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Floor Debate  
January 19, 2017

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[LB1 LB2 LB3 LB4 LB5 LB46 LB47 LB74 LB80 LB113 LB131 LB132 LB133 LB134 LB194  
LB370 LB553 LB645 LB659 LR4 LR8 LR9 LR10]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Chamber for the eleventh day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Pastor Brian High from the First Baptist Church in Tekamah, Nebraska, in Senator Brasch's district. Pastor.

PASTOR HIGH: (Prayer offered.)

SPEAKER SCHEER: Thank you, Pastor. I call to order the eleventh day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call.

CLERK: Mr. President, while a quorum is gathering, the Planning Committee will meet in Room 2022, Planning Committee in Room 2022, now.

SENATOR LINDSTROM PRESIDING

SENATOR LINDSTROM: Mr. Clerk, please record.

CLERK: Mr. President, I have a quorum present.

SENATOR LINDSTROM: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections, Mr. President.

SENATOR LINDSTROM: Thank you. Are there messages, reports, or announcements?

CLERK: There are, thank you, Mr. President. I have a Reference report referring LB431 through LB494. Your Committee on Government, Military and Veteran Affairs reports LB80 to General File. And Senator Wayne would like to withdraw LB659, Mr. President; that will be laid over today. That's all that I have. (Legislative Journal page 291-293.) [LB80 LB659]

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SENATOR LINDSTROM: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda, the motion to withdraw on LB370. [LB370]

CLERK: Yes, Mr. President, Senator Lowe would move to withdraw LB370. [LB370]

SENATOR LINDSTROM: Thank you. Senator Lowe, (inaudible). [LB370]

SENATOR LOWE: Good morning, and thank you, Mr. President. I brought this bill in the interest of having a discussion with the interested parties in regards to the Second Amendment. After careful consideration and considerations with those interested parties, I am asking to withdraw LB370. I believe it is a good start of a piece of legislation, but at this time I want to consider some changes to the bill to ensure a broader support and address the concerns of potential supporters. [LB370]

SENATOR LINDSTROM: Thank you, Senator Lowe. Seeing no one else in the queue, you are recognized to close. [LB370]

SENATOR LOWE: I just wish to close on this, LB370. Thank you. [LB370]

SENATOR LINDSTROM: Thank you, Senator Lowe. All those in favor vote aye; all those opposed vote nay. Please record. [LB370]

CLERK: 36 ayes, 0 nays, Mr. President, to withdraw LB370. [LB370]

SENATOR LINDSTROM: Thank you, Mr. Clerk. (Doctor of the day introduced.) We will now move on to General File on LB1. Senator Watermeier, you are recognized to open on LB1. [LB1]

CLERK: Mr. President, LB1 was introduced by Senator Watermeier as the Chair of the Executive Board. (Read title). Bill was introduced on January 5 of this year, and at that time referred directly to General File. (Legislative Journal page 293.) [LB1]

SENATOR LINDSTROM: Thank you, Mr. Clerk. Senator Watermeier, you're now recognized to open on LB1. [LB1]

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraska and colleagues. Just a little summary here of what we're doing for those new members of the

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Revisor's bills. Revisor's bills are technical correction bills prepared by the Revisor of Statutes, Joanne Pepperl. Pursuant to our rules they are introduced by the Chairperson of the Executive Board and referred directly to General File. Revisor bills include such things as correcting internal references, harmonizing provisions, repealing statutes or parts of statutes that have become obsolete. Circumstances that may cause a statutory provision to be considered obsolete include statutes that contain their own expiration date which has passed, language within a section or complete acts that are held unconstitutional by the Supreme Court; provisions that have become inoperative because the reason for their enactment has passed or their subject matter no longer exists. Also provisions inapplicable to change circumstances or statutes that contain effective dates or certain salary changes. This year there are five Revisor bills. What really make Revisor bills unique in the fact is that they are directly to the General File, they do not have a committee, they do not have a hearing, and they bypass all that process. This is what the Revisor does on the interim and they look for these statutes that are obsolete. So LB1 repeals four obsolete sections of law. These four sections are found in Chapter 66 and deal with an excise tax levied upon all corn and grain sorghum sold through the commercial channels in Nebraska or delivered in Nebraska. The provisions were applicable until 2012. LB1 also amends other sections of law that have referenced the obsolete selections being repealed. I would appreciate your support in moving LB1 to Select. [LB1]

