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Floor Debate  
January 24, 2017

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LB642 LB644 LB645 LB661 LR20 LR21]

PRESIDENT FOLEY PRESIDING

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

SENATOR RIEPE: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Riepe. I call to order the fourteenth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

ASSISTANT CLERK: I have no corrections this morning.

PRESIDENT FOLEY: Thank you, sir. Are there any messages, reports, or announcements?

ASSISTANT CLERK: There are, Mr. President. I have a Reference Committee report and a series of notice of committee hearings from the Judiciary committee. (Legislative Journal page 329-330.)

PRESIDENT FOLEY: Thank you, Mr. Clerk. We will proceed to the first item on the agenda which is motions to withdraw. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the first motion this morning from Senator Krist. He moves to withdraw LB642. [LB642]

PRESIDENT FOLEY: Senator Krist, you're recognized to speak to your motion. [LB642]

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SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. Oftentimes words that are said on this floor are not absorbed for their meaning, content, or the immense amount of work that goes into a discussion. So to cut to the chase this morning, I have given you a copy, an expanded version of my withdrawal testimony. I would ask you to go through it and realize that this particular subject matter with PDMP and controlled substance, controlled drugs throughout the state is of utmost importance. I started on this endeavor in 2011 to 2013 with the pharmacists. Senator Howard has kept up on her endeavor to again put this into place so that there is this control and Senator Kuehn being a member of the organization, in my opinion, that needs some reminders of the federal regulatory process and how to control, warehouse, and distribute drugs, have not all come together. I was asked to introduce LB642 on behalf of the Nebraska Veterinary Medical Association. The bill would have delayed for one year the mandate that veterinarians comply with the Prescription Drug Monitoring Program. I agreed to introduce the bill because I have been involved with the creation of the Prescription Drug Monitoring Program from the beginning. I understand that the program to work as it's intended, it must work for all healthcare providers who are dispensing prescription drugs which includes veterinarians. Now I come at this from a little different angle than animals. I love animals, but I also know that in the distribution of these kinds of drugs, if they are not handled properly, if they're warehoused improperly, if they're secured improperly, it becomes another medicine cabinet to open for our children and for people who have addictions that they need to feed. And rather than ask for a gavel at this point, I would just rather that you read the script that I have prepared for you. It is an important matter and it will come back up. Senator Kuehn, Senator Howard and I have...we'll dedicate ourselves to making sure that the issues that are presented in this script and with the withdrawal of Senator Kuehn's bill which are in opposition to each other in some ways, in other ways make the point perfectly, I think. All that said, I'm committed to you and to the veterinarians watching this morning that we will continue to move forward on this issue even after both of these bills are withdrawn. I am agreeing to withdraw the bill only because I know that there is still a path forward that will create a better prescription drug monitoring program, one that will work for everyone who uses the program. I'll save the script when the dialogue comes up again because I see that the attention to the subject matter this morning is not 100 percent understood. But for all those reasons, I ask a green vote to withdraw LB642. [LB642]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Howard, you're recognized to speak to the motion. [LB642]

SENATOR HOWARD: Thank you, Lieutenant Governor. I rise this morning in support of the motion to withdraw. And I'd like to give the body a little bit of history. I know there's a lot going on and a lot of other conversations, but prescription drug monitoring has been sort of the mission of my family since my sister passed away about seven years ago from a prescription drug overdose. While my mother was serving she passed our first prescription drug monitoring law.

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And then last year we passed an update to it. We closed loopholes. We clarified who had access to it. We made it free to prescribers and dispensers. It was a two-year labor of love for myself, Senator Lindstrom, and Senator Kuehn. In 2015, the Attorney General told us that his intention was to make sure that every dispenser of a narcotic pain medication would have to tell the prescription drug monitoring program where it was going. Now initially I thought, who's dispensing narcotic pain medication beside pharmacies, right? But it turns out that dentists are allowed to dispense narcotic pain medication. And coincidentally, veterinarians. They can dispense narcotic medications over the counter. Now I thought dentists would be our big challenge and they were wonderful to work with and very easy. It was veterinarians who really gave us interesting challenges. And so the compromise that we came to last year in 2016 was that they would not start reporting when everybody else started reporting. They would report in 2018 instead of '17. As of now, everybody else is reporting but veterinarians, and they would get that extension to '18 so that they could work out how to report appropriately. We also offered them a task force to really examine the issues around reporting. And we met several times over the summer. When Senator Krist introduced the bill, that gave them an additional extension of their time frame to 2019, another year outside of the year and a half that we had already given them by statute. It seemed excessive and it was something that the veterinarians had never spoken to me about. At this point in time, I support the motion to withdraw because I believe that the veterinarians can figure out a way to report before 2018 in a way that works within their practice, and I look forward to working with them on that. Thank you, Mr. President. [LB642]

PRESIDENT FOLEY: Thank you, Senator Howard. Seeing no other members wishing to speak, Senator Krist, did you care to close on your motion? He waives closing. The question before the body is the motion to withdraw LB642. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB642]

ASSISTANT CLERK: 35 ayes, 0 nays on the motion to withdraw, Mr. President. [LB642]

PRESIDENT FOLEY: LB642 is withdrawn. Next motion, Mr. Clerk. [LB642]

ASSISTANT CLERK: Mr. President, Senator Kuehn would move to withdraw LB583. [LB583]

PRESIDENT FOLEY: (Doctor of the day introduced.) Senator Kuehn, you're recognized to open on your motion to withdraw LB583. [LB583]

SENATOR KUEHN: Thank you, Mr. President. Members of the body, you've got a significant amount of the history regarding where we're at in terms of veterinary reporting to the prescription drug monitoring program, so we won't retil that ground. Senator Krist and Senator Howard have given us background. Senator Krist has also outlined some of the history for you.

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Just a little route of explanation, LB583 was introduced and the stakeholders in the group knew and were aware that if they were going to ask for an extension, that I was going to introduce a vehicle that gave us an opportunity to address the role of how veterinarians dispense and send controlled substances into the community. And for all of the rhetoric that has taken place over the last couple of weeks of this body and will probably continue to take place over the next 70-plus legislative days and all the attention about potential divisiveness, I hope everyone in the body takes a look at what's happening this morning. And that is that there is a lot of influences behind the glass who want to advocate on behalf of their interest and their clients and in doing so, may at times try to create wedges or divide us as we work together as senators. And I think what you'll see today is Senator Howard, Senator Krist, myself, working together as senators and as colleagues to address a common issue of concern and that is ensuring that the opioid crisis is addressed in an efficient and effective manner, that we address all scopes of practices equally for all healthcare professionals, and that we ultimately follow through on the original objectives of legislation passed by this body and we do it by talking to each other as senators. We do it by working together and trusting each other. And what you're seeing this morning is an agreement between senators based on trust and a commitment to follow through on the intent of this body. So with that, I ask for your green vote on the motion to withdraw LB583. [LB583]

PRESIDENT FOLEY: Thank you, Senator Kuehn. Debate is now open on the motion. Seeing no members wishing to speak, Senator Kuehn, you're welcome to close. He waives closing. The question before the body is the withdrawal of LB583. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB583]

ASSISTANT CLERK: 34 ayes, 0 nays on the withdrawal of the bill, Mr. President. [LB583]

PRESIDENT FOLEY: LB583 is withdrawn. Now moving to General File. Mr. Clerk. [LB583]

ASSISTANT CLERK: LB45 was introduced by Senator Watermeier. (Read title.) The bill was considered by the body yesterday. At that time there was pending an amendment from Senator McCollister. (AM32, Legislative Journal page 322.) [LB45]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Before we move to the speaking queue, Senator Watermeier, would you like to take a minute or two just to refresh us on where we left off yesterday? [LB45]

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraska. And I would like to say my condolences to my good friends at home, the Liesemeyer family. On LB45, yesterday it was introduced and we debated it. It's basically a military honor plate. It had come out of the Transportation Committee on an 8-0 vote. It was a very similar bill that we had last

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year that was the same process but we couldn't find a priority to get it on the floor any sooner. You will notice if you look at your gadget, I've got an amendment to strike some controversial language that we came across yesterday involving trusts. But at that point in time I just appreciate the conversation and I'm still willing to work on this bill between General and Select, and I appreciate your comments. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Senator Chambers, you're recognized. [LB45]

SENATOR CHAMBERS: Mr. President, I would like to speak pursuant to a point of personal privilege. [LB45]

PRESIDENT FOLEY: Please proceed. [LB45]

SENATOR CHAMBERS: I didn't hear you. [LB45]

PRESIDENT FOLEY: Please proceed. [LB45]

SENATOR CHAMBERS: Thank you. And it will be brief, but for the sake of everybody who may not be aware, Section 11 of Rule 2 says: "Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively". The reason I will be brief is because people may be aware what I am going to talk about. But yesterday I touched on a very vulgar posting by Senator Kintner who already has shown that he lacks normal senses of decency, but this was just another example. I had stated that there was a particular word in this item that he retweeted, so I would not distribute it. But because my...I don't have...well, I don't use the gadget so people can contact me that way. But I did nod to technology by upgrading my phone so that it takes messages because it was loaded. I have to explain why I decided to go ahead and distribute it. I put a cover sheet on it so that that particular item would not be clear and available for anybody who might happen to walk by. Naturally, anybody on this floor is free to do with it what they please. But because I had said I would not distribute it here but would put in it your box and yet I chose to distribute it, I wanted to explain why and this morning I plan to discuss more of that matter. But since I am doing this on a point of personal privilege, I will keep it brief as I stated. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Williams, you're recognized. [LB45]

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SENATOR WILLIAMS: Thank you, Mr. President. And I want to just stand today, again, supporting the veterans and the reservists that would be allowed to drive with honor plates under Senator Watermeier's bill. And I agree with Senator Watermeier's motion and will support that to withdraw the portion about trusts. What I want to point out is that we may have an opportunity between General and Select to address this issue a little bit further. The attempt with Senator Watermeier's bill was to include those beneficiaries of trust. But as we further think about this, someone that would have a corporately owned vehicle where the driver was a veteran or a vehicle owned by an LLC, a partnership, or one of our other forms of ownership or governance would not be covered. And there may be a way to bring those back under this so that we would open this up so that anyone that qualifies and would be the driver of the vehicle, we can make this happen. It seems to me we're looking at this issue in kind of a backwards way. Our goal here should be to allow those people that would qualify to drive a vehicle with an honor plate on it rather than looking at the ownership of the underlying vehicle. And I think we can come to some agreement on that between General File and Select File. So I would encourage you to move forward with this as quickly as possible with the idea of making it simple for now and we'll try to make it even simpler for the future. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Williams. Senator McCollister, I perhaps should have offered you the opportunity to say a few minutes on your amendment if you care to do so. If you would like to refresh us on your amendment if you care to do so. You don't have to. [LB45]

SENATOR MCCOLLISTER: Yes. Thank you, Mr. President. Good morning, colleagues. We're on the issue of honor license plates. It's an issue I brought up last year; so did Senator Watermeier in his bill. We both produced bills this year. My bill was LB419. They are identical except for the fact that I included two other groups in my bill that he did not include. His bill included the Army Reserve, Navy Reserve, Marine Corps Reserve, Coast Guard Reserve, Air Force Reserve, and I included two other groups, that being the National Oceanic and Atmospheric Administration and the Public Health Service. So those two groups were not included, but with this amendment, AM32, they will be included. I passed out some information from a Dr. Charles Craft and he was the individual that alerted me that for whatever reason, his group was omitted. And so that was my effort with my bill, LB419, to include that. I should tell you that it also included the trust issue. Our bill, LB419 this year, LB419 included that trust issue and that was brought in because of the Nebraska Highway Department. And I think we're trying to resolve that issue as this bill moves forward. But I think it's...well, we resolve that in the next round. One more thing, colleagues, and you need to remember this, the fact that we're...this particular amendment requires 30 votes, 30 votes. Why is that? Well, because this particular element, adding those two groups, was not heard this year. I should tell you, though, it was heard last year. Nobody brought up an objection about adding these two groups. In addition to that, I deem it not to be material. We're simply adding two more groups of veterans that did serve, so

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we simply need to move forward with that. So with that, that would be my closing, Mr. President. I would call for a call of the house. [LB45 LB419]

PRESIDENT FOLEY: Senator, actually, there are a couple of senators with their lights on to speak. Senator Friesen, you are recognized. [LB45]

SENATOR FRIESEN: Thank you, Mr. President. I just wanted to, I guess, for the record state that we do have a bill currently in committee. It is not scheduled to be heard yet. So I wanted to reiterate that there has been no opposition to what he's proposing. All I'm saying is I just wanted people to know that currently there is a bill there and it has not had a hearing. It's not scheduled for a hearing. But the components that he is putting into the bill is not controversial. I have not heard any opposition to it. So I just wanted to make it clear for the record where the committee stands. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Harr, you're recognized. [LB45]

SENATOR HARR: Thank you, Mr. President. Would Senator Watermeier yield? [LB45]

PRESIDENT FOLEY: Senator Watermeier...I don't think he is... [LB45]

SENATOR HARR: Oh, sorry. While you're coming to your...would Senator Friesen yield to a question? [LB45]

PRESIDENT FOLEY: Senator Friesen, would you yield, please? [LB45]

SENATOR FRIESEN: Yes, I would. [LB45]

SENATOR HARR: Thank you. And thank you, Mr. President. You don't have any objection to Senator McCollister's amendment personally, do you? [LB45]

SENATOR FRIESEN: No, I don't. [LB45]

SENATOR HARR: Okay. That's all I wanted to make...I wanted to make sure. Thank you. Would Senator Watermeier yield to a question? [LB45]

PRESIDENT FOLEY: Senator Watermeier, would you yield, please? [LB45]

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SENATOR WATERMEIER: Yes. [LB45]

SENATOR HARR: Thank you. And I apologize for not giving you a heads up. And thanks for rushing back. Do you have an objection to Senator McCollister's amendment? [LB45]

SENATOR WATERMEIER: No. Yesterday I stated on the floor that I'm fine with it. [LB45]

SENATOR HARR: Okay. Thank you. I just wanted to make sure that this is as noncontroversial because sometimes Senator McCollister and I don't agree. No, I am kidding. Senator McCollister, would you yield to a question, please? [LB45]

PRESIDENT FOLEY: Senator McCollister, would you yield, please? [LB45]

SENATOR McCOLLISTER: Yes, I will. [LB45]

SENATOR HARR: I guess I don't have an objection either. I just don't know what the National Oceanic and Atmospheric Administration does. Could you enlighten me? [LB45]

SENATOR McCOLLISTER: Not in so many words, Senator. But I do know they are veterans. They took the oath. Many of them served overseas. So I think they belong in that same category with those other five groups. [LB45]

SENATOR HARR: Okay. That is fair enough for me. I appreciate it. And I will also support AM32. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Harr. At this point, Senator McCollister, if you'd like to close you may do so. [LB45]

SENATOR McCOLLISTER: Once again, colleagues, this will take 30 votes. So I would call to bring the house to order and...call of the house, please. [LB45]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, please. [LB45]

ASSISTANT CLERK: 32 ayes, 0 nays to go under call, Mr. President. [LB45]



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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. Senators Bolz, Krist, Smith, Pansing Brooks, Hilgers, Morfeld, Hansen, Kintner, Larson, the house is under call. Waiting for Senators Larson and Kintner. Senator McCollister has authorized us to proceed. The question before the body is the adoption of AM32, the McCollister amendment. All those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, please, Mr. Clerk. [LB45]

ASSISTANT CLERK: 44 ayes, 0 nays to adopt the McCollister amendment, Mr. President. [LB45]

PRESIDENT FOLEY: AM32 is adopted, I raise the call. Moving back to debate on the bill. Mr. Clerk. [LB45]

ASSISTANT CLERK: Senator Watermeier would move to amend with AM39. (Legislative Journal Page 331.) [LB45]

PRESIDENT FOLEY: Senator Watermeier, you're recognized to open an your amendment. [LB45]

SENATOR WATERMEIER: Thank you, Mr. President. AM39 to LB45 does a simple thing here. It strikes the language dealing with the trusts. Last year on LB732 my bill did not have the trust language in it. I added it to deal with the concern expressed by the DMV that had surfaced several times. The language in LB45 was similar to that with statutes pertaining to handicap or disabled person plates. I worked with the legal counsel from the Transportation Committee on language to resolve the concerns expressed by several senators yesterday but found that such language would have had unintended consequences. There would have been an enforcement problem and it would have been...eliminated the ability to renew on-line due to having to affirm the primary user of the vehicle was eligible. This goes against my efforts for more efficiency in the state government in which I've had several resolutions on. I am told that not many of these are affected by this situation. With the amendment, such veterans would have two options. They could either take their vehicle out of the trust or they could possibly co-title it with their name. And I honestly don't understand the co-titling issue and how it actually would work. I hope it's not really complicated. So I'm giving the body an option here if they want to remove the trust and I will still continue to work through General File. I've had conversations with Senator McCollister, Senator Williams, Senator Krist, and Senator Schumacher in regards to possible language. They had talked about expanding it even further yet into corporations and trusts. But if the body feels more comfortable taking the trust language out today, I'm offering this

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amendment. I'll vote for the amendment. If you don't like that and you want to stay where it is with the trust language right now, then vote this amendment down. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Senator Chambers, you're recognized. [LB45]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, as you might expect, I have some words to say with reference to not only honoring the individuals and groups mentioned in this bill, but I'm concerned about honoring the Legislature. I am deeply chagrined, very angry, absolutely disgusted with Senator Kintner's ongoing shame that he's bringing to the Legislature. This posting that he put ridiculing women, insulting all victims of sexual assault and rape, pretending that he was merely making a joke. It would be like me saying for those of you all who know about the Holocaust and the gas chambers: Auschwitz was a real gas. That's not funny. Lynching of black people: They're always hanging around in unexpected places. That's not funny. Some women are too old and ugly to have to worry about anybody sexually assaulting or raping them. That's not funny. And for my colleagues to sit here as we've done to allow those things to continue is unconscionable. And I know what I read in the paper about an intention that Senator Krist has. I have my intentions also, but I'm going to play them close to the vest and handle this matter in the way that I think it should be handled. I am not for doing charity abroad and having oppression at home. Home is this Legislature. Honoring others outside of this Legislature represents honoring abroad, no pun intended. We should honor ourselves and this institution first and foremost. If we don't do that, there's no honor connected to anything that we do. Anything that comes out of this body is stained and besmirched. And we have members in this body who have bills on which I shall discuss this matter, and they can get offended and upset all they want to. I'm offended by some of their bills. For example, saying that a teacher who would drag a child by the feet more than 90 feet has not done anything that ought to be punished. If it was my child, I'd take care of that teacher. These big bullies here who think children ought to be abused any kind of way and the abuser ought not be punished are the same ones who will uphold Senator Kintner jesting about rape and sexual abuse of women. He has made so many insulting comments that I intend to read some of them so that you don't get the impression that I am doing like some people do by saying, oh, there's a lot that I know but I'm not going to tell. I intend to read it. I intend to stay on this matter because it affects the dignity, the integrity, the validity of any and everything that we do. There are slogans in the practice of law. They are taught to students while they are studying law. One that is high on the list... [LB45]

PRESIDENT FOLEY: One minute. [LB45]

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SENATOR CHAMBERS: ...is he or she who seeks equity must come with clean hands, or they say it in the negative. He or she who seeks equity may not come with unclean hands. And to my way of thinking, as long as Senator Kintner is a member of this body, this body is unclean, and who can bring a clean thing out of an unclean thing? The Bible says none, but we can remove an unclean thing from our midst. And I want to hear some of the Senators defend on the floor comments they made in the newspaper some time ago. One particular one said, well, he's been dealt with by the system because he made an agreement to pay \$1,000 as a fine. I will stop now, Mr. President, and turn on my light. [LB45]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Friesen, you are recognized. [LB45]

SENATOR FRIESEN: Thank you, Mr. President. I would encourage the body to reject the amendment to strike the words "the trust." When I continue to look at the bill as how it was originally written, it's not a bad bill. Is it perfect? No. We have passed a lot worse legislation in this body. So I urge you to look at it. Let's keep the language in there. We have sent things on to the next stage of debate numerous times in order for them to get worked out and to come up with a better fix. It's hard to amend things on the floor, so I suggest at least that we keep that language in there, we move the bill forward. Again, as I said, it's not a bad bill. It does have some problems that probably need to be worked on. But in the end, it is still not a bad bill if it would continue on as it was originally written. So I would encourage you to vote no on this amendment. Thank you. [LB45]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Pansing Brooks. [LB45]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I would like to ask for a moment of personal privilege. [LB45]

PRESIDENT FOLEY: Please proceed. [LB45]

SENATOR PANSING BROOKS: Thank you. Colleagues, I finally have decided I can no longer stay silent on this issue. I have never had more e-mails, phone calls, personal letters about any single issue that I have worked on in this body than Senator Kintner. We have a series and a continued pattern of bad behavior. I know some of you think, well, he's been punished because he was fined \$1,000. I want you to know that I attended the Women's March on Saturday with my family to support women's rights and human rights and I was dumbfounded to come home and see that my colleague, Senator Kintner, had retweeted such a reprehensible and vulgar characterization of women. To insinuate that women are too unattractive to be sexually assaulted when we know consistently women are raped who are in their 80s and 90s and children and it's

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just so ridiculous. And to be at this point and I am having people writing and saying for the Gang of 27 to silence the voices and the ability for people to lead in this body who are capable and competent and then to remain silent on one of your own who is a leader in your body clearly in the group that wants to meet and silence the minority in this body, that is reprehensible. I hope every woman in your district writes you and calls you and says to you, why do you support this leader? He should resign immediately. This has gone on too long. I know that we have had Senator Chambers talking on about this, and he's taken a lead on that. And I have finally decided enough is enough as well. We are being flooded. I cannot do the state's business because the body will not act. I cannot do the state's business. The number of personal handwritten letters, e-mails, and phone calls that I have had is overwhelming my office. We cannot do the state's business, so if we want to continue to talk about this because no one wants to take a vote, no one wants to do anything publicly, we think his behavior was inappropriate. It was more than inappropriate and the continued jarring language about people in our community and our constituents is wrong, and we need to stand up for that. I just want to read a couple of the e-mails that I've had. I'm writing today because I'm very alarmed and ashamed of the comments that Senator Bill Kintner posted yesterday on his Twitter page re women's marchers. I find nothing funny about what he posted and find any jokes about rape extremely offensive. As a sexual assault survivor and a friend to others who have experienced sexual assault, rape, I think it is entirely inappropriate for any elected official to make comments like he did. The next message, rape is not a joke. Rape is not a sexual act but one of violence perpetrated by men against women in the most base and disgusting ways. I tried to call your legislative office but your mailbox is full. No question it's full. I cannot do the state's business because we will not act. I am frustrated. My note says kindness in your voice. I kept expecting leadership from those of you who have taken control and not let any of us have any sort of power or ability to lead in committees and to be able to show what we can do in working together for the state of Nebraska. But this has gone beyond the pale. She went on to say that the answering phones are...the answering machine is full. This is cowardice. If you are so proud... [LB45]

PRESIDENT FOLEY: One minute. [LB45]

SENATOR PANSING BROOKS: ...and unrepentant of the misogyny you celebrate, you have an obligation as an elected official to hear the roar, the roar of your constituents responding to your egregious beliefs. I am copying my Senator and the Chair of the Legislative Ethics Committee, Senator Watermeier, so they know that you are not answering your phones--this was to Senator Kintner; I'm sorry--you need to resign, sir. Your actions and words are unfit for the office of senator. I can go on and on and I won't because I know as a personal privilege I am not to do that. You know, half the people, half the 27 are missing and probably not listening to this. It's enough. I have work to do. So do each of you. And I presume that you're all getting calls, letters, and e-mails and everything else as well. This is enough. He needs to resign. He needs to be encouraged to resign by each of you, by all of us. And we need to go forward with the state's

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business. This is out of control. It's a series and a pattern of behavior. It's happened against Hispanic people. It's happened against so many people and this is just one more thing in the line of bad judgment. Yesterday or this weekend he threw gasoline on his own fire. And again, I am listening to the roar of the constituents in Nebraska. Thank you, Mr. Lieutenant Governor.  
[LB45]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Chambers, you're recognized. [LB45]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I shall not be silenced. The only way somebody will silence me is to come up here and hold me physically and somebody put their nasty hand over my mouth, and whoever does it, had better not move it. I don't care how big you are, I don't care how young you are. This is disgusting. I had three sisters. They all died. Two of them were younger than me. People talk about the memory of those who are gone. I am not talking about the memory of my sisters. I'm talking about living women now. More women need to run for this office who will speak for women and make these nasty-minded men straighten up and fly right. They're going to continue to insult you as they continue to insult black people. We don't have enough numbers to vote and change anything. You all are a majority. That power was unleashed and you should not let anybody corral it. These few people here who are unfeeling, who are insensitive, who lack a sense of common decency, who do not respect their mothers, their wives, their daughters if they have them, their sisters, and can listen and watch a man be so disgustingly, brazenly, disregarding of everything that is decent, that is good, that is civilized and that 27...they're 27 fools as far as I am concerned. Yeah, they can misrefer bills as they have been doing in the Exec Board because they have the numbers there. But those bills are going to be subject to me when they come out on this floor. You think I'll get tired and I'll forget about it, don't you? You're going to find out that you're mistaken. I'm the man you wish you were and that you dare not be. I wonder what any of you would do if you were with your wife and somebody snatched and grabbed her in a restaurant in your presence. You'd probably say, well, honey, you know, a man is only a man and that's how men do. And she ought to take you home and put some arsenic in your coffee. That's an attempt at levity during a very serious discussion. This man--and I have to apologize to every male who is old enough to be referred to as a man--has no respect for his own wife. He accused me of making fun of his wife's illness which I didn't even know she had. He brought it up to try to gain sympathy by using his wife. A reporter wrote where he demanded an apology from me for making fun of his wife's sickness in one of my rhymes. That reporter, Martha Stoddard, correctly stated, Senator Chambers did not mention her sickness. He's a liar also. He lied on me and I am not going to take it. Run out of here like a coward like him. And you all think I am going to stop talking about this? No way. I can go on and on and on. Why, there are so many verses in the Bible that I could quote that I could take the whole morning on that, but I'm not going to do that. I'm going to

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watch and listen to some of these hypocrites stand up here and talk about they're concerned about teachers. And you've got a contaminant in the Legislature. [LB45]

PRESIDENT FOLEY: One minute. [LB45]

SENATOR CHAMBERS: What is the meaning of a term "esprit de corps"? Some people have heard that. Some people know what it means. Some people know that it's a rallying point. There's no esprit de corps here. There's nothing here. This is a dried up, desiccated, d-e-s-i-c-c-a-t-e-d, not dissected for somebody who might stand up and say, well, we pronounce desiccated as dissected because that's our way of talking. That is why I spell it. I want people to know what I am talking about. That's something that's dried and deprived of any and all moisture. This is now a dead thing. Who can put life into a dead thing? I don't know. This is worse than the Valley of Dry Bones that was discussed in the Bible. You know the foot bone connected to the ankle bone to the leg bone to the knee bone to the thigh bone to the hipbone to the backbone to the shoulder bone to the neck bone to the head bone and then... [LB45]

PRESIDENT FOLEY: Time. [LB45]

SENATOR CHAMBERS: Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Geist, you are recognized. [LB45]

SENATOR GEIST: Thank you, Mr. President, and thank you, colleagues. I actually stand here in solidarity with my sisters in the Legislature. I, too, have been inundated with calls and letters and e-mails not only from women but also from men in my district. So I, too, stand and denounce Senator Kintner's lack of judgment, his lack of discretion, and I would just ask him to step down so we can move forward with the state's business. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Geist. Senator Krist, you're recognized. [LB45]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, again and good morning, Nebraska. I have been quoted in the paper of saying many things in regards to my comments yesterday, so I want to make it perfectly clear. I am in the process of drafting a public address that will include all of you in a discussion that will come to the floor of this Legislature so we can have a thorough, proper discussion on one of the people who sits in this Chamber occasionally when we're not talking about him. He made a tactical mistake in the world of strategically protecting himself. His lawyer, J.L. Spray on behalf of his client last year when I

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became involved with this when we knew the NADC had taken action, competently delayed any release of the information until after this body, the body from last year--welcome to the new folks--until after this body went sine die. The iron was hot and Mr. Spray decided to make sure that there was a continuance, so it would not come to us before we went sine die. Now tactically if I were in that position, I would have withdrawn, taken the high ground, cleaned my act up and continued to pray to my God for forgiveness. Did he do that? No. Once again, he demeaned women and he spoke for us, because whether you think so or not, whether your constituents tell you they don't care about something that happens in a different district or not, you represent 1.9 million-plus people across the state and the 39,000, plus or minus a few percent, in your own district. Senator Geist, I too, have been inundated with all kinds of phone calls, all kinds of requests for comments. And I will not be silent on this issue. I was involved with this issue from the very beginning and was told I could not make public comment because there was an investigation going on. One of the toughest things I've ever had to do: sit back and wait and watch and let the legal profession continue to string it out until we weren't here to deal with it last year. Well, we're back. We're here. And we're able to do what we need to do to effectively either ask him to resign, which is what Senator Hadley did, the Governor has done, and the Governor has doubled down and tripled down on that, what I asked him to do immediately. He's not listening. And he continues to portray the same behavior pattern over and over and over again. So as I said yesterday, these bills are important, and I would suggest that you vote for AM39 because what Senator Watermeier is doing is establishing a stage where we can go from General to Select and make this bill better. So yes, the AM39 removes the parts of the trust language that we would like it to be removed...we would like to be removed. And then we vote green on LB45 and move it on to Select File. But as I said yesterday, let's stop talking about talking about it and talk about it. The time to be a statesman and the time to do state's work are distinctly different in some ways. And in this particular case, without a voluntary resignation... [LB45]

PRESIDENT FOLEY: One minute. [LB45]

SENATOR KRIST: ...we cannot look the other way and condone what has been done. I'm preparing to hand out to all of you two transcripts from the Executive Board sessions from last year. I think it's important for you to see those to see who supported any action. And for those of you who are going up for reelection, I want you to walk in to the Christian churches, the Jewish synagogues, the Catholic churches, and I want you to explain to the women and the people in that congregation how you didn't take action against immoral behavior of one of your own. But we're going to talk about it. Thank you for listening. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, you're recognized. This is your third opportunity at this level, Senator. [LB45]

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SENATOR CHAMBERS: Thank you, but I shall have many more. I'm going to show people like Senator Murante, Senator Larson, the Speaker, Senator Hughes, and Senator Watermeier while they're doing their dirt in the Exec Board that as the song says, my day will come when I'll have everything. I don't take anything from people except time. I and death and father time have that in common. We let you rip and run and do anything that you want to do because a point is going to be reached where you reach the end of the string that has been given to you and you're going to have to pay the piper. You want the devil to play the fiddle? Then the time is going to come when you have to pay the fiddler. And while you are exalting because you can get that rigged Executive Board to do whatever you want to do, we'll see what happens when you come out here with those bills. And some people keep asking me what about this deranged person who says I don't live where I live. Let the Legislature vote me out of here. I have so much documentation, I will get the most expensive lawyer I can find, go to court, and tell him or her to take all the time that they need to run up legal fees. And I will win because I know the law. I can make you so angry that you will vote against what the Nebraska Supreme Court has said because you don't like me. That's how I own you. I make you act like fools. I own you. I'm Edgar Bergen. You're Charlie McCarthy--no, let me not say Charlie McCarthy; Charlie McCarthy is portrayed as somebody who was at least witty--Mortimer Snerd. That's who you all become. I jerk the string and you jump. I'm the puppeteer and you are the puppet. And we'll just see how all this works out. And I'm also going to use that as the opportunity to show how poorly your rules are drafted. Somebody can run the whole Legislature on a fishing expedition, on a wild goose chase with not a fact presented. And the thing that the court has said must be proved cannot be proved because you have to disprove somebody's intention. So what are you going to offer as witnesses? You going to get soothsayers? You going to get psychics? You going to get fortunetellers? You going to get mind-readers? It's the craziest thing that I have seen. But the Legislature is imprisoned in its own rules. It created a situation where anybody can require the Legislature to go through a song and a dance. It happens to be me who is the target at this point. And if you all think I'm worried, you have another think coming. But we'll see how that works out too. And I believe some people who helped that guy raise \$5,000, Kintner was helping him raise the money, by the way. I'm going to find out where Kintner got the \$1,000 from that he used to pay his fine. He didn't pay it with a check. I understand he paid it with a money order. And there are questions swirling around that. And you all embrace him. [LB45]

PRESIDENT FOLEY: One minute. [LB45]

SENATOR CHAMBERS: If he has a stench and you embrace him, it rubs off on you. The reason I don't try to get everything said during any five-minute stretch or the three times I can speak is because I can create additional opportunities for myself to speak. And it's a learning experience now, not literally so, but it's everybody against me and me against everybody. This is an unwholesome, toxic place at this point--not just Kintner but that 27 who rigged elections and put incompetent people in the positions as Chairpersons. Why did I say incompetent? They don't



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even know what is involved. But I'm going to use the rules, try to rerefer bills so that I can say things on the record and go from there. And I'm going to offer some motions on this bill now. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Pansing Brooks, you're recognized. [LB45]

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. Again, I rise because we can't do the state's business. So if my office isn't able to do the state's business, I don't think anybody can really do the state's business. I want to thank Senator Geist for her courage for standing up and doing what's right, and without any other senior senator standing up and saying the same thing on the mike, no other senior woman or in the Gang of 27 or any man for that matter. And you know of course this is probably just the same old thing. Boys will be boys. Gee, it's just locker room talk. You don't understand how women are afraid in situations, how no means no, as opposed to what we are now hearing that our young people are chanting at the marchers, that no means yes. If you think this doesn't matter, you need to understand the examples you are setting. Not standing up? No problem because, you know, you've got a fraternity down here three blocks away chanting that...this is nothing. It means nothing to speak in a derogatory manner, in a violent manner to over half of your constituents. And again, this isn't a conservative-versus-liberal issue. The only reason it has become that is because one of your leaders, Senator Kintner is willing to make comment after comment after comment. And now you can get mad at me. I know you're all mad at Senator Chambers, and you can get mad at me and you can get mad at the others. I can't do my business for the state and the constituents because I am so inundated with this. That may mean nothing to you but it means a lot to me. I don't have enough votes. You voted us out of all sorts of different positions. So now I have to do what I can do which is use my voice and be able to discuss this issue. I am close to asking each one of you on the mike to take a stand about whether or not he should resign. If you don't want to take the vote, then let's just have it in the body on the floor. And I just don't know what this hunkering down is, this decision to protect somebody who continues to berate all sorts of people, vulnerable people. We've had a continuous series of behavior and a pattern of behavior that is not indicative of what we should expect from legislators in this state. It has gone national. The story is national. We are now a laughing stock thanks to Senator Kintner. Senator Kintner is defining the work of our body and I am not okay with that and I intend to continue to stand up on this. We need to make a decision. We need to go forward. We need people of strength and backbone and stature to either get him to resign or the session is basically lost in my opinion. How disrespectful. We have people standing up and furious about comments made about businesspeople or about farmers or about all sorts of things that get everybody's goat. But, boy, if it's women, well, it's just guys being guys. No big deal. It was just a joke. That is not a joke. It is not a joke. No one thinks it is funny. Maybe some people think it is funny. [LB45]

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PRESIDENT FOLEY: One minute. [LB45]

SENATOR PANSING BROOKS: But I would never admit that if you do. Women's rights are human rights. If we cannot support women, we don't support all people. And we have got to make some decisions here in this body to be able to move forward and do the work of our state. Again, it was very clever to make sure that it wasn't released until after last session. So we have all sorts of new people who are wondering, well, gosh, should we...you know, he just did one little thing and he was sort of penalized. No. This man has a consistent pattern of misbehavior and crude statements about people in our state. Let's stand up together and have him resign. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Mr. Clerk. [LB45]

ASSISTANT CLERK: Mr. President, a priority motion. Senator Chambers would move to bracket the bill until June 2. [LB45]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your bracket motion. [LB45]

SENATOR CHAMBERS: Mr. President and for those of you who are new, this is how I take over the session. I know the rules. I know how to bring myself ahead of everything and get in front of everybody. You all, as Senator Pansing Brooks said, are not concerned because some of us cannot do the state's work. Let us all share in the same fate. You've heard that expression walk a mile in my shoes. Well, you're going to get a chance to do that. And do I care if you walk out of the Chamber? Of course not. The clock is ticking. The time is going on. You know how I know people are listening? Because of the things they put when they filled up my answering machine at home, how glad they are that I've been speaking all this time. One woman said her son told her when she was crying and she couldn't figure what to do. Well, Senator Chambers is working on it. So she called me and left that message for me, that her son told her that there's one person down there working on it. But do I need that? No. I didn't have anybody before I started doing this saying, Ernie, go do it, go do it. I have something inside of me. You all come here with all kind of credentials about what you did when you were not in the Legislature. You made promises which turn out to be false to get elected. Then you come here and you don't do the main thing that ought to be on your agenda, which is to make sure that this body is respected, that it acts with integrity. Look around and see who is gone--the 27. I have an article here. It is from one of my "Kintnergrams." And along the way, it talked about Kintner's moral absolutes of Christianity in action. I quoted from a World-Herald article dated August 10, 2016. This is the 37th "Kintnergram" and the caption is: Kintner must go. What's religion got to do with it? In a nutshell. And then it goes on. But this is what I want to read, what somebody else wrote. This is

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from a column by Matthew Hansen. I gave the date. "Nebraska State Sen. Bill Kintner logged on to his state-owned computer and engaged in a cybersexual act with a woman other than his wife." "I called the Jesuits." Do you all know who the Jesuits are? They're the soldiers, the army of the Pope. I went to their university, graduated. "I called the Jesuits. More specifically, I called Bill Stephens, a longtime philosophy professor and ethicist at Creighton University. Happy to help, professor Stephens said. A state senator taking a state computer and engaging in mutual masturbation with a woman who turns out to be an extortion artist is bad, Stephens said. It's bad for the obvious matrimonial reasons, and it's bad because it batters the public trust in the Legislature--something that Nebraskans as diverse as Governor Pete Ricketts, Senator Ernie Chambers and a sizable chunk of Kintner's own constituents have mentioned as they called for the Cass County-area state senator to resign. I started reading the ethicist an incomplete list of the other things that Bill Kintner has said and done while in the Nebraska Legislature. Here's that partial list: "Kintner compared refugees to insects on his Facebook page. He uttered a racial slur 'wetback' three times on the floor of the Legislature. He posted a graphic photo of a beheaded woman on his Facebook page, his way of showing support for the death penalty." Digression. It's a pornographic page and mentioned as pornographic, so he's been looking and involved in pornography before this. That woman just didn't pick his name out of the air. He was in that loop. Continuing. "He introduced a bill attempting to stop Agenda 21, the conspiracy theory that claims the United Nations is secretly taking over the country." In parenthesis, "News flash: It isn't," closed parenthesis." "Kintner joked or half-joked that every immigrant should have to eat pork before they enter the United States." On meatless Friday, when they had it, make a Catholic eat a steak. You all wouldn't think that was funny because it's you. Continuing: "He said on the floor of the Legislature that if gay, lesbian, bisexual or transgender Nebraskans wanted to be protected by nondiscrimination laws, or if they felt uncomfortable here because those laws aren't in place, there was an easy solution. They should leave." That's what that scoundrel should do. He should leave and not come back here again, for the sake of his wife if nobody else. He must have contempt for that woman. I have contempt for him. Any man who would mistreat his wife so is worthy of contempt. And since I have more chances to speak, I will continue this, then mention a call I got from the "be kind to guttersnipe" group who want me to stop referring to him as a guttersnipe because he defames. You all didn't know there was such a creature as a guttersnipe, did you? Look it up in the dictionary and there are people who are concerned about them because the guttersnipes are behaving in accord with the nature that they were given and they're doing and performing a needed service for humanity and the world. Kintner, if he is a rational being, is not acting in accord with that rational nature. Continuing: "He said this about women, 'Women. No one understands them. They don't even understand themselves.' In a February column, Kintner compared his fellow state senators to monkeys, an act that so incensed fellow Republican Galen Hadley that the low-key speaker of the Legislature gave a fiery speech blasting Kintner--a speech met with a standing ovation from fellow state senators. When I finished reading this list to Stephens, there was silence on the other end of the line. 'Wow,' the ethicist said finally. 'The degree of insensitivity and inhumanity is pretty brutal.' From an ethicist

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at the Jesuit university of Creighton. The insensitivity, the inhumanity is brutal and you all sit here defending him and that cowardly 27 are out there plotting how they can protect him. They're showing you what they are. They are just like him. As I said: Creatures of the ooze, together schmooze. And that's what they're doing, but I'm not going to stop what I'm doing. And there are people whose bills I'll make use of for my purposes. When a bill comes on the floor, it belongs to everybody. Senator Murante knows that. He's someplace chuckling and laughing now because he got the Executive Board to corrupt itself and the two leaders of the Legislature--Senator Scheer, the Speaker; Senator Watermeier, the Chairperson of the Executive Board--sit there and go along with the corrupting of the system. They're parts of the 27. I don't know who leads them. Some people say Larson. But if he does, he'll lead them out of the wilderness into the swamp. That is not a brain trust. Listen to them. We are playing adult games now. And we're playing hard ball. And when Kintner crossed this other line, openly and notoriously, he's got no pass coming. I wish he would come on this floor and defend himself, stand like I stood on that day I told you all about when many in the Legislature were ranged against me, condemning and criticizing me to the highest, made no difference to me. Then I defended myself. [LB45]

PRESIDENT FOLEY: One minute. [LB45]

SENATOR CHAMBERS: That's the way I operate. Did you say time? [LB45]

PRESIDENT FOLEY: One minute, Senator. [LB45]

SENATOR CHAMBERS: Oh. Thank you, Mr. President. I'm going to tell you all when I speak again some of the questions I would put to that person were he on the floor and his lawyer told him don't attend the Executive Board meeting. Don't go there. Just stay under your rock until I summon you to the daylight. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Brasch, you're recognized. [LB45]

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor, and thank you, colleagues. And good morning. I've had my light on quite a while. I thought it was going to be before Senator Pansing Brooks spoke, but apparently she was faster than I was at hitting the light and then the next thing is Senator Chambers' light came on. I am not supporting the motion to bracket but I did want to stand and speak as a senior member, which was evoked, and also as a person here that...I've been here seven years. This has been very difficult. In the past when I had heard about what had happened with Senator Kintner and the situation with the cybersex, I was very angry, upset, disappointed, went through a lot of emotions. I was also upset with the media because even before it had gone to the Executive Board, they came running into my office during interim

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day wanting the scoop. I said why would you want to cause his family, his wife, more pain than she's going through now? I didn't have any public comments then but right away, person to person, friend to friend, colleague to colleague, I implored Senator Kintner to resign as a statesman. I do believe as a man of God, as a husband, he will be judged accordingly. I did believe that. I have continued to tell him through this session the right thing to do, the statesman thing to do would be to resign. The judgment that I saw in retweeting that tweet, my view was what I've been telling him is, Senator Kintner, this is your time to sit, learn, and listen. And I am sure he regrets that action. Whether it was inadvertent or not. I am going to publicly again this time media, I am hoping that he is resigning. I do know the Executive Board took necessary action to fine him...Accountability and Disclosure. He has followed the law, but I am hoping he follows a new standard of statesmanship, that what my concern here is and my question, I guess, is I pulled up the Internet, is can you legislate morality? Can you force a man or a woman to be good? We have laws in place. We can't force that. But that is something that comes from within. When Senator Chambers continually makes reference to the 27, to the Chairmanships, I'm disappointed that he doesn't step back a step to when the caucuses met and the caucuses had their actions where the Executive Board, the tradition of senior members in good standing I would hope, you know, my credentials have been with BILLD, with the Toll Fellows. I believe I would have made a good member, but I accepted the vote. I was not accepted. However, the day after...or the moment after the board...our caucus voted... [LB45]

PRESIDENT FOLEY: One minute. [LB45]

SENATOR BRASCH: ...Senator Chambers came running into my office saying congrats, I hear you're on the Executive Committee. Yay, etcetera. And I did tell him I was not accepted. I've moved on. I have no ill will, no feeling of remorse one way or the other. I stated my position. But on this position, for the record, it is hurtful but it is the right thing to do to resign. I believe it will save the session and save Senator Kintner and his wife anguish moving forward and our constituents and the women who truly believe that these actions are not appropriate for a statesman. Government has struggled with a good name for decades. We need to do what is right and it is very clear that this is the wrong thing. [LB45]

PRESIDENT FOLEY: Time, Senator. [LB45]

SENATOR BRASCH: Thank you. [LB45]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Morfeld, you're recognized. [LB45]

SENATOR MORFELD: Thank you, Mr. President. I rise in opposition to Chambers' bracket motion. I will support the underlying bill. That being said, I do want to comment on our

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colleague Senator Kintner's conduct not only within the last year, but also in his conduct in the public sphere which is what Twitter is, is it's a public sphere. This is an issue that is incredibly personal to me. Every time that we joke about somebody being sexually assaulted, we make everybody who has experienced that relive it. Senator Kintner should resign because it's people like me and my family who have been through that that have to relive it. Resign, because I will spend the rest of this session bringing him to account and if that's all we do, it will happen. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Baker, you're recognized. [LB45]

SENATOR BAKER: Thank you, Mr. Lieutenant Governor, members of the body. In my sordid past as a school administrator, I dealt with many personnel decisions. Several years ago, we dealt with a stalking harassment of a female employee. Someone would come into her office at night, glue her locks, leave obscene messages and that kind of thing. We involved the police department and eventually planted cameras in the office in an effort to determine who was doing this. Eventually we apprehended the perpetrator, caught him on camera. Turns out he was someone I played golf with on a somewhat regular basis. I guess you would call him a friend. As soon as we found the evidence, I went to his house, informed him he was suspended immediately and termination procedures were underway. Friendship has nothing to do with this. Senator Kintner is a hale fellow, well met, but friendship has nothing to do with it. He crossed the line with his moral turpitude. When any public official's misdeeds become public knowledge, they would lose their job immediately. Probably 99 percent of them would go ahead and have the decency to resign in the face of all the adverse publicity. Senator Kintner's actions have tainted this nonpartisan Legislature. He should resign forthwith. If not, I will cast my vote yes on any measure to remove him. Thank you. [LB45]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Chambers, you're recognized. [LB45]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, if the lying coward were here, there are questions I would ask him. You know why I call him a liar? That's one of the questions I would ask him. Why, when you read the poem that you referred to, did you lie and say I made fun of your wife's illness? It was not mentioned. You're a liar. Why did you reveal your wife's illness? Why did you make it public? Isn't that a family matter? Isn't it a personal matter? Isn't it very intimate? And he threw his wife under the bus and you all are still defending him. What do you all think of your wives? Probably nothing, if you got a wife. You think nothing of her. You can't. That's what he did to his own wife. And then to get sympathy because he knows how much white people hate me, Senator Chambers made fun of my wife's illness. I didn't know she had a illness. Why did he expose it? Anything to save his worthless hide. I would have asked him, why did you damage that computer? Were you tampering with

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evidence? Were you trying to destroy anything that was in that computer? That computer that he misused was damaged. The State Patrol never told us what the cause of the damage was nor what part was rendered inoperable. I would ask him, why around midnight when that woman may have been sleeping, did you contact her? You contacted her and talked to her for half an hour--a Christian, a man who talks to God. God went to sleep and you were lonesome? Well, if you were lonesome, brother Christian, why didn't you pick up the phone and call your wife, the wife that I respect more than him? I have written rhymes supporting women who have to be in a position by a scoundrel and a coward like that. He ought to get out of public life. But he thinks more of himself than he does his wife. And he will put her out there to take the blows that he deserves because he has no respect for her. Those are a couple of the questions. Then I'd ask him, why when you accused me of making fun of your wife and demanded an apology, why didn't you bring it to me? That's what I ask him. And I saw him in the mail room and I fronted him off with it. I said why didn't you bring it to me? They said on the news that you indicated if I was a man, I would apologize. I said if you were a man, you would have given it to me, give it to me now. Make the demand to me now. And he didn't. He trundled out of that room. Ask him. He's a liar. He knows what I said to him. And he knows how he took off down the hall and I pursued him telling him if you respect your wife, you'll quit. You'll get out of here. Your face won't be seen anymore. I pursued him. Those are the things I would deal with. I'm not like you all: sit in a corner and wait until everything is going a certain direction, then here you come. And then that cowardly 27 and some of the ones who claim the most religion are gone because they're going to defend Kintner and it will be interesting to see who they are. [LB45]

PRESIDENT FOLEY: One minute. [LB45]

SENATOR CHAMBERS: I'd ask him why did you lie to the media about having to be quiet about those pending charges before the Accountability and Disclosure Commission? They told you that you can make anything public that you want to because you're the one accused. You knew that and you lied. You lied again and again and yet again. Every time the media called him and I've got the articles. He lied. He knew he was lying. You all are supporting a liar? A man who broke his wedding vows? A man who masturbated on Skype? And this is the one that you think is worthy of all this defense, those of you that are hiding out with him are going to offer. I want to watch you do it. I want to watch you squirm. I want to watch these members of the master race as they manifest their masterfulness. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Chambers. Speaker Scheer, you're recognized. [LB45]

SPEAKER SCHEER: Thank you, Lieutenant Governor. In reference to the motion, the bracket motion, I would stand opposed to the bracket motion and support the amendment and underlying

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bill, LB45. Having said that, this morning's discussion has gotten a far bit from the topic at hand. There is no way that I believe anyone on the floor could condone what Senator Kintner has done over the past. As Speaker, I have waited for some type of resolution to come forward so that we can act upon it. What we're doing today is in the middle of a bill that should be talked about and is serious as well. I do believe Senator Kintner should resign. I do believe that he has lost the respect of the body, the respect probably of his constituents, and the respect of the state. Hopefully, he will take that to heart for the sake of his wife, his spouse, and for the sake of his constituents and the state of Nebraska and this body. I don't know what is in another man's heart and another man's mind but I would hope that he would seriously take time to pause, reflect, and do what I think is the responsible thing and the appropriate thing, and resign his seat from this Legislature so that we can get on with the work of the state, with the work of the body for the betterment of the state. Thank you, Lieutenant Governor. [LB45]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Kolowski, you're recognized. [LB45]

SENATOR KOLOWSKI: Thank you, Mr. Lieutenant Governor. I stand also against Senator Chambers' bracket and with the LB45, Senator Watermeier's bill, and I'll act on that at the appropriate time. I do want to speak to the issue of Senator Kintner. This is the information that's going out on my Web site today that we have worked on in my office and that I believe totally: I am writing this response to the numerous letters, phone calls, text messages, and e-mails that my office has received that are all encouraging that we, as state senators, act to remove Senator Bill Kintner from his position in our legislative body. I want you to know, as my constituents, that I agree with all of your messages. I also agree with the Governor and with the Republican Party of Cass County, Kintner's district, that Senator Kintner should resign. His personal actions are and continue to be reprehensible. Our legislative body is embarrassed by Kintner's continued behavior and he needs to be removed from our body. I will support the positive actions of our leaders in the Legislature to remove Kintner from our political body. This group, our Legislature, has been soiled. And I'm not going to be meek or mild or anything else about my own background, my own past, from military barracks to many years in locker rooms. There's nothing I haven't heard, not participated in, but not anything that I haven't heard, and it's all embarrassing when it comes out in those particular forums as well. Senator Baker has addressed his actions and what he had to decide as an educator in a number of situations. I also spent the majority of my life as an educational administrator and had to deal with some of the same actions. Any of those actions that I dealt with seem small compared to the one we're facing here, and those people lost their jobs in our district because of the poor decision making that they were going through using district materials, Web sites, or anything else. And I think we have to hold ourselves to a higher level of expectation as state senators. Thank you for your time. [LB45]

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Smith, you're recognized. [LB45]



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SENATOR SMITH: Thank you, Mr. President. And I stand in opposition to Senator Chambers' motion to bracket, but I do stand in support of the underlying amendment and bill. I wanted to rise this morning to speak on the subject of Senator Kintner as well. Senator Kintner's comments have been crude, have been vulgar, and have been wrong. I know many believe that Senator Kintner's conservative voice is the reason that he is being attacked or attempted to be moved out of office, and that is not the case. The case is because of his behavior and his comments. I have appreciated Senator Kintner's conservative positions on many of the issues that have been important to me, and I have considered Senator Kintner a friend, and I think a great deal of his family. I have stayed away from this discussion as to whether Senator Kintner remains in office or not in office, and in the past I have said that he has paid his penalties. And I know that many of my colleagues in this room have had different opinions on that and they have reached their opinions more quickly than I have. I'm certain that Senator Kintner continues to believe that his voice is needed in the Legislature, but, frankly, I believe that Senator Kintner is doing harm to the things that he values and that he fights for. For the first time, I've weighed in on this issue. I have intentionally stayed out of this issue, but I am weighing in and now I'm publicly weighing in, and I am asking Senator Kintner, publicly asking Senator Kintner, to resign from his office. I believe that is the best thing for the things that he values. I believe that is the best thing for this Legislature. And I believe it's the best thing for Senator Kintner. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Smith. Senator Williams, you're recognized. [LB45]

SENATOR WILLIAMS: Thank you, Mr. President. And good morning again, friends in the Legislature and all of Nebraska, to a difficult discussion. I also stand in opposition to Senator Chambers' bracket motion and support both the underlying amendment and the bill. That said, on the opening day of this legislative session, I had the opportunity to address this group about some things that I feel passionate about. One of them is not just my integrity but the integrity of this institution, and that it is up to the 49 of us that are members of this institution to watch out for, guard with our very souls, that integrity. That integrity has clearly been damaged by one of our members. His actions are outside the norm that I would certainly consider acceptable behavior. And as I stated on the opening day, I believe each one of us should be held and must be held to a higher standard, and that standard has been violated. Many of you know that I conduct my life under a set of very important core values to me. The second core value is to conduct yourself with a sense of responsibility. I would not be living up to my core values if I was not standing at this microphone at this time condemning the actions of Senator Kintner. Being a leader requires a great deal of all of us. I had the opportunity a few years ago to be in a position where I was able to hear General Norman Schwarzkopf talk about what it takes to be a leader, and he actually said it only takes two things. The first one is you have to decide that you're going to be a leader. And then the second thing you have to do is just simply do what's right. I think each one of us sitting here today knows what's right. We know what's right for our action and we know what is

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right for the action of those other members that we need to hold accountable. A friend of mine told me one time, and I say "a friend" because he is a dear friend, he is also a doctor of psychology, that human beings will react in only one of three ways when confronted with adversity, one of three ways: they'll quit, they'll blame, or they will step up and accept the responsibility of working together for positive change, step up and accept the responsibility of working together for positive change. That's what I would ask this body to do today. We cannot quit, we must not blame, but it's time to take action. Like others, I'm embarrassed by this situation. My wife, my daughter, my granddaughter are all embarrassed by this situation, and it's time for us to take action. Therefore,... [LB45]

PRESIDENT FOLEY: One minute. [LB45]

SENATOR WILLIAMS: ...I want to publicly request, one more time, for Senator Kintner to resign. If he chooses to ignore our requests to ask him to resign, I would certainly go on record to make a public statement that I will vote to remove him from the body. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Blood, you're recognized. [LB45]

SENATOR BLOOD: Thank you, Lieutenant Governor. I rise today against Senator Chambers' motion to bracket the bill. I'm in favor of the amendment and the bill as presented. I stand today in solidarity with my sisters and I would implore Senator Kintner to please step down so we can do our business. As a mother, a grandmother, a sister, a daughter, a wife, I can tell you that sexual assault is nothing to make light of. It is not about sex whatsoever. It is about power. Everybody in this room has been touched in some way when it comes to sexual assault. You may not know it because many victims will never tell you. We cannot continue to stand here and pretend we don't know what's going on when it comes to the boil that I consider Senator Kintner to be. His intentions may very well be good that he thinks he needs to stay here as a state senator. But as a freshman senator who truly wants her bills to be heard and truly wants to represent her district, I implore him to step down. And I would support those who would vote to ask him to leave and make it official. Please, please, please, let us get our work done. And please, stop making jokes that pertain to women and their bodies because women are not the only victims of sexual assault. Many, many victims are our children, are our grandmothers, our mothers, and it doesn't just happen to women. Unfortunately, it happens continually to young boys. We just don't hear about it. In fact, the statistics we were just given I think are inaccurate, based on the research that I have done. We cannot sit here and talk about morals and ethics when we have this right here in the Chamber, or I should say the lack of his presence in the Chamber. So I stand in solidarity with my brothers and sisters today. I represent District 3 and I am their voice and they have asked that we handle the situation. [LB45]

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PRESIDENT FOLEY: Thank you, Senator Blood. Senator Wishart, you're recognized. [LB45]

SENATOR WISHART: Well, thank you, Mr. President, and thank you, colleagues. I rise in opposition to Senator Chambers' motion to bracket LB45, and I rise in support of AM39 and LB45. I would be remiss if I did not give a shout out to Julie Smith Beyers. She's an incredible woman and a constituent in District 27, and she watches the Legislature every day. So, hi, Julie. This is the first time I'm speaking on the floor of the Legislature. And it's fitting that I rise today for the first time to speak in support of all the women in this world, but especially I rise for the young women in our state. As a public official, I work hard every day to be a positive example for them. I hope that some day they will consider running for office and leading our state to greatness. And I'm encouraged when I look around this room at the caliber of people that I am so proud to serve with. And so today I am deeply saddened that Senator Kintner has jeopardized the standards of this body by making light of such a dark issue as a sexual assault. I want to make clear that sexual assault is not a women's issue. One in five women and one in seventy-one men will be the victim of sexual assault in their lifetime. And you know, I got these statistics that I handed out to you from the National Sexual Violence Resource Center. This is staggering to me. I mean the pain that is felt across the world from sexual assault is horrifying and it should never be the brunt of a joke. Statements made by Senator Kintner make light of a gravely serious issue, and as a public official, he must be held to a higher standard. He should take responsibility for his actions and he should resign from the Legislature. If he chooses not to resign then I will be one vote that supports his expulsion. Thank you. [LB45]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Chambers, you're recognized. [LB45]

SENATOR CHAMBERS: Thank you, Mr. President. And I appreciate the fact that people are now speaking. I'm going to read just a brief paragraph from a World-Herald editorial dated August 10, 2016. Quote: Kintner's actions have also cost taxpayers. His report of the extortion attempt obligated the Nebraska State Patrol and Accountability Commission to spend state time and money on investigations. A state senator, who prioritized his wife, his colleagues, the Governor, taxpayers, and his reputation, would not drag the state through this messy comeuppance. A senator with scruples would respect his constituents by apologizing publicly, then resigning, heeding calls by the Governor, the Speaker of the Legislature, and the Chairman of the Legislature's Executive Board. I'm going to go ahead and read another paragraph; they're brief: Kintner settled the matter, in part, by agreeing to pay a \$1,000 fine to the Nebraska Accountability and Disclosure Commission for misuse of state property. But his actions have embarrassed the Legislature, Governor Pete Ricketts, and Kintner's wife, a respected state policy adviser. And that rapsallion has the nerve to accuse me of attacking his wife. I don't attack women. That's what he does. That's what he does. Why do you think there are female staff members who have come and told me that Kintner even now, not right this minute, walks behind

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them making obscene noises. And I say, well, why won't you...well, I don't want to say anything that will pin down who these people are. But there are staff members who don't feel that they can go to their senators with problems like these, so they bring them to me. And that's one of the reasons, not the main reason, that I'll stand here and I will stop this session from doing its work. You see, I don't have confidence that people who say they will vote a certain way will actually do so. Maybe they will. But after being here 42 years, I have observed people whom I thought could be counted on to do as they said they would do, and they did something different. I had said that I would bring a resolution to require the expulsion of Kintner. If that failed, I would bring one to impeach him. Those avenues are open to me anytime I decide to act on them. But if somebody else brings a resolution, I will support it vigorously. I will not be pushed into acting before I think I should in terms of what I am going to initiate, but I think I'm showing, by my willingness to take all the time that I choose every day to stay on this issue, I'm not going to run from it, I'm not going to let it go. I'm not going to take this bracket motion to a vote. I had stated that it will teach something to the new members, that I can control the agenda, I can take it in a new direction, so that you all who came here thinking you're going to tame me and put me in my place, you didn't know with whom you would be dealing. You showed your ignorance and that you listen to stuff... [LB45]

PRESIDENT FOLEY: One minute. [LB45]

SENATOR CHAMBERS: ...told to you by people who didn't know what they were talking about. So you had to be shown this morning, but here's the value of it. I think this is the most significant discussion not only that we've had to date, but the most significant discussion we will have all session no matter what else we talk about. Kintner has the opportunity right now to spare his wife any more of this, if he were a man. And I told him this to his face. I don't say these things behind his back. I told him this to his face: If you were a man, you wouldn't put your wife through this; you don't have any respect for her. And he doesn't. What man, if he respected his wife, would behave as that rascal does? I will not defame the guttersnipes any more by comparing unfairly to those creatures this thing that we've been talking about. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Pansing Brooks, to be followed by eight others. [LB45]

SENATOR PANSING BROOKS: Thank you, Mr. President. I rise to speak about one other tangential matter to this, and I do not support the motion of Senator Chambers to bracket Senator Watermeier's amendment and underlying bill. Again, Senator Williams talked about what it means to be a leader. And you know, one of the things that happened that I have great...I'm feeling really torn about is that early in the session, because I had some hope that either his

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constituents would make him do something or his...or all of us would make him do something, I signed on to a bill of Senator Kintner's and agreed to cosponsor it. And it was a bill that is important to people in my district. It has to do with cyberbullying. And he, Senator Kintner, brought that bill last year. And as I looked back on it and cosponsored it last year, I now realize...and the verbiage has changed from this year, but last year the verbiage had...there was verbiage relating to pornographic blackmail. So I found that then, after we'd adjourned sine die, I found that quite...I don't know. It wasn't amusing. I found it just very interesting that he had brought that bill, fully aware of what he had done, got people to sign on to it. I agreed to sign on to it because I have people in my district that have been bullied via telephonic device and other Internet means. So I signed on to that bill because I've had people actually call me about that. And I thought, okay, this is a way to reach across the aisle, to determine that we can work together. I thought it was a good symbol of an ability to work across the aisle. I have some...some of your staff won't even say hello to me in the halls because now we're judging who is an appropriate senator to talk to and who isn't? I hope you will talk to your staff. That is inappropriate that that's happening, but that's a side matter. But the fact is that I did sign on to LB574 because I have constituents who believe in the underlying idea. I am now torn. I either would like Senator Kintner to remove his name from it so I can continue with this important bill or I will be removing my name from that, from cosponsoring that bill. I did it because of the underlying idea, not necessarily to support the senator, or clearly not to support the senator. So again, this, these actions are causing giant waves within our constituents and within our communities and within our state, and we have got to act. And I just want to say to my constituents that my signing on to that bill had nothing to do with supporting his actions or any of his work or his core values as we now understand them. It had more to do with the underlying bill that was to protect especially young people who in my community have had cyberbullying activities. I've met and tried to bring a cyberbullying bill and gone back and forth with a lot of different groups trying to decide how to do that so that we aren't ending up bullying the bullies or that the bullies have been bullied in the past and so we, you know, there are problems with that. [LB45 LB574]

PRESIDENT FOLEY: One minute. [LB45]

SENATOR PANSING BROOKS: Thank you, Mr. President. So I just want to say that, for the record, I don't feel bad about supporting the bill. I do feel bad that there could be any kind of perception that I am supporting anything that Senator Kintner does at this point. And if he's not willing to allow me to take over that bill, I will be removing my name as a cosponsor. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. We have nine senators in the queue, but I'm going to interrupt the queue and recognize Speaker Scheer. [LB45]

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SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. I want to make myself perfectly clear. We are working on a resolution that will be brought forth tomorrow morning. I will then ask for a suspension of the rules so that we may take it up in the morning. I hope that this will encourage, although this is an important topic and I do know there are several that have their lights on, I think the appropriate time for the discussion of this will be tomorrow morning, not this morning in the middle of this bill debate. I would ask those that still have their light on and are wanting to discuss Senator Kintner's relationship with the floor, if you would simply click off and utilize the time tomorrow morning that we will have in discussing that resolution. Again, please consider supporting a suspension of the rules in the morning so that we don't have to lay over the resolution and that we can act upon it first thing in the morning. As I told you earlier, we will be talking about the rest of the rules and adoption of the permanent rules. That will be the second thing on the agenda tomorrow and I would ask your cooperation and your patience in getting to that as well. Thank you, Mr. Lieutenant Governor. [LB45]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Continuing debate on LB45, AM39, and the related motion, next in the queue, Senator Craighead. [LB45]

SENATOR CRAIGHEAD: Thank you, Mr. Lieutenant Governor. And I do have just a couple things I want to say. I stand against Senator Chambers' motion to bracket LB45 and I do want to go on record about Senator Kintner. I knew nothing about this issue until July 29, when I got a call from a reporter. And I was sitting in my car and it was all I could do to pick my chin up off the floor because I had absolutely no knowledge of what was done. At that point in time, I let Senator Kintner know that I believed for himself, his wife, the state of Nebraska, the Legislature, and his marriage that he needed to resign. This issue has gone on six months. He does need to resign. I do believe he knows that, and if not, I will vote for expulsion. And I would like to yield the rest of my time to Senator Brasch. [LB45]

PRESIDENT FOLEY: Thank you, Senator Craighead. Senator Brasch, 4:00. [LB45]

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor. And thank you, Senator Craighead. I did ask her for just a moment of her time. I believe this is an appropriate time to remind you of Senator Howard's bill, LB188. I just cosigned it. I had pulled my LB106 since the subject here has been brought up of sexual assault and that her bill addresses when a child is conceived out of sexual assault that the victim has a right as a parent to not have her assailant have parental rights. I believe, when we're talking about sexual assault, when we're talking about victims of rape, and we're talking about that child and protection of that victim, so I would encourage my colleagues to also cosign on LB188. Thank you, Mr. Lieutenant Governor. Thank you, colleagues. [LB45 LB188 LB106]

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PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Hilkemann, you're recognized.  
[LB45]

SENATOR HILKEMANN: Thank you, Mr. Lieutenant Governor. I, too, rise to oppose this bracket bill. And I want to thank Senator Pansing Brooks for calling me to accountability on this issue of our colleague, Senator Kintner. Yes, we need to speak up and say that this unacceptable behavior. Senator, it is time. Yesterday, my daughter from Houston sent me a text and said, Dad, this is in the national news. And she attached this despicable post from Twitter. Senator Kintner, I wish all of our colleagues would have heard you demean this body one more time at the Right to Life rally that I attended two weeks ago. You said something to the effect that these were the worst four years of your life because you had to be associated with this body. Well, Senator, the time has come to end your pain of having to serve with us any longer and the pain that you have caused this body, and it is time for you to resign. Thank you. [LB45]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Senator McCollister, you're recognized.  
[LB45]

SENATOR MCCOLLISTER: Thank you, Mr. President. Good morning again, colleagues. I would be negligent if I didn't rise and indicate my displeasure with Senator Kintner. This is a pattern of misbehavior that has gone on far too long. It wasn't simply the cybersex issue that we heard about last year, but that kind of bad behavior continues to this day. So I join the chorus of my colleagues suggesting that Senator Kintner resign, feeling that we need to take appropriate action on the floor. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator McCollister. Senator Walz, you're recognized.  
[LB45]

SENATOR WALZ: Thank you, Mr. President. I will be voting against the motion to bracket the bill. However, I do want to take the time to speak on Senator Kintner. While I was out campaigning, this issue came to light and, honestly, I could not believe the disrespect that was shown to women, his wife, his constituents, his family, and his colleagues. Moreover, I wondered how someone who works in the very body that makes the law, thought he could break the law. Is it okay for him to be above the law? And how can we be role models, and how can we expect Nebraskans to follow the law if we don't? Over the past day I've always received many e-mails asking to remove Kintner. I call on Senator Kintner to resign today. If he doesn't resign today, I will work with other senators to find out the quickest way to remove Senator Kintner from the legislative body. Thank you, Mr. President. [LB45]

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PRESIDENT FOLEY: Thank you, Senator Walz. (Visitors introduced.) Senator Bolz, you're recognized. [LB45]

SENATOR BOLZ: Thank you, Mr. President. I stand to add my voice to the litany of concerns that have been brought today around Senator Kintner's behavior, choices, and communication to the public as a whole. I specifically stand with my female colleagues on the floor because this is an issue about the protection and safety of women. But, colleagues, make no mistake, this is not a woman's issue. This is our issue. This is a Nebraska issue. This is an issue about people feeling unsafe in our communities, in our state, and about that concern that is legitimate being made light of by one of our own. And, colleagues, that is not acceptable. That is not acceptable in any way, shape, or form, but it is specifically unacceptable in a body that has, year after year during my public service and before, worked to address the issues of crime and violence and lack of safety in our communities. We have brought forward and supported, all of us, issues that have tried to make our communities better, stronger, and safer. And so when one of our own says something to the contrary it is incumbent upon us to speak about it, not just because of that personal, relational interaction but because of the bigger policy context at stake. And as respectfully and as thoughtfully but also as genuinely as I can possibly say on the floor this morning, I do not think that I should wait another day to articulate my frustration and concern about anyone who makes light of someone's concern for their own public safety. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Howard, you're recognized. [LB45]

SENATOR HOWARD: Thank you, Mr. President. This is kind of a weird day because all it is reminding me of is a fight that I had with my husband, and we don't fight very often. We don't actually. We're very mellow people, I would say. But we had this odd conversation because when we're driving in the car I always keep my purse on the passenger's seat, and he always puts everything in the back. And he was, like, honey, you've got to put stuff in the back, right? And I said, I never put stuff in the back because when I'm leaving the car at night I want to have my purse with me, and I don't feel safe going to the back of the trunk and not knowing what's behind me. And he's never questioned me about it since. But it's something that's so inherent in how I behave every day: leave my purse on the front, keep my doors locked, look around before I get out of my car. I'm one of your colleagues and I think about it every day. Senator Kintner took the time to remind me that it's also something that he thinks about, but I don't think he thinks about it in the same way that I do. He also took the time to remind me that I am still identified and my merit is still based on how I look, rather than what's in my heart and what's in my head. I believe in this body we are held to a higher standard. I think that's important to remember. Our job is not just as a regular, old state employee who, if they had Skyped on their state computers, would already be fired, or if they had tweeted anything out that was inappropriate they would already be fired, because they would be having a conversation with their boss today about how quickly



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they could clean out their desk because they work for the state of Nebraska and we hold the state to a higher standard and all of its employees therein. But I also believe that our role here is to ensure that the public trusts us and trusts the work that we're doing in this room. What you tolerate--and we have tolerated this for too long--what you tolerate, you endorse, and we cannot endorse this behavior anymore. I have, I would say, 12 years of experience with this room. I have my mother's eight years; I have my four years. And I will say more than anybody I love this place. We are an odd family, right? We've got some sassy aunts. We've got some sassy grandmas. We've got some interesting uncles, right, who maybe you want to sit next to at the dinner table just to hear what they're going to say that day. And because of that experience and because of this family, we know that inside the glass it's a different experience, right? Inside the glass we're peers. Inside the glass we're family. But this is a family that can't tolerate that kind of behavior, and I absolutely would support censure. I would support suspension. I would support expulsion because I do think that the public is trusting us and they're expecting us to do more. I would also like to say hello to Jillian (phonetic), Jane (phonetic), Vicky (phonetic), Mary (phonetic), Debra (phonetic), Cyndonna (phonetic), Andy (phonetic), Amy (phonetic), Ann (phonetic), Barb (phonetic), Jamie (phonetic), Melissa (phonetic), Holly (phonetic), Rebecca (phonetic), Erin (phonetic), Anita (phonetic), Michelle (phonetic), Emily (phonetic), Michael (phonetic), Suzanne (phonetic), and that's just the beginning of the list of people that we've heard from today. That's not yesterday; that's today. I hope you will consider that this body needs to move on this issue. And I would yield the rest of my time to Senator Krist. [LB45]

PRESIDENT FOLEY: Thank you, Senator Howard. Senator Krist, one minute. [LB45]

SENATOR KRIST: That's all I'll need. Thank you. Starting this morning, I started in earnest putting together a resolution and I've been up in Bill Drafting twice. I know that the Speaker has vowed that he will bring it. I, at this point, would have to bow to the Speaker's prerogative. But I've carried this through since the beginning of this insanity a year and a half ago. It's not going to change my vote. I have three being drafted. The first one is expulsion. That is the one I'd like to talk about tomorrow morning. And I would echo with the Speaker, let's at least let Senator Watermeier off the hook this morning and let's take a vote on the bracket motion and the positive green light on the amendment and the positive green light on LB45. Thank you. [LB45]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Hansen, you're recognized. [LB45]

SENATOR HANSEN: Thank you, Mr. President. I've been really appreciating the conversation we had here yesterday. When I got up and spoke yesterday I know I was one of the first to condemn Senator Kintner's behavior in this most recent matter. And at the time, I was...and if you know me, I was so fired up that I had a hard time saying all the words I wanted to say. That's how strongly this issue resonates with me. Today I'm glad that we've had more of the body stand

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up and stand up and condemn this behavior. I'm so happy to hear so many different people come up and call for his resignation. What I want to have, if anybody is left to speak in the queue, when you call for his resignation I want you to think long and hard about whether or not you'd be ready to vote to expulsion because I'm glad that Senator Krist and possibly the Speaker are going to make those motions and opportunities available to us and that's something we're going to have to decide. I've yet to not hear anybody say he shouldn't resign, but now we're going to have to see if you think you have the conscience, basically, to make sure he leaves the body one way or the other. So just to be clear, because I didn't say it in my words yesterday, this is the real reason I got up here, so I will call for him to resign. I'll vote to censure, I'll vote to expel, and I'd vote to impeach if we can even impeach bodies of the Legislature. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Schumacher, you're recognized. [LB45]

SENATOR SCHUMACHER: Thank you, President, members of the body. I am disturbed by the notion that we would engage in a process tomorrow morning with minimal due process and opportunity to prepare a defense for the target of that action. None of us know yet the language or the nature of the motion, whether it's censure, impeachment, condemnation, expulsion, suspension. Fundamental to our constitution, state and federal, and our way of life is due process. However bad the conduct is or was, the man has got a right to prepare a defense, to seek counsel, and to have the trial, the debate hold its conclusion until he presents that defense. That's fundamental. The idea that we can have a resolution or some document come out of nowhere and in a few hours, in maybe what amounts to a adrenaline-driven phenomena, pronounce judgment violates those fundamental principles. Maybe Senator Kintner will have the wisdom of Richard Nixon and spare us the ordeal that that would mean. These are significant actions when you talk about expelling somebody, or whatever, from a constitutional body. I think it extremely unwise to think that we can do this in a morning's work, and I would think that, the very least, we should pause; he should be presented with the charges against him; have an opportunity to prepare his defense, should he choose not to resign and to defend; and then to come here after that preparation and make whatever defense he has. Due process is the cornerstone of our system, and I would hope we honor it. Thank you. [LB45]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Vargas, you're recognized. [LB45]

SENATOR VARGAS: Thank you. I think about what Senator Wishart said. This is the first time I'm speaking on the floor also. Wish it was under better circumstances. I do rise to speak against Senator Chambers' motion to bracket. I wanted to weigh in on this because I believe we're all weighing in because we feel compelled to, our constituents are asking us. And I've heard from

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many of my constituents in phone calls, messages, e-mails. And the reason why I'm standing here in front of you today is because of the actions of Senator Kintner. I feel it's important that we relay their concerns and we are advocating on behalf of what they're expressing to us, their perspectives on this matter. Senator Kintner has disrespected Nebraska, Nebraska women, has dishonored this institution. And I believe that our voices of our constituents' matter. The voices of women and those that have experienced sexual assault matters. It is critical that we, as an elected body, as elected representatives, uphold the integrity of our institution, of our family, and that we stand up for women, we stand up for everyone. This is an issue that goes beyond and affects all Nebraskans. I join the call for his resignation, for censure, for whatever it is going to take to make sure that Senator Kintner is not able to represent this body in this way. And I ask that everyone continue to stay unified on this issue, because I believe it shows that we as individuals are capable of standing up for the integrity of this body and standing up for Nebraskans that right now are watching us and looking to us for leadership. Thank you. [LB45]

PRESIDENT FOLEY: Thank you, Senator Vargas. Senator Quick, you're recognized. [LB45]

SENATOR QUICK: Thank you, Mr. President. I, too, will not be supporting the motion to bracket LB45. I also have received messages from my constituents asking Senator Kintner to resign. I also want it known that as I was campaigning, going door to door, and also during a debate asked about my...how I felt about this situation that I felt that--and I have always felt this way--that he should have resigned. And I also told them that I would vote him out of office if that came before me. So I just want to go on record as stating that. So thank you. [LB45]

PRESIDENT FOLEY: Thank you, Senator Quick. Senator Watermeier, you're recognized. [LB45]

SENATOR WATERMEIER: Thank you, Mr. President. I've been quiet on the issue with Senator Kintner, but first I need to be clear on the motion to bracket. I'd be opposed to that and I've heard several people comment as far as also being opposed to the bracket motion. Let me give you just a little history of what I've gone through with Senator Kintner in the last year serving on Exec Board. I really respect what Senator Krist had done last summer when we had the Exec Committee, had all these come up in short notice. We really struggled and I remember the conversation explicitly. Even Senator Colby Coash had made the comment several times he wanted to push hard. But I think constitutionally, I don't want to paraphrase what he said but from me, constitutionally it was hard for me to stand between, myself, 40,000 elected constituents, and the constitution for him. And so I had told Senator Kintner three times last summer, Senator Kintner, I think it was time to leave, leave on a high note, leave while you have your integrity left, what's left of it. This week I asked him again, Senator Kintner, it's time to go. At this point in time I'm somewhat like Senator Schumacher, had brought up a good point about

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be careful what we do with our emotions in running a little bit free here. If this comes to the Executive Board, I will vote to allow it to come to the floor. I'm not ready to say what will happen with an expulsion motion, impeachment motion, or a censure motion. But in my role as the Chairman of Exec Board, I think it belongs in front of the entire body, and allow that conversation to be forth. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Senator Riepe, you're recognized. [LB45]

SENATOR RIEPE: Mr. President, colleagues, thank you very much. I stand now in support of my colleagues who have spoken for Senator Kintner to tender his resignation. I am both disappointed and disturbed by his judgment. We as a body must move forward with the Senator Kintner issue. We must move forward now. Thank you. [LB45]

PRESIDENT FOLEY: Thank you, Senator Riepe. Senator Chambers, you're recognized to close on your motion. [LB45]

SENATOR CHAMBERS: Thank you. Mr. President, as I stated at the beginning, you will not vote for this motion because I will withdraw it. And I will speak in a lawyerly fashion now. Senator...I always call him "Professor," ordinarily, but I have to call him senator today because he didn't live up to that. Senator Schumacher, first of all, we're not a court. We are behaving as a legislative assembly. Senator Kintner had a lawyer who delayed anything being done by the Accountability and Disclosure Commission through his lawyer-like delaying tactics, so that Senator Kintner could finish last year and stay in the body. Senator Kintner then chose not to reveal what was going on and what he had been accused of and stated his defense, if he chose to, by lying and saying that he couldn't speak. So he's shown that he's dishonest. You don't have to deal with a dishonest man as though he's honest. Secondly, the Exec Board chose to delay taking action until Senator Kintner was given an invitation to come to an Exec Board meeting, and his lawyer advised him not to come. So Senator Schumacher doesn't know all the opportunities Kintner has had to present his case. I'm not sympathetic toward Kintner at all. He's got nothing coming. He is controlling the Legislature. People are bending over backwards to accommodate him. He's got nothing coming. He chose not to appear before the Exec Board. The Exec Board voted unanimously to send him a letter telling him to resign by a certain day, and he said, no, he's not going to resign. As a lawyer, Senator Schumacher knows that when a person makes admissions in a legally binding agreement those admissions can be used in any proceedings in the future. He admitted that he violated the constitution. He admitted that he violated the statutes. He admitted that he violated regulations. There's no need to talk to him. There's no need for him to have a hearing. He's had all of this time to prepare whatever he had. I have challenged him to come on the floor and confront me. He will not even stay here when his matters are being

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discussed. He's had every opportunity. The court doesn't go out in the street and tell a defendant, come on, you've got to come here and take a hearing, you've got to come. No. Kintner's had more than what he is entitled to have, and he continues to defame and shame this Legislature. It wasn't enough to criminally misuse state resources. It wasn't enough for him to engage in that activity on Skype, which constitutes moral turpitude. He has never explained it. Then he offended again. With all of this going on, he offended yet again. And for you all who are religious, he did it on the Lord's day. I believe that the resolution should be drafted. It should be presented as the senator who is now our Speaker has said he would choose to have it handled. What will be the forum to have Kintner in? Are we going to delay everything the Legislature is doing to give him control once again... [LB45]

PRESIDENT FOLEY: One minute. [LB45]

SENATOR CHAMBERS: ...over our processes? His lawyer is the one who delayed it. There's no issue of due process here. All justice means is to give a person his or her due. He has been given every opportunity for over a year, and he's chosen to say nothing. He refuses to talk to the media. He has refused requests by his colleagues, even those who are friendly toward him, to resign. He has disrespected his wife. He has rejected the Governor's call that he resign, rejected the request by the Cass County Republican Party. We should proceed and realize that even "Professor" Schumacher can be mistaken, and today he was in what he said, in my opinion. And I ask to withdraw that pending motion. [LB45]

PRESIDENT FOLEY: Thank you, Senator Chambers. The motion is withdrawn. Senator Watermeier, you're recognized to close on AM39. He waives closing. The question before the body is the adoption of AM39 to LB45. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB45]

ASSISTANT CLERK: 34 ayes, 2 nays on the adoption of the amendment, Mr. President. [LB45]

PRESIDENT FOLEY: AM39 is adopted. Returning now to debate on LB45, Senator Brasch, you're recognized. She waives the opportunity. Senator Watermeier, you're recognized to close on LB45. [LB45]

SENATOR WATERMEIER: Thank you, Mr. President. Just to remind the body what we just did there with that last amendment. I probably should have closed on it. It was to strike the language, in "a trust," that we had inserted at the request of the DMV. That's still on the table, as far as I'm concerned, between General and Select. But I've got a few members that have vowed to help in the...you know, we'll get to it in the next week or two, as soon as we possibly can. Let's

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appreciate the debate on LB45 for the Military Honor Plates support. Thank you, Mr. President. [LB45]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Members, you've heard the debate on LB45. The question is to advance the bill to E&R Initial. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB45]

ASSISTANT CLERK: 40 ayes, 0 nays on the motion to advance the bill. [LB45]

PRESIDENT FOLEY: LB45 advances. Mr. Clerk, do you have items for the record? [LB45]

ASSISTANT CLERK: Mr. President, I do, thank you. Your Committee on Banking reports LB16, LB99, LB140, LB184, LB185, LB186, and LB196 all to General File. Your Committee on Enrollment and Review reports LB56 to Select File. Motions to rereference LB644, LB595, and LB661, all filed by Senator Chambers. New A bill. (Read LB46A by title for the first time.) Have notice of committee hearings from the Education Committee, the Transportation Committee, the Executive Board, Health and Human Services, and Natural Resources. In addition to that, Mr. President, I have a series of amendments to the motion to adopt permanent rules offered by Senator Burke Harr, Senator Wayne, and Senator Hansen. I have a report...two reports from the General Affairs Committee regarding gubernatorial appointments; and a new resolution, LR20, offered by Senator Baker, that will be laid over. (Legislative Journal pages 332-338.) [LB16 LB99 LB140 LB184 LB185 LB186 LB196 LB56 LB644 LB595 LB661 LB46A LR20]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Any additional items?

ASSISTANT CLERK: Mr. President, the next bill, LB80, offered by Senator Blood. (Read title.) The bill was read for the first time on January 5 of this year, referred to the Government, Military and Veterans Affairs Committee. That committee reports the bill to General File with no committee amendments. [LB80]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Blood, you're recognized to open on LB80. [LB80]

SENATOR BLOOD: Thank you, Mr. President and members of the Legislature, friends all. I rise today to bring forward LB80. This bill is a rather simple bill--in fact, I believe it was called a baby bill yesterday--and moves certain law clerks and law students from the classified service designation to unclassified service. I should point out that this bill will not only affect those law

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clerks and law students...excuse me. I should point out that this bill will only affect those law clerks and law students who are working for a county attorney or a public defender's office in counties with populations between 150,000 and 300,000. Prior to being elected a state senator, I had numerous conversations with area county officials. They made it clear to me that the current hiring process under the Civil Service Act makes it extremely difficult to recruit, hire, and then retain topnotch law clerks because of the strict framework laid out when it comes to promotions and pay scale for classified employees. As many of you know, it is common practice to move these employees up in increments, much as you would a medical resident. They often have difficulty recruiting and retaining highly qualified candidates because of this hurdle. Moving law clerks and law students to an unclassified status also puts them in the same hiring status framework as attorneys, which in turn makes it quite a bit easier to transition those clerks who are working for the county attorney or public defender's office to full-time employees. I also note for your consideration that there were no opponents or letters of opposition for this bill, and it was voted out of committee 8:0 without issue. This is a fairly simple and painless bill that I bring forward for your consideration today. Thank you and please vote green and show your support in moving this on to Select File. [LB80]

PRESIDENT FOLEY: Thank you, Senator Blood. Debate is now open on LB80. Senator Schumacher, you're recognized. [LB80]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Would Senator Blood yield to a couple questions? [LB80]

PRESIDENT FOLEY: Senator Blood, would you yield, please? [LB80]

SENATOR BLOOD: Senator Blood would yield to several questions. [LB80]

SENATOR SCHUMACHER: Thank you very much, Senator. When you talk in terms of law students and law clerks, are the students to fall within this category, do they have to be then enrolled as a full-time student or as even a part-time student in an accredited law school? Is that what you're talking about? [LB80]

SENATOR BLOOD: I don't think the qualification is really at issue. I think that would be up to each individual office. But it was my experience that it was indeed full-time students. [LB80]

SENATOR SCHUMACHER: Okay, because by taking them out of the classified service, we're...normally an officer doesn't have the discretion to move people just as to how they view the law. [LB80]

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SENATOR BLOOD: Right. [LB80]

SENATOR SCHUMACHER: So it would be probably a good thing if we indicate what your legislative intent is. Is this a full-time or at least a student currently enrolled in an accredited law school somewhere in the country? [LB80]

SENATOR BLOOD: It is. [LB80]

SENATOR SCHUMACHER: Okay. Thank you, Senator. I have nothing further. [LB80]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Seeing no other senators wishing to speak, Senator Blood, you're recognized to close on LB80. [LB80]

SENATOR BLOOD: I rise again to say that this a very simple bill, one that will be very beneficial to county attorneys and public defenders. And I ask that you just vote green and help me get this bill through to Select File. [LB80]

PRESIDENT FOLEY: Thank you, Senator Blood. Members, you've heard the debate on LB80. The question before the body is to advance the bill to E&R Initial. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB80]

ASSISTANT CLERK: 34 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB80]

PRESIDENT FOLEY: LB80 does advance. Next bill, Mr. Clerk. [LB80]

ASSISTANT CLERK: Mr. President, next bill is LB134, introduced by Senator Brasch. (Read title.) Bill was read for the first time on January 6 of this year. It was referred to the Agriculture Committee. That committee placed the bill on General File with no committee amendments. [LB134]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Brasch, you're recognized to open on LB134. [LB134]

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor. And thank you, colleagues. LB134 is a pretty simple bill as well. Some questions have been raised from my colleagues. Although I live on a farm, my husband and I farm, we have no chickens, we have no eggs. I have been told that cleaning a coop, a chicken coop, is not something that my husband cares to do ever again--



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that was his chore--and he's just guessing I don't want to. I have been egged on by Senator Schumacher to try to break out some yolks on this bill. But because of what's happened and feeling a bit scrambled this morning, I'm not only choosing not to tell yolks for his, even though he's laughing and smiling. I'm also not planning to read my very well-written four-page introduction of this bill. If you do look to your electronic devices and you pull this up, what LB134 does is it outright repeals the Graded Egg Act and it transfers authority to regulate egg handling operations into the Pure Food Act. What it does is it expands and it clarifies authorities of the Department of Agriculture under the Pure Food Act. Specific changes, that it inserts "egg handler" as a defined term under the Pure Food Act and assigns as a duty to persons selling or otherwise providing eggs for human consumption to comply with applicable regulations of the Department of Agriculture. They must properly identify eggs for source tracing. I'll make that very simple, because the question has been asked off the floor, is that if you have under 3,000 hens, you are not required to have a license. And that if you are interested in raising some hens and having eggs, say, for the very first time and you want to sell for consumption those eggs, regardless, you must have an identification number to sell those eggs for human consumption. So if you're an entrepreneur, you want to sell some eggs, you'll need to contact the Department of Agriculture or the USDA and get an egg identification number so they can trace the food source should there be problems with the egg at hand. It also talks about the food delivery service as defined under the Pure Food Act bill. The bill distinguishes food delivery service as a category of a food establishment for the purpose of annual inspection. And what that did is the last time that the...that the definitions were formed with the USDA with the shell egg surveillance inspectors, the regional directors, and the federal and state supervisors, when it came to food delivery service, individuals who were already defined as egg handlers, and these are individuals who don't crack the egg but the whole egg, they are paying a fee. They're paying, in an undefined category, they were paying up to an amount that exceeded \$100, where it now defines that they are in the service of food delivery and they're only paying a little over \$18. So there will be a savings. But what it does is it regulates the egg handlers that are not currently regulated under the Egg Act, and it does not impose any new regulations on small egg producers or egg sellers. And what it is, is that only a subset of people who are engaged in egg handling activities are required to be licensed under the Graded Egg Act, and it exempts from licensure producers that have a flock of 3,000 hens or fewer. And egg handlers, as any person who assembles, collects, breaks, processes, grades, packages, or wholesales eggs, they're subject to licensure, getting a license, only if egg handling is their only principal food-related business. And then the other, besides the food delivery and an egg handler, is that it also amends statute 81-2,281 to insert authority to the Department of Agriculture should a concern, a problem be reported to them. It clarifies that they do have the ability to seek answers, remedy situations with the egg handler. At this point, they may possibly. If the person is not cooperative or the business, they would need to seek a certain warrant and that, when it comes to food concerns, could be problematic if it's a situation where illness has come from the person being a small egg producer and a small handler. Perhaps I should have read officially from my four pages, but I know there have been questions

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on the floor. I do encourage my colleagues to vote green on this. Again, if neighbor is selling to neighbor, once you're a consumer you simply need to identify those eggs; that you are not required to get a license only if your few chickens end up being 3,000 or more chickens. If you are selling, you do need to get that egg identification number in place should a problem arise. The Department of Agriculture would like to quickly act if there is a problem with the egg that was delivered and handled; that there are only two businesses currently in practice in Nebraska that this does affect. It does not change them, but it would be a business in Pender, Nebraska, and in Columbus, Nebraska. Otherwise, the eggs that we have are covered under the Pure Food Act. Thank you, colleagues. [LB134]

PRESIDENT FOLEY: Thank you, Senator Brasch. Debate is now open on LB134. Senator Crawford, you're recognized. [LB134]

SENATOR CRAWFORD: Thank you, Lieutenant Governor. I had talked to Senator Brasch before the bill was offered, just clarifying. Wanted to make sure that we had on the record some conversation about Section 8 of the bill on page 7 of the green copy. This section struck me. It talks about any person who packs and sells or offers for sale or barter or otherwise provides for human consumption of eggs shall comply with all applicable requirements set forth in the rules and regulations adopted and promulgated by the department, and then shall establish the source of the eggs with the labeling and the packer identification number assigned by the department or the United States Department of Agriculture. And so I just want to, as I understand from our previous conversation, the language right now that says "shall comply with all applicable requirements set forth in rules and regulations," my understanding is that that is language that allows the department to put those regulations in place in the future, but that currently the rules and regulations of my neighbor whose bartering just with five chickens does not really...when they read the statute, there's not a major...there's not rules and regulations they need to go identify to make sure they're complying. So I just want to get that information on the floor and ask if Senator Brasch would yield to a question. [LB134]

PRESIDENT FOLEY: Senator Brasch, would you yield, please? [LB134]

SENATOR BRASCH: I yield. [LB134]

SENATOR CRAWFORD: Thank you, Senator Brasch. So, currently the language that says that any person, if we're talking about a person with five chickens and is just perhaps giving them to their neighbor, because that's also included in the statute, it could just be otherwise providing them for human consumption. If my neighbor has five chickens and is providing eggs to me, what are the applicable requirements in the rules and regulations that they would need to be concerned about? [LB134]

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SENATOR BRASCH: Thank you, Senator Crawford, and I do appreciate your question. You had just said when they give them to you. Now, the rules and regulation says: Any person who packs, sells, offers for sale, barter, or otherwise provides for human consumption of eggs shall comply. So once they decide that this is going to be a little business for them and they choose to sell, and if those five chickens, and they must check with their city ordinances because I believe I read a very good story about Senator Morfeld has a few chickens that he maintains in Lincoln. There's city ordinances. But say there's not ordinances. Those 4 chickens get to 3,000 hens. Then they do enter into all of the USDA, the Food Act, about egg grading, egg quality, egg density. But the mom and dad, maybe the high school kids are fund-raising, something, once you take money for that, it's a sale. And they simply need to go to the Department of Agriculture, make sure they have an identification number and/or USDA could help them get that identification number. That way, if there is a food-source question, issue,... [LB134]

PRESIDENT FOLEY: One minute. [LB134]

SENATOR BRASCH: ...problem that is reported, someone calls the Department of Agriculture, that they are able to trace the egg. [LB134]

SENATOR CRAWFORD: Thank you, Senator Brasch. I'm going to put my light on again, just so we have more time to continue the conversation, if you don't mind if I just go forward. [LB134]

PRESIDENT FOLEY: Just continue. Just continue, Senator. [LB134]

SENATOR CRAWFORD: Thank you. Thank you, Lieutenant Governor. So the language in the bill itself says...includes "or otherwise provides for human consumption of eggs." So that language I would interpret to mean, it isn't the case that you have to be selling eggs to comply, to be required to comply. But if you're providing eggs, if you're giving eggs out, this language would include those individuals as well. [LB134]

SENATOR BRASCH: Yeah. And the line above that, line 6, is very clear saying "packs and sells, offers for sale, barter or otherwise provides" eggs. And so I believe that what's really important, I think, is that if there's...even if they're gifting a quantity of eggs, and this is going to be a regular practice, they could go down to the Department of Agriculture. They could get their egg identification number established. They could end up going to a farmer's market. But individuals who are on a first-name, well-known neighbor basis, they may not need the department to come in, especially if it's under the 3,000 hen mark; that it may be something that the hen owners may choose to do as a hobby that...but this is basically designed to protect individuals and specifically to address the two businesses in Pender and Columbus where they do

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distribute eggs for resale to the co-ops and to also help reduce the fee they are paying. Right now they're under no category, which I believe brings them up to \$180, and it will bring them down to a little over \$18. So it will be a savings. [LB134]

SENATOR CRAWFORD: Right. Yeah, thank you. My concern to raise was a concern about whether or not this language in the bill really goes beyond that aim of what I understand the bill has, and I wanted to make sure that we're attentive to the fact that it does open the door for regulation. As the language is currently stated, it does open the door for regulation for any person who's in this category. And so I guess I would ask whether there's any conversation about limitations or restrictions in terms of what size you have to be or whether or not you actually have to sell in terms of opening this door to the rules and regulations and labeling. [LB134]

SENATOR BRASCH: I appreciate your questions on that. I truly believe that when it talks, you know, when you're speaking of gifts, you know, do we regulate when your neighbor gives you cucumbers, for example? [LB134]

SENATOR CRAWFORD: Right. [LB134]

SENATOR BRASCH: That is not something the Department of Agriculture is seeking to do. They did explain they are short staffed; that the Douglas County, Lancaster County, and I believe Grand Island, they have their own regulatory inspectors that work with the eggs, and where they would be able to come in here. It would be a benefit to the person. So that's a good question. From my asking them about the neighbor-to-neighbor question is that it would not be an encumbrance, a burden, or a change in practices now that are already in place in the current Egg Act that they're putting into the Pure Food Act. [LB134]

SENATOR CRAWFORD: Right. Thank you, Senator Brasