide that legal framework for the creative visions of our local leaders and our local businesses is strong and it is a framework that allows these communities to thrive regardless of their size. And I look forward to working with you and I humbly ask you for your support. Thank you.

PRESIDENT FOLEY: Thank you, Senator Crawford, Senator Wayne, you're recognized.

SENATOR WAYNE: Good afternoon, colleagues. Good afternoon, Nebraska. I rise and self-nominate for the position of Chairmanship of Urban Affairs. And since this is my first time speaking, I think I need to at least thank two people or two entities and one is the voters of District 13 for allowing me to serve. It's an honor and I humbly am glad to be here. And the second one is Senator Chambers. I probably wouldn't be here if it wasn't for him. Watching him grow up...a little north Omaha person, watching him grow up, he is truly a trailblazer and oftentimes we don't thank the people who have done so much to bring...inspire people. So I at least wanted to acknowledge that on the floor before I even said anything else. Just real quick, a little bit about me. I believe in a team of rivals. And what I mean by that is I mean we all need to work together to come up with solutions and we need to reach across the aisle to make sure that everyone is heard and that the committee puts forth legislation, not just one or two individuals. The second thing I will tell you is that I'm coming from this with real-life technical experience. I

Floor Debate
January 04, 2017

am a licensed Class A general contractor and deal with building codes on a regular, every day. I know the legality of them and I know the issues that many small businesses have with dealing with them, and not just that, but small communities. My district is unique in the fact that we have SIDs and we have rural areas. And just north of there, we have smaller towns where building codes and those issues are becoming a huge issue. But I also come from a district where TIF and other economic tools need to be developed or strengthened to make sure we grow our economy. We have a district, part of my district that has some of the highest unemployment that we face in the state of Nebraska. But it's hard for a business to come into north Omaha when they can TIF 108th and Dodge. So we have to figure out how to strengthen TIF, but hold people accountable and hold businesses accountable and find the plus, the plus in economic development. And I believe this committee and my vision for this committee, and I did write a long letter if you want to read it, is about making sure that this committee moves into an economic leader among the other committees to develop this state and make sure that we have an economic development that is needed to make sure every person, regardless of where you live, can find a high-quality job. And that's what I'm looking at and that's why I'm running for chair. I would appreciate your support. I humbly ask for your support and thank you for allowing me to serve.

PRESIDENT FOLEY: Thank you, Senator Wayne. Are there any further nominations for the Chairperson of the Urban Affairs Committee? I do not see any. I declare the nominations closed. Members, if you can vote using the paper ballots at your desks, provide them to the Clerk or the Assistant Clerk. I will need three senators to serve as tellers. Senator Blood, Senator Wishart, Senator Hilkemann, if you could complete your ballots, provide them to the Clerk, and then step forward and serve us as tellers. Thank you. The vote tally is 30 votes for Senator Wayne, 19 votes for Senator Crawford. Congratulations, Senator Wayne, Chairman of the Urban Affairs Committee. Senator Lindstrom, you're recognized for a motion.

SENATOR LINDSTROM: Thank you, Mr. President. I move to proceed to the election of the special and select committee chairpersons in accordance with Rule 3, Section 8(a).

PRESIDENT FOLEY: Thank you, Senator Lindstrom. The question is the motion to proceed to the election of the chairpersons, the special and select committee chairpersons. All those in favor say aye. Those opposed say nay. The motion is adopted. We'll now proceed to election of the Committee on Rules Chairman. Nominations are now open. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. Good afternoon, colleagues. I rise today to submit my name as in for consideration and nomination for the Chair of the Rules Committee. It's been my experience in my first two years in the Legislature being privileged to serve the people of District 26 that has driven me to want to get more involved in the process and get more involved with the Legislature and specifically piqued my interest in rules. As we will see, and as

Floor Debate
January 04, 2017

we all know, and as our 17 new colleagues will quickly know, the rules are an important and integral part of our body and one that may provide you a win one day, may provide you a win today and a loss next week. But it is our fundamental agreement among one another over what we want to do as a body, what procedures, what processes we want to have in place. When I got into this Rules race, I did not have a specific one rule I wanted to stake my tenure on. I knew that the Nebraska Unicameral, as a very nonpartisan body, we have the luxury and the opportunity for discussion that we can get up as members both representing our own 49 little areas of the state but representing the state as the whole, can come together, come to collaborative discussions, and decide what's best for us, what's best for the body, what's best for the institution, and what's best for the people of the state of Nebraska. That was the process I am looking to continue to uphold and have as the Chair of the Rules Committee. As the Chair of the Rules Committee, your brief...your work is intense and brief towards the beginning of the session, at least that is my impression, working to have a public hearing to submit our final permanent rules. I will have that be a fair opportunity and an open opportunity for all members of the body to express their interest in how we should conduct business coming forward and make sure that all members of the committee have the full opportunity to debate their measure and ideas from there. With that, I'm thankful to all of you who have talked with me and reached out to me since I declared for this position. We've had already many productive discussions on opportunities for the future in the Legislature. And I will just close by thanking the people of District 26 for sending me here down to the Capitol to give me the opportunity, and thank you for all of those who continue to serve. And with that, I'll ask for your vote for the Chair of the Rules Committee.

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Hilgers, you're recognized.

SENATOR HILGERS: Thank you, Mr. President. Good afternoon, colleagues. Good afternoon, Nebraska. Good afternoon, whatever remains of the family who has stayed throughout today. Given the late hour, I will be brief. As Senator Hansen mentioned, in the coming days, this body will consider and deliberate and adopt permanent rules that will guide us through this upcoming session. And as we all know, good rules lead to good process and good process will help all of us get good results for the people of this great state. For those of you who don't know me very well, the reason I'm running is really part of my background. For the last 15 years, as a trained attorney and practicing lawyer, thinking about rules, the application of rules, working under rules has been the focus of my professional life. As trained as...in law school, when I was trained in law school, I learned the qualities and elements of good rules: that they are clear and cohesive and precise and fair. As a judicial law clerk on the United States Court of Appeals for the Fifth Circuit, I applied rules to a variety of factual circumstances and realized that not every rule applies to every circumstance but good rules apply to most. And over the last 12 years or so as a practicing lawyer in courtrooms in Nebraska and elsewhere, I have worked under rules--good rules and bad rules--and understand the importance of having good rules no matter what side you were on. One day they work for you, and the other day it may work against you. The experience

Floor Debate
January 04, 2017

that I bring over the last 15 years is why I'm running for this important post and I would ask all of you for your vote and I'm frankly very, very honored to be here. Thank you so much.

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Are there any further nominations for the Chairmanship of the Rules Committee? I see none. Senator Kuehn, for what purpose do you rise?

SENATOR KUEHN: Mr. President, I would ask that, pursuant to Article III, Section 11 of the Nebraska Constitution, that the ayes and nays of the members of the question before the body be recorded and entered into the Journal via a voice vote.

PRESIDENT FOLEY: Senator Kuehn, could you expand on the legal reasoning as to why you believe this motion is in order?

SENATOR KUEHN: Yes, based on the hierarchy of law, the Constitution of the State of Nebraska, as well as case law by the Nebraska Supreme Court in 1933, Day v. Walker, et al., stating that the voice vote is a vote that is an open vote, as opposed to a secret ballot; furthermore, based on the language associated with Initiative 330 in 1934, which established the Nebraska Unicameral, that the request from any one member be sufficient to secure a roll call on any question. This is a question for a vote and I request a roll call.

PRESIDENT FOLEY: Senator Kuehn, if you could step forward and provide me the constitutional language that you're looking at and explain further what you're trying to do. For the benefit of the new members, I'll just explain where we are on this. Essentially, Senator Kuehn has presented a question to the presiding officer as to whether or not a particular motion that he has made is in order and he has cited a particular provision of the State Constitution. The way this works, the presiding officer rules on the validity of his motion. Any member can make a motion to overrule the Chair. Ultimately the body will decide whether or not Senator Kuehn's motion is in order. You can go forward as I rule or you can vote to...you can adopt a motion to overrule the Chair. I rule that Senator Kuehn's motion is in order. He may go forward and he can request. His rights to an open ballot cannot be restricted pursuant to the language of the State Constitution. Senator Chambers, you're recognized.

Floor Debate
January 04, 2017

SENATOR CHAMBERS: Mr. President, members of the Legislature, I have watched what has happened here this afternoon. I don't even care about Senator Kuehn's motion. I don't care whether you act on it or not. I've been in this place over four decades. I've watched all kind of schemes. I've watched groups clump together. I've watched individuals be used as pawns and allow themselves to be used as pawns. But as the session moves on, all of that collegiality among them breaks apart. They begin to squabble among themselves. For example, one person says the tax issue should go this way, another says it goes that way, and the 27-vote rule is going to fall apart. And 27 is not the same as 33. You all who just got here have been misled on a lot of points. What you do today can poison the rest of the session. You're not going to heed what I'm saying. But as I've done every session since I've been here, toward the end, I've been able to point out that my words that I uttered when nobody paid attention were vindicated. I'm not just talking off of the top of my head. I have experience, which is not respected on the floor of the Legislature until somebody is in deep trouble and they need help. And then they come to me, because, if you're drowning, you will accept a double-edged sword, each edge of which is as sharp as a razor blade, because you're going to drown for sure. But if you grab that double-edged, razor-sharp blade, you might survive, so you come to me. Some of you are going to come to me and I'm going to remind you what you're doing and what you've done. Senator Kuehn and I are going to have a conversation about something that is very personal. But I won't bring it up on this floor. And he might know or be able to figure what I'm talking about. Now I'm a black man, as you can see, obviously. You all are the master race. I have watched you. You have been detrimental today to the cause of white supremacy. You've been detrimental to the cause of white supremacy. You think you have everything your way. The sun also rises. Tomorrow will be another day. And I want you new people to watch and learn. Some of you have been made fools of. You don't recognize it because when a lot of people come together and they're all saying the same thing, you think that what they're saying is a universally accepted notion throughout the society because everybody sitting at that table is saying the same thing. Dr. Johnson, Samuel Johnson, the literary giant in England, said: Fools who will sit around at a coffee house and get their tongues to flapping will think that because they're making so much noise, that the noise they hear in that coffee house is the noise that's going on all over the world. Do what you will with it. It doesn't make me any difference. You can't make me vote on anything. If you're going to call a vote, I'll be not voting. Everybody can be not voting. You can't let them make you do...you all are grown. You don't accept it. I am a grown man. And nobody is going to treat me like a child. I'm saying this for the record because everything we say is transcribed. And before the session is over, toward the end, I'm going to reread these words to you. Ignore it. I don't care. You think you'll hurt me? Not at all. I'm trying to save you from yourselves and save the Legislature's integrity as an institution because the Legislature is everybody's joke and nobody takes it seriously because we act foolishly ourselves as you're about to do right now. Your rules should be what you follow. You know this is not done in the interest in advancing the integrity, the dignity of the Legislature. This is undercutting it, undermining it for the sake of a political party. And it may not mean anything to you. I should call it your Legislature. I had nothing to do

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

Floor Debate
January 04, 2017

with creating it. This is not my government. It's your government. But since I voluntarily became...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...a part of the Legislature, I have an obligation, self-imposed, to try to make the organization what I think it ought to be. Have some dignity. Have some status that's recognized by the public. We could compliment each other all we want to here, but watch how the editorial cartoonists deal with the Legislature. Listen to the jokers on these talk programs. I don't listen to them but that's what I hear: the things they say against and about the Legislature, everybody's joke. And you're going to be made a laughing stock in a few minutes. You should not do what Senator Kuehn wants you to do. He is acting, and I'm saying he is acting in bad faith. He knows it, you all know it, every one of you knows it, but it takes somebody like me to say it.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: And some of you count on me saying it.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Senator Morfeld, you're recognized.

SENATOR MORFELD: Thank you, Mr. President. I would like to challenge the ruling of the Chair.

PRESIDENT FOLEY: A motion has been made to overrule the Chair on the previous question that I ruled on. Pursuant to our rules, every member may speak one time and you may not yield time to another senator. Senator Harr, you're first in the queue. Senator Harr, excuse me. I'm going to allow Senator Morfeld to speak to his motion first and then we'll go to the speaking queue. Senator Morfeld, you're recognized.

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I certainly appreciate that Senator Kuehn has brought up a constitutional question and, as an attorney, I understand his right to do so, but not in this body and not at this moment. Constitutional questions should be resolved

Floor Debate
January 04, 2017

by the courts. That is the purpose of the courts. If there is a constitutional question that needs to be made on the duly adopted rules by this body, the rules that we adopted just a few short hours ago, then those questions should be resolved in the court of law. If we wish to amend our rules, then that opportunity should have been taken up several hours ago. However, the Legislature should not act as a court of law. We should act within the confines of our rules. I would like to reiterate. I am not challenging, necessarily, Senator Kuehn's legal interpretation. I haven't had enough time to read the cases that he cited; I haven't had enough time to read all of the rules and the constitution in the context of the constitution, which is what a court of law does. Now, if we would like to amend the rules, there is a process by which to do that and there may be the votes to amend the rules and that is the prerogative of the Legislature, and I respect that prerogative even if I don't agree with the end result. That being said, constitutional challenges to our duly adopted rules should not be decided by the Chair of this body. Despite the amount of respect and regard that I have for the Lieutenant Governor, and I do have a lot of respect for him, those constitutional challenges should be made in a court of law. Just as we are an independent body that can create rules, we are not an independent body that determines constitutional challenges. That is the purview of the court. And I understand some people may not like the secret ballot vote for committee chairs. There's probably several people here today that don't really like it at all, since some people lost and some people won. But this body is not a court of law and constitutional challenges should not be made by a ruling of the Chair. If we would like to amend the rules, then we should amend the rules and we should have a discussion and a debate on that. That's the purpose of the Rules Committee in this body. But we should not create a precedent of making constitutional rulings in the wrong branch of government. That is the purview of the judiciary, not the purview of this body and not the purview of the Chair. So I ask, even if you are not in support of the secret ballot vote, please pursue that and respect the processes of the Legislature and the purpose of the Legislature. It is not our job to interpret the constitution. It is our job to uphold and defend the constitution and to create rules and statutes pursuant to it. I ask that you vote yes to overrule the Chair. Thank you.

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Harr, you're recognized.

SENATOR HARR: Thank you, Mr. Lieutenant Governor, and I say "Lieutenant Governor" for a reason. You belong to the executive branch and we...you are the presiding and I understand that. But this is a serious matter not to be taken lightly, folks. We have a separation of problems...separation of powers issue, and a problem. The Lieutenant Governor is a good man. No one will doubt his integrity. I just question, is this the time and the place and the person to determine whether an action is constitutional or unconstitutional? It is a very, very important decision. It would be one, if done properly, both sides should be allowed to know ahead of time so we could do research. I've tried very quickly on my computer, my personal computer, because we don't have computers here to do the research because today was supposed to be largely ceremonial. We don't have the proper materials. I don't know if this was preplanned or

Floor Debate
January 04, 2017

preconceived. I don't know if the Lieutenant Governor had more than just reading one paragraph. I think if we're going to declare our rules unconstitutional, we better be very clear and we better have a chance to analyze both sides and to do it in a reasoned and rational manner and not on the fly. And I think it should be done in a time and a place where one of our own members is sitting in the Chair. It's unfortunate the Lieutenant Governor is there right now. But we have a sacred duty to ourselves to make sure that we are a separate body, to make sure that the executive branch does not intercede into the running of this body. And by having, again, by happenstance, I hope, the Lieutenant Governor up there, we have a member of the executive body saying to us, what you did was unconstitutional. Now that is not within the contrives of our Marbury v. Madison. Judicial review determines the constitutionality of what we do, not a member of the exec. If they think what we are doing is unconstitutional, they can file a...he...the head of the executive body can file a veto. This is not the time or the place. Maybe if the situation were different, I wouldn't have a problem, but this is...we need to be careful, folks. A lot of you guys and women have never taken a vote before. And to do something in my six years, I would beg, probably in Senator Chambers' 44 years, have you had a member of the executive body come over to the legislative body and say, "unconstitutional." Think about what we're doing. Think very, very carefully what kind of powers you want and what kind of powers you want to give away. You just came today. Do you want to give your power away?

PRESIDENT FOLEY: One minute.

SENATOR HARR: Thank you, Mr. Lieutenant Governor. I don't have much more to say. I would love to be able to hit my light again and have some time to research this. But, again, we don't have the resources. So, with that, I would ask you to please overrule the Chair. And maybe if this is done in a different way, we can have a better conversation. Thank you.

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'm not even going to talk about executive versus legislative branch. We're talking about a Chairperson for the Rules Committee. And our rules are going to be savaged in the process. I don't know anything about the young man who spoke before, but he has very impressive credentials if you go by what the credentials are. But I've never respected badges and titles to the point of ignoring how the person wearing those badges and titles comports himself or herself when there is a test on the ground, so to speak. If you turn in your agenda to all of the votes we've taken on all of these different chairmanships, why did not Senator Kuehn make his ambush motion then? Because he knew what would happen to the session or at least today. This is the last item on the agenda. He stood up and made his comments at the beginning but said he was not going to do anything other than vote no on adoption of the temporary rules. I pay attention to what you all say. And I know how

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

Floor Debate
January 04, 2017

to judge people. And when I see somebody play fast and loose with what should be the truth, I know how to deal with that person. We're grown people. We're not children. And we need to behave like grown people. And this is childish, what is being done now. You all are having a game run on all of you. Why did he not do this on those other votes? Why didn't he carry through when he first stood up at the beginning and mentioned concerns he had but said all he would do is vote no on adopting the temporary rules? Because he had something else he was going to do and trick you all and make you now vote in a way that is stupid. That young man knows, with all the work he did and talked about, working under good rules and bad rules, that what the Chair has ruled is a bad ruling. Overrule the Chair and leave status quo status quo. If you overrule the Chair, you leave everything as it is, that harms nothing. If you allow the Chair, not, as the lawyers say, not, as the judges say, informed in the premises, to make a ruling of this kind and bind the Legislature, you're giving it all away. But I tell you again, this is you all's government, this is your Legislature, these are your rules. I'm an outsider and I acknowledge it. But sometimes I have to assume the role of the defender of the downtrodden when the downtrodden do not realize that that designation applies to them. Right now, you are the downtrodden and you need defending. You need to be saved from yourselves. I don't think I can do it. You're going to run headlong like lemmings over the edge. And then as you see the water come up, you're going to say, oh, my goodness, maybe what I did was not...glub, glub, glub. You don't even get to finish the statement. You don't have to do this. Overrule the Chair...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...and go home. Think about what has happened today. Think of how you've poisoned the well already. Do you need to add insult to the legislative process to the injury that you have done to your colleagues? You haven't hurt me. I'm never an insider. But I watch you. And I hate to see you do it to yourselves because in doing it to yourselves, you denigrate and degrade an organization of which I voluntarily am a member. You should overrule the Chair in my opinion. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Bolz, you're recognized.

SENATOR BOLZ: Thank you, Mr. President. I rise in support of the motion to overrule the Chair. But more than that, I rise in defense of the institution of the nonpartisan Unicameral that I am so proud of. I see this effort as a threat to history and tradition. It is a threat to the way that we do business in Nebraska which is rooted in the ideas of populism, in the ideas that we are here to represent the people of this state, the people and their best interests, that we are here to use our conscience and our history and our support and our knowledge to do the things that we think are best for the institution and for the state as a whole, and that includes voting our conscience in terms of leadership positions. Lest any of you think that you are not rooted in the

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

Floor Debate
January 04, 2017

nonpartisan nature of this body, I will remind each and every one of you that you won your race in a nonpartisan race. You are a part of this history, you are a part of this tradition, and I admonish every one of you to protect this institution. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Morfeld, you're recognized to close on your motion.

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I want to reiterate what I just said. Despite whether or not you believe secret ballot votes are proper or not, despite whether you agree with Senator Kuehn's constitutional analysis, as an attorney, I urge you not to become a court of law. We are not a court of law. And we have processes in place for a reason. What may not be a convenient process for some of us today, or for Senator Kuehn today, may be a very important process in terms of fairness and the ability to have open debate and analysis of the issues in the future for you. That is why we have processes. That's why we follow those processes: so that everyone in fairness can debate the issues, debate the rules. And that's why we have the Rules Committee. And it's ironic that this has been brought up during the election of the Rules Committee Chair, because the whole purpose of the Rules Committee is to have full and fair discussion on rules changes such as this. I ask that you vote yes to overrule the Chair, not because you agree or disagree with the secret ballot process--I think we all can have reasonable disagreements on that--but, rather, protect the institution in the sense of its rules and processes. I know many of the new senators appreciate the rules and processes, because they have served on many boards and maybe even in public office before. But for those that don't understand the importance of the rules and processes, I have found and come to respect them even though sometimes they are frustrating and sometimes they don't always turn out my way. But the rules and processes are in place so that we have predictability and fairness to all of the members of the Legislature. So, colleagues, I ask that you vote to overrule the Chair to protect the rules and processes we have in place, but also to realize our spot in our role in state government. We should not become a court of law. We are not a court of law. If Senator Kuehn would like to challenge the legality of the rules of the Legislature, he has full access to the courts. He can ask for an Attorney General's Opinion, as well, before he goes to the courts. There are processes in place to do that, however, we should not do it by ruling of the Chair. That is not the appropriate or proper place to make constitutional arguments. And I ask that you vote to overrule the Chair today. Thank you, colleagues. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Morfeld. Members, the question before the body is whether or not to overrule the Chair. We'll do this by machine vote. All those in favor of overrule...

SENATOR KINTNER: Roll call vote.

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

Floor Debate
January 04, 2017

PRESIDENT FOLEY: Roll call vote has been requested. A yes vote overrules the Chair; a no vote sustains the Chair. Twenty-five votes required to overrule the Chair. Mr. Clerk, please call the roll.

CLERK: (Roll call vote taken.) 29 ayes, 19 nays, Mr. President, to overrule the Chair.

PRESIDENT FOLEY: Thank you, Mr. Clerk. The Chair has been overruled. We'll now proceed to the election of the Rules Committee Chair. We've had our nomination speeches. The ballots are on your desk. Please complete your ballots in the usual manner. And I will need three senators to serve as tellers. Senator Lowe, Senator Bostelman, Senator Erdman, if you could complete your ballots and then proceed to the front to assist us as tellers. Thank you. The vote tally is Senator Hilgers, 28 votes, Senator Hansen 20 votes. Congratulations, Senator Hilgers, Chair of the Rules Committee. Senator Hansen, you're recognized for a motion.

SENATOR HANSEN: Just for clarification, is there where I get to nominate Enrollment and Review? Thank you. It's been an eventful morning and afternoon, just wanted to clarify. Thank you, Mr. President. I rise today to nominate our last of our special and select committees today, a committee I had the great opportunity to chair for the past two years, Chairman of Enrollment and Review. And I had a phenomenal time as the Chair of Enrollment and Review and thought that was a great opportunity for a young person to get involved in the Legislature. As is tradition for this committee, we have the unique opportunity where the outgoing chair nominates the incoming chair which, by nature of the committee which reviews for grammatical and technical changes in bills along Select File, it is typically handled by one of the youngest members of the body. And this year is no different. So this year I am honored to nominate Anna Wishart for Chair of Enrollment and Review. And I will just go on to say that if Anna handles grammatical and technical changes as well as looking for uses of wrong pronouns with just a fraction of the hard work, dedication, and passion she brought to meeting the voters of her district, we're all going to be in good hands. With that, I'd ask the body to vote for Anna Wishart.

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Hansen for a motion.

SENATOR HANSEN: Mr. President, I move that nominations cease and a unanimous ballot be cast for Anna Wishart, Senator Anna Wishart, for Chair of Enrollment and Review.

PRESIDENT FOLEY: Thank you, Senator Hansen. Members, the motion before us is to cease nominations and to declare Senator Wishart as Chair of the Enrollment and Review Committee by acclamation. All those in favor say aye. Those opposed say nay. Congratulations, Senator Wishart. Senator Murante, you're recognized for a motion.

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

Floor Debate
January 04, 2017

SENATOR MURANTE: Thank you, Mr. President. Members, good afternoon. I move that a committee of three be appointed to escort the Secretary of State to the Chamber to deliver the election results of the general election of November 2016.

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, every motion made on this floor is debatable, isn't it?

PRESIDENT FOLEY: That is correct, Senator.

SENATOR CHAMBERS: Is this motion debatable?

PRESIDENT FOLEY: Yes, it is, sir.

SENATOR CHAMBERS: I choose not to do it but to let people know that they're not...listen to Bob Seger's song, you're "Still the Same." He's a little smarter than you thought. Nobody has caught him yet. So you won a bit today, but there are many days in the future and I want to say it here. The first chance our newly elected Speaker had to show leadership, he failed us. The Speaker failed us today. And I'm not one to speak behind people's back, and there are other issues that I'm going to raise which I had said I would not raise today if everybody else behaved, and everybody else did behave until the last moment. I stuck by what I said, but I'm going to do those things anyway. And I want to say something to a person, and he's the only one who knows to whom I'm speaking. If I have a very serious falling out with somebody, or think I have, the first thing I will do is bring up the harshest possible issue and get it out of the way and let that person know, despite that, any relationship will be based on how you conduct it. The past cannot be erased. Mistakes are made in the past. If I'm aware of a mistake that a person made, I will call it to the person's attention so that person knows I'm aware of the worst thing that could be said to me and despite that. From this point onward, since it's the first time we've met face to face, we will proceed from this point onward on the basis of how he or she determines we will deal with each other. That's a message, and I'm going to say it like Jesus used to say: For whom it is intended, it will be understood. And I have nothing further to say on the motion which is before us. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. The question is the adoption of the motion to appoint a committee to escort the Secretary of State. All those in favor say aye. All those opposed say nay. The motion is adopted. I appoint Senators Kolowski, Craighead, and Murante to escort to Secretary of State to deliver the election returns. Would the three senators please retire to the rear of the Chamber. The Chair recognizes the Sergeant at Arms. Mr.

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

Floor Debate
January 04, 2017

Secretary of State, we welcome you to the Nebraska Unicameral. Please bring the election returns forward. The Chair recognizes Secretary of State John Gale.

SECRETARY GALE: Thank you, Mr. President. Mr. Clerk, I deliver to you the abstracts of the 2016 General Election from the 93 counties in Nebraska for canvass by the members of the One Hundred Fifth Nebraska Legislature.

PRESIDENT FOLEY: Thank you, Mr. Secretary. Would the committee please escort the Secretary of State from the Chamber. Thank you, Mr. Secretary. Senator Crawford, you're recognized for a motion.

SENATOR CRAWFORD: Thank you, Mr. President. I move, pursuant to Article IV, Section 4, to approve the report of the Secretary of State and the candidates stated therein be declared duly elected.

PRESIDENT FOLEY: Thank you, Senator. The question is the adoption of the motion to accept the report from the Secretary of State pursuant to the provisions of Article IV, Section 4 of the Nebraska Constitution. All those in favor say aye. Those opposed say nay. The motion is adopted. Senator Kolowski, you're recognized for a motion.

SENATOR KOLOWSKI: Thank you, Mr. President. I move to arrange to hold the inaugural ceremonies for the newly elected state officials on Thursday, January 5, 2017, at 1:30 p.m. Thank you.

PRESIDENT FOLEY: Thank you, Senator Kolowski. The question is the motion to hold inaugural ceremonies. All those in favor say aye. All those opposed say nay. The motion is adopted. Mr. Clerk, do we have any messages, reports, or announcements?

CLERK: We do, Mr. President. I have a communication from the Clerk directed to the Chair of the Executive Board regarding the transmittal of the Petition of Qualification Challenge as filed by Mr. John Sciara in District 11 legislative race. Senator Craighead, as Chair of Committee on Committees, would announce that the committee will meet in 1524 at 4:15, Committee on Committees in Room 1524 at 4:15. (Legislative Journal page 19.)

Mr. President, a priority motion. Senator Scheer would move...Speaker Scheer would move to adjourn the body until Thursday, January 5, at 10:00.

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

Floor Debate
January 04, 2017

PRESIDENT FOLEY: The question before the body is the motion to adjourn. All those in favor say aye. All those opposed say nay. We are adjourned.