SENATOR LINDSTROM: Thank you, Senator Watermeier. Seeing no one else in the queue, Senator Watermeier, you are recognized to close. Senator Watermeier waives closing. The motion before us is to vote aye on LB1. Please press green for aye; please press red for nay. Please record. [LB1]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB1. [LB1]

SENATOR LINDSTROM: Mr. Clerk, we will now proceed to General File, LB2. [LB2]

CLERK: LB2, Mr. President, is a bill introduced by Senator Watermeier as Chair of the (Executive) Board. (Read title.) It was introduced on January 5; referred directly to General File, Mr. President. [LB2]

SENATOR LINDSTROM: Senator Watermeier, you are recognized to open on LB2. [LB2]

SENATOR WATERMEIER: Thank you, Mr. President. The second Revisor bill repeals another obsolete section of law, Section 2-3993 which required a report by the Department of Agriculture prior to November 15, 2014. LB2 also amends a section of law that references Sections 2-3993. And I would appreciate your vote to move LB2 to Select File. Thank you, Mr. President. [LB2]

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SENATOR LINDSTROM: Thank you, Senator Watermeier. Seeing no one else in the queue, you are recognized... Senator Watermeier waives closing. The bill before us is LB2. All those in favor vote aye; all those opposed vote nay. Please record. [LB2]

CLERK: 30 ayes, 0 nays, Mr. President, on the advancement of LB2. [LB2]

SENATOR LINDSTROM: Thank you, Mr. Clerk. We will now proceed to LB3. [LB3]

CLERK: LB3 was a bill introduced by Senator Watermeier as Chair of the Executive Board. (Read title.) [LB3]

SENATOR LINDSTROM: Senator Watermeier, you are recognized to open on LB3. [LB3]

SENATOR WATERMEIER: Thank you, Mr. President. LB3 repeals a provision that established the Communications Cash Fund. The fund terminated on July 31, 2011. LB3 also harmonizes another section of law that referenced the obsolete selection. I'd appreciate your support on LB3. [LB3]

SENATOR LINDSTROM: Thank you, Senator Watermeier. Senator Chambers, you are recognized. [LB3]

SENATOR CHAMBERS: Thank you, Mr. President. I would like to ask Senator Watermeier a question or two if he will respond. [LB3]

SENATOR LINDSTROM: Senator Watermeier, would you take a question? [LB3]

SENATOR WATERMEIER: Yes. [LB3]

SENATOR CHAMBERS: Senator "Meier," I mean, that is what I heard, I go by the rules. But anyway, these bills are subject to debate, is that correct? [LB3]

SENATOR WATERMEIER: That's correct. [LB3]

SENATOR CHAMBERS: They're subject to amendment, is that correct? [LB3]

SENATOR WATERMEIER: That's correct. [LB3]

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SENATOR CHAMBERS: Any amendment or motion that could be offered on any bill could be offered on any one or all of these bills? Is that correct? [LB3]

SENATOR WATERMEIER: That is my understanding. [LB3]

SENATOR CHAMBERS: If a person were of a mind to do that, we could stay on these bills beyond the time we have today, is that correct? [LB3]

SENATOR WATERMEIER: That is correct. They are a regular legislative bill. [LB3]

SENATOR CHAMBERS: Thank you, that is all I have to ask. Members of the Legislature, I want you to observe how collegial I am this morning. If I was just of a mind to teach you a lesson, I could teach you by way of an object lesson. And the reason I would do it is to try to pry you away from that silly, simpleminded stuff of going along because you got your marching orders. I know what you are now. But because you all behave like fools, I will not corrupt our process when it comes these Revisor bills in order to teach you a lesson. I will have more opportunities to do that. And I am saying this at this time to show you how much I respect the traditions of the Legislature. This collection of bills is the lowest-hanging fruit that will ever be available on the floor of this Legislature. Think what I could do with it if I chose. I know the meaning of discretion. Not only discretion in the sense of not using...misusing state equipment and masturbating on Skype, that is an act of indiscretion. The kind of discretion I'm talking about is good judgment and doing that which is appropriate at the appropriate time. This was the appropriate time for me to appropriately explain why I do not intend to derail or in any way impede the ordinary, traditional methodology of handling Revisor bills. Thank you, Mr. President. [LB3]

SENATOR LINDSTROM: Thank you, Senator Chambers and (Senator) Watermeier. Seeing no one else in the queue, Senator Watermeier, you are recognized to close on LB3. Senator Watermeier waives closing. All those in favor of LB3 vote aye; all those opposed vote nay. Please record. [LB3]

CLERK: 32 ayes, 0 nays, Mr. President, on the advancement of LB3. [LB3]

SENATOR LINDSTROM: Mr. Clerk, we will now proceed to LB4. [LB4]

CLERK: Mr. President, LB4 is a bill authorized by Senator Watermeier as Chair of the Executive Board. (Read title.) Bill was introduced on January 5 of this year, at that time referred directly to General File, Mr. President. [LB4]

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SENATOR LINDSTROM: Senator Watermeier, you are recognized to open on LB4. [LB4]

SENATOR WATERMEIER: Thank you, Mr. President. LB4 repeals five sections of law pertaining to the Medical Home Pilot Program Act that terminated on June 30, 2014. I appreciate your support on LB4. [LB4]

SENATOR LINDSTROM: Thank you, Senator Watermeier. Seeing no one else in the queue, Senator Watermeier waives closing. All those in favor vote aye; all those opposed vote nay. Please record. [LB4]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB4. [LB4]

SENATOR LINDSTROM: Thank you, Mr. Clerk. We will now proceed to LB5. [LB5]

CLERK: LB5 is introduced by Senator Watermeier as Chair of the (Executive) Board. (Read title.) The bill introduced on January 5; referred directly to General File, Mr. President. [LB5]

SENATOR LINDSTROM: Thank you. Senator Watermeier, you're recognized to open on LB5. [LB5]

SENATOR WATERMEIER: Thank you, Mr. President. LB5 is our final Revisor bill. It repeals the Small Business Innovation Act which terminated on December 31, 2014. Appreciate your support on LB5. Thank you, Mr. President. [LB5]

SENATOR LINDSTROM: Thank you, Senator Watermeier. Seeing no one else in the queue, Senator Watermeier waives closing. All those in favor vote aye; all those opposed vote nay. Please record. [LB5]

CLERK: 33 ayes, 0 nays, Mr. President, on the advancement of LB5. [LB5]

SENATOR LINDSTROM: Thank you. We will now stand at ease until 9:45 for Chief Justice Heavican. [LB5]

EASE

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SPEAKER SCHEER: Mr. Clerk, for announcements.

CLERK: Mr. President, I do, thank you. Your Committee on Agriculture, chaired by Senator Brasch, reports LB134 to General File. Transportation Committee, chaired by Senator Friesen, reports LB46 to General File. Urban Affairs Committee, chaired by Senator Wayne, reports LB74, LB131, LB132, and LB133 to General File, and LB113 to General File with amendments. All signed by their respective Chairs. Hearing notices from the Executive Board, from the Government, Military and Veterans Affairs Committee. Announcement: Planning Committee has announced that Senator Schumacher has been selected as its Chair and Senator Vargas as Vice Chair of Planning. Senator Erdman as Chair of Building Maintenance would like to announce that Senator Lowe has been selected Vice Chair of the Building Maintenance Committee. That is all that I have, Mr. President. (Legislative Journal pages 294-297.) [LB134 LB46 LB74 LB131 LB132 LB133 LB113]

SPEAKER SCHEER: Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk, for any motions. Senator Hansen for a motion.

SENATOR HANSEN: Thank you, Mr. President. I move that a committee of five be appointed to escort the Chief Justice of the Supreme Court and members of the Supreme Court to the Legislative Chamber for the purpose of delivering the State of the Judiciary Address.

SPEAKER SCHEER: You have heard the motion. All those in favor say aye. All those opposed nay. Ayes have it. I would appoint Senators Ebke, Halloran, Hansen, Morfeld, and Baker to move to the rear and escort the Chief Justice to the Chamber, please. Sergeant at Arms.

SERGEANT AT ARMS: Mr. Speaker, your committee now escorting the Chief Justice of the Supreme Court of the great state of Nebraska, Mike Heavican and members of the court.

SPEAKER SCHEER: Colleagues, the Chief Justice of the Supreme Court of the great state of Nebraska, the Honorable Mike Heavican.

CHIEF JUSTICE MICHAEL G. HEAVICAN: Thank you very much, please be seated. Mr. Speaker, members of the Legislature, fellow Justices of the Nebraska Supreme Court, and fellow Nebraskans. I would like to thank the members of this legislative body, especially Speaker Scheer, for inviting me to address you this morning. It is an honor for me to report on the accomplishments of the judicial branch this past year, and to discuss the future of the courts and Probation. First, I will introduce my fellow Justices. To my immediate right, or right behind me is Justice John Wright of Scottsbluff; to his right is Justice William Cassel of O'Neill; and to

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Justice Cassel's right is Justice Max Kelch of Papillion. To my immediate left is Justice Lindsey Miller-Lerman of Omaha; and to her left is our newest member of the court, Justice Jeff Funke of Nebraska City. Justice Stephanie Stacy of Lincoln was unable to be with us today. Every year, I use this occasion to report to you, the Legislature, and to the citizens of Nebraska, the accomplishments of the Judiciary and the challenges that the third branch of government faces in the future. My State of the Judiciary addresses have been overwhelmingly positive. This is my tenth presentation to this body. Nebraska's judicial branch has taken on many challenges over those ten years. By and large, those challenges have been met or are being met. This year, however, my presentation to you necessarily has both good news and bad news. I think it is best to start with the good news. Since this is the tenth State of the Judiciary address I have given, it is an appropriate time to review some of the challenges and accomplishments of the last ten years. Not surprisingly, the number of cases being filed in our court system has not changed dramatically in those ten years because Nebraska's population has not changed dramatically in the last ten years. Caseloads, generally, have increased in our urban areas and have remained flat or declined in our rural districts. There are two factors, however, that have increasingly burdened our courts in these last ten years. First, ever-increasing numbers of Nebraskans, like citizens in the rest of the country, are attempting to represent and defend themselves in court without legal assistance. This court, the Nebraska State Bar Association, hundreds of volunteer lawyers, and both the Creighton University School of Law and the University of Nebraska College of Law, have worked diligently to lessen the problems that unrepresented parties pose to our court system. Our reorganized Access to Justice committee will work to help staff self-help centers in our courthouses in Omaha, Lincoln, Grand Island, Kearney, Scottsbluff, and Madison. The committee will try to tackle special problems of Access to Justice for Nebraska's minority communities and seek ways to fund Legal Aid and lawyer volunteer services. They are charged with aiding the Nebraska State Bar Association in attracting young lawyers to our rural areas, which would otherwise be faced with a critical void of legal professionals. No lawyers means no judges. It is increasingly difficult for us to fill judicial vacancies in the Third Congressional District. Kudos to this Legislature for the debt-forgiveness plan for rural legal services you passed in 2014. Kudos also to the Bar Association and the University of Nebraska College of Law for their new rural law opportunities program which reserves law school slots for selected students from Chadron and Wayne State Colleges and from the University of Nebraska at Kearney. The Access to Justice committee also monitors and helps build a system of support to tackle the second problem that has consistently and persistently increased the workload burden in our courts. That problem is the need for interpreters so that litigants, as well as judges, juries, lawyers, and other consumers of court services can understand what is being said and what is happening in our courtrooms. In fiscal year 2015, we had a need for 133 interpreters in 43 different languages. Over the last ten years, we have set up a sophisticated system to certify interpreters and share interpreters with other states and institutions. We adopted an Interpreter Code of Ethics and we monitor the process to assure a quality work product. This system utilizes technology to provide scarce and unique resources for all of our courthouses, however remote or

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isolated, with needed interpreter services. Spanish, Arabic, Karen, and Somali are our most used interpreter languages, but we also find interpreters for such languages as K'iche', Dinka, and Q'anjob'al. The certified interpreter program is one of our brightest accomplishments of the last ten years. What other special accomplishments have the courts achieved in the last ten years? The courts are far more accessible to the public through technology and telecommunications. The Supreme Court and Court of Appeals have webcast our oral arguments for the last five years. Many of our trial courts now have teleconferencing capabilities, making access simpler and more affordable for our lawyers and litigants. I am proud to say that on March 1, all of our trial courts will allow expanded television, radio, and electronic coverage of court proceedings. This effort was spear-headed by a committee of trial court judges dedicated to twenty-first century access. Speaking of technology, Nebraska is one of the few states in the United States that has a united and uniform computerized case management system. This system is used by all of our trial courts, the Court of Appeals, and the Supreme Court. As many of you know from earlier State of the Judiciary presentations, Nebraskans can view court documents 24 hours a day electronically from their offices or homes. They can pay fines and fees utilizing their personal computers. Last year alone, we collected over \$20,900,000 electronically. Lawyers and litigants can and are electronically filing most court documents that only a few years ago were done with paper, by hand, or by regular mail. In 2016, 650,000 documents were electronically filed in our courts. Last year, one major accomplishment in this area was to make electronic filing available to the Court of Appeals and Supreme Court, just as it has been available in our trial courts. Also last year, we discontinued publishing hard-bound volumes of Supreme Court and Court of Appeals Opinions. We now publish our Opinions electronically. The Opinions are free and available for all Nebraskans and other interested parties on the courts' Web site. What else have the courts taken on in the last ten years? Most recently, this body, again to its credit, voted to set up a public guardianship program for the state of Nebraska. Nebraska was apparently the last state in the United States to implement such a program. The program is designed to provide court-appointed guardians and conservators for Nebraska's elderly or mentally or physically disabled persons if there are no relatives, friends, volunteers, or other appointment options for our judges. In almost all states in the United States, the public guardian program is housed somewhere in the executive branch. But in Nebraska, you chose to put the public guardianship program in the court system. We take that as a vote of confidence in our ability to competently implement and develop such a program. We have done that. I want to especially acknowledge the work of Michelle Chaffee, Nebraska's head public guardian. Michelle has done the mighty job of putting that program together from scratch, hiring assistant public guardians, and taking on remarkably challenging cases from all around the state. Michelle has also set up a cadre of volunteers to serve as court visitors and replacement guardians. She has taken over the mandatory education of every family member, friend, or volunteer who serves as a guardian or conservator in the state of Nebraska. (Applause) What else have the courts taken on in the last ten years? What other challenges have our judges, support staff, and probation officers taken on at your behest? Of course you will remember that our Office of Probation Administration, led by

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Ellen Fabian Brokofsky, took over the supervision of all of our young people in Nebraska's juvenile justice system. This was a function formerly performed by the Department of Health and Human Services. Like the Office of Public Guardian, this body chose the courts, specifically the Office of Probation Administration, to perform needed supervisory services for young people who have committed law violations or are truant or otherwise ungovernable by their parents or custodians. Like the Office of Public Guardian, we started the juvenile justice program from scratch and put together a state-wide program with scant assistance from the Department of Health and Human Services about the historical costs of juvenile justice supervision. By and large, this too has been a huge success. Preliminary budget problems were vigorously attacked, and the initial deficit of \$7 million that was projected to continue into this biennium has been completely erased. At the same time, our juvenile justice program has emphasized not removing children from their homes and families. Instead, the program provides, wherever and whenever possible, services in those homes and to those families, and minimizes costly and traumatizing incarceration, institutionalization, and foster care. We continue to make progress on that front. In the next few months, we will be able to report to this body on adult recidivism statistics. Juvenile justice recidivism data will follow shortly thereafter. Most of our judges are happy with what we have been able to do with juvenile justice, and they continue to urge us to provide even more service alternatives. What else have the courts and Probation taken on in the last ten years? In the last year-and-a-half, following recommendations from the Platte Institute and from the Council for State Governments, this body chose to embark on a program we all call Justice Reinvestment, introduced as LB605. Justice Reinvestment is the code word for "we can't afford to build a new prison, so we need to find some way to handle the persistently growing population of convicted criminals in our prison system." Studies show that a significant number of our incarcerated adults are sentenced to relatively short terms of prison. They come back to our local communities and immediately return to using and selling methamphetamine, crack cocaine, and heroin. They physically assault their spouses and abuse their children. They burglarize our neighbors' homes, shoplift from our local merchants, rob our convenience stores, and resort to escalating violence in our largest cities. Where did this body and the Executive Branch turn when they wanted to come up with an effective community corrections program to stall the rising rate of imprisonment and turn around the almost guaranteed recidivism for those short-term incarcerated defendants? You turned to the court system and the court's Office of Probation Administration. As per LB605, all low-grade felonies are now touched by Probation. The courts and Probation are both the front door to the Department of Corrections and the back door to the Department of Corrections. Justice Reinvestment was billed as a joint effort by all three branches. All three branches worked to get buy-in for Justice Reinvestment. We set up committees with police officers, prosecutors, public defenders, and concerned Nebraska citizens. We all committed to making Justice Reinvestment a success. But there were skeptics. There were those who said that Justice Reinvestment would never be adequately funded. You are looking at one of those skeptics. Many of you heard me say that we can do this, the courts can do this, the Office of Probation Administration can do this, but it has to be adequately funded. I was assured

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that it would be adequately funded. I began this presentation with the good news. Now here's the bad news. There has been an economic downturn and we have to cut the state's budget. Some programs have been spared, others not. Justice Reinvestment was not spared. The commitment that all three branches of government made was apparently for the convenience of the moment. We understand that all budgets, or at least most budgets, in state government have to be cut. We began preparing for that eventuality just as soon as the bad budget news started last August. We saved over \$4.5 million by delaying hiring throughout the judicial branch. We can save more money by doing that again in the next six months. By not replacing employees for up to 6 months, including probation officers, we can save approximately another \$1 million. However, by cutting back on probation officers, we necessarily have to cut back on the number of people that can be supervised in Probation. To meet the \$8.2 million budget reduction goal suggested by the Governor's projections, we would also have to cancel all vouchers to pay for short-term residential drug treatment utilized by our drug courts, by our intensive drug treatment program, and by various other probation options now available to our judges. We have chosen to make only minimal cuts to juvenile justice services because our juvenile court judges have no other options available to them to handle their caseloads. Our judges handling adult criminal cases do have another option available to them. Our judges are not stupid. If they cannot be assured that Probation is able to adequately supervise and rehabilitate adult offenders, that Probation can't protect the abused spouses, the abused children, and Nebraska's homeowners and merchants, they will choose their other sentencing option, the sentencing option they have always had, the sentencing option they have traditionally used. They will incarcerate. It costs \$35,000 a year to warehouse a Nebraska prisoner. It costs \$8,000 to \$10,000 to supervise an adult, high-risk probationer. It costs \$3,000 to \$4,000 to supervise a medium- or low-risk probationer. You do the math. We set up a massive judicial reeducation effort to make sure that all of our judges understood LB605 and the new responsibilities and options available to them. We set up new probation options for reentry and we opened five additional day and evening reporting centers to complement the 11 centers already in existence. In past, State of the Judiciary addresses, I have been reluctant to discuss our budget or even mention the word "money." Each of my presentations to you has largely been a celebration of the courts' and Probation's achievements. Like the first part of this presentation, each State of the Judiciary speech was a call to our judges, support staff, probation officers, and the state's legal community to do a better job and to find a better way. In that spirit, we bought into Justice Reinvestment hook, line, and sinker. And now, unless you live up to your end of the Justice Reinvestment bargain, we are left holding the bag. That does not have to be. We can wisely use the money allotted to us. We can make evidence-based decisions about risk and where to best spend supervision and service dollars. We can partner with other parts of this state's government to share resources and provide job services and mental health services. But it will be all for naught with the recommended cuts for this biennium and the next biennium. Next year, we will gut reentry supervision and begin to close day and evening reporting centers. We will try to push drug court costs onto the counties and begin to surgically triage juvenile justice. We will not do things poorly. We will do the very best job with

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whatever resources we are given. But if those resources are inadequate, we will cut back on some to preserve others, based on the needs of our judges and the communities they serve. Let me close by inviting each of you to a drug court graduation or to your local probation office or your local day and evening reporting centers. Talk to the probationers and watch their interaction with probation officers, their families, and their peers. Listen to their comments. Chances are you will hear this: "Probation saved my life." "You saved my family." "I have a job." "I'm a positive part of my community." Good community corrections programs work. They save lives and they save money. Keep the good community corrections programs you already have. My apologies for the bad news, but my thanks for your attention and this opportunity to speak with you and for your continued support of the court system. Thank you. (Applause)

SPEAKER SCHEER: If the committee would escort the Chief Justice and the rest of the bench from the Chamber. (Visitors introduced.) While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR8, LR9 and LR10. Colleagues, this morning it is my intent to handle the rules. We will be handling two of the portion of the four rules that will be coming forward on the Rules Committee. The other two are presented by Senator Harr. Senator Harr is unable to be here this morning and out of respect for his ability to try to persuade you on those changes, we will take those up tomorrow morning first thing. So we will handle part of the rules this morning. We will adjourn and pick the rest up tomorrow morning. Senator Hilgers for a motion. [LR8 LR9 LR10]

SENATOR HILGERS: Thank you, Mr. President. I move to adopt the permanent rules for the One Hundred Fifth Legislature, First Session and any Special Sessions held during the 2017 calendar year.

SPEAKER SCHEER: Mr. Clerk, for an amendment.

CLERK: Mr. President, I now have proposals from the Rules Committee. I might indicate to the membership that the documents and the proposed changes have been distributed--hard copy versions on your desk tops. Mr. President, the committee chaired by Senator Hilgers offers four proposed rule changes. Senator, may I assume that you want to go with proposed Rule 1 to start with?

SENATOR HILGERS: Rule 1 and then Rule 4 if we might.

SPEAKER SCHEER: Senator Hilgers on Change 1.

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SENATOR HILGERS: Thank you, Mr. President; good morning, colleagues. Before you this morning and tomorrow, as the Speaker mentioned, will be four proposed rules that came out of the Rules Committee process. That process was very deliberative and collaborative. We received 27 proposed amendments as of last Monday. We had about a 7-hour hearing last Wednesday, and we've had two executive sessions to work through these rules. The product of that process will be before you today and tomorrow. As the Speaker mentioned, two of the rules we will address today; those have both been proposed by Senator Schumacher. The other two were proposed by Senator Harr. In a moment, I'll yield my time to Senator Schumacher to discuss proposed Rule 1 which is amendment to current Rule 5 which would introduce new language as Rule 5(e). The only other housekeeping item to let the body be aware of is we received a number of proposed rules regarding different aspects of the standing committees, the number of members on standing committees, the jurisdiction of the standing committees. The Rules Committee unanimously agreed to conduct an interim study to comprehensively analyze those questions during the interim and we will be proposing a resolution on that topic. So with that, Mr. President, I would yield my time to Senator Schumacher to discuss proposed Rule 1.

SPEAKER SCHEER: Senator Schumacher, you have 8:40.

SENATOR SCHUMACHER: Thank you, Mr. Speaker, and members of the body. As I understand the Speaker, there's two votes between us and adjournment and I will do my best to make my presentation fit that timetable. This particular rule is a rule that was suggested at the last Planning Committee meeting by Senators Campbell and Gloor who had served on that committee, I think, for their entire tenure in the Legislature. And it dealt with an issue which may enhance the workings and the effectiveness of the Planning Committee. They suggested that the Planning Committee be given two priority bills, just like the Performance Audit Committee has been given. And so I, on behalf of them, took this to the Rules Committee. And the Planning Committee, for those of you who are just joining it and for those who I would strongly encourage in future years to become members of it, is a very interesting committee. The folks at the policy school at the University of Nebraska-Omaha do an excellent job putting together the demographics and trends and various presentations of what we might anticipate as problems and issues down the road in the state. And it is highly educational. It's like watching an NET TV program on the future of the state. A little plug there, Fred. But there's been a problem, and the problem is it results in a nice report that we vote out, a nice presentation that is made to the body, who those folks who want to attend it at the beginning of a session. The report is available, but even though the report is sometimes cited in floor debate, sometimes referred to as authority for something or another, there's been a lack of traction between the information there and the implementation of legislation. So this bill says...or this rule change proposal says that the Planning Committee that is established already under law and authorized to introduce bills shall have the ability to designate one bill that has the nexus to its proceedings provided that if it is an individual senator's bill, that individual senator agrees to it. Very much patterned like the

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previous designations of priorities for the Audit Committee or the travel relations. The only material difference between the suggestion that Senators Gloor and Campbell made and this particular rule change is that we reduced it from two to one to see how it works. And if two are really needed or if one is sufficient. And so that is the proposal. That's the change. If there's any questions, I'll be happy to answer them, but it was, I believe, unanimously advanced by the Rules Committee and, hopefully, a simple matter. Thank you.

SPEAKER SCHEER: Thank you, Senator Schumacher. Seeing no others wishing to speak, Senator Hilgers, you're welcome to close.

SENATOR HILGERS: Thank you, Mr. President. As a point of clarification, we are taking these rules one at a time, so instead of voting on them as a block, we'll be voting on proposed Rule 1. And with that, I'd ask for your green light on this particular rule. Thank you.

SPEAKER SCHEER: You heard the close on proposed Change 1 to Rule 1. All those in favor vote aye; all those opposed vote nay. Have you all voted that wish? Record, Mr. Clerk.

CLERK: 44 ayes, 0 nays, Mr. President, on the adoption of proposed Rule Change 1.

SPEAKER SCHEER: The change is adopted.

CLERK: Mr. President, Senator Hilgers, as Chair of the Rules Committee, would report on proposed rules change number four.

SPEAKER SCHEER: Senator Hilgers, you're welcome to open on Rule Change 4.

SENATOR HILGERS: Thank you, Mr. President. Rule Change 4 is also in your packet of materials. This is an amendment to a rule initially proposed by Senator Schumacher, and I will yield my time to Senator Schumacher to discuss the original rule and its amendment.

SPEAKER SCHEER: Senator Schumacher, you're welcome to 9:45.

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. Hopefully, this I can explain simply. Proposed Rule 4, most of you have already signed a paper that you've read through it and you understand it. It deals with the parameters for use of the state's technology and computer equipment. Because of various factors, this came before the Executive Board this year and they tried to develop a policy for use of the state computers and on the state networks

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and had that policy circulated and you were asked to sign it before you could get your computer or password or log-on (inaudible) onto the state network. That procedure, quite honestly, did not quite set well with me because once you are elected and have a certificate of election, I think you're entitled to the tools of your office. But nevertheless, it was a very necessary procedure and a thing that needed to be addressed. And I guess the issue that I saw with it is that if there were going to be rules that we all had to abide by regarding these networks, they should be approved by the entire body rather than a majority of the Exec Board and then holding, basically, your computers as ransom for your agreement. No problem with these rules, no problems with what the Exec Board did. But this creates a new rule; it puts the essence of the Exec Board's action into rule before you for your approval so we all know what the rule is and that we all are treated equally without having to do anything more than present our certificates of election to have the tools of our office. Again, it's essentially the same thing as you've already read and signed, but it is now in rule that we all by the constitution and by our rules have agreed will govern us and it becomes fair and square and in my mind very legitimate procedure to accomplish an end that is probably very good. And with that I will close. Thank you.

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Krist, you're recognized.

SENATOR KRIST: Thank you, Mr. President; good morning, colleagues and good morning, Nebraska. I can assure you that when the Executive Board unanimously voted for a process or procedure, a policy in place, that we took the legal advice of not just people inside the legislative branch but at the state level that try to safeguard the networks that we're all accustomed to using. Probably the most egregious thing that happened about a year and a half ago was that someone took one of our computers, connected to a network, and unknowingly came back to this network, this secure system, and introduced whatever vile or potentially harmful viruses could have come back. And I can assure you what happened in a few months after that did result in some intrusion into our secure network. So as they say, you can't legislate stupidity, but you can educate people in how to use technology and make sure that there is a common understanding. Senator Schumacher and I disagreed on his approach to, and his unwillingness to sign a piece of paper saying he had simply read it. I will respect his opinion as a lawyer, he's the lawyer, I'll respect his opinion as a lawyer and I will, at this point, endorse this rule change 100 percent. I will also caution the new members of the Legislature that this rule may have to be looked at on a continuum because of those processes and procedures to keep you safe, to keep us safe, to keep our network safe may change. So if you notice, it still goes back to the Exec Board in order to, quote unquote, enforce or oversee. So I'm hoping that the Exec Board of the Legislative Council will continue to keep this on their agenda, continue to look at this rule because it may have to be adopted. As you know, technology is very dynamic and changes. I guess that is a redundancy. With that, I'd ask you to vote green on the proposed Rule 4.

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SPEAKER SCHEER: Thank you, Senator Krist. Seeing no others wishing to speak, Senator Hilgers, you're welcome to close. Senator Hilgers waives closing. The question before us is to adopt Rule Change 4. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk.

CLERK: 42 ayes, 0 nays, Mr. President, on the adoption of proposed Rule Change 4 as offered by the Rules Committee.

SPEAKER SCHEER: Rule Change 4 is adopted. Mr. Clerk, any announcements?

CLERK: I do, Mr. President. The Reference Committee will meet upon adjournment, Reference Committee upon adjournment in room 2102. And Mr. President, I have a series of name adds to be acknowledged in the Legislative Journal (re LB645, LB553, LB194, LR4, LB47). That's all that I have, Mr. President. (Legislative Journal page 303.) [LB645 LB553 LB194 LB47 LR4]

SPEAKER SCHEER: Are there any motions?

CLERK: Mr. President, Senator Brasch would move to adjourn the body until Friday morning, January 20 at 9:00 a.m.

SPEAKER SCHEER: You've heard the motion. All those in favor say aye. Any opposed say nay. In my opinion, the ayes have it. We are adjourned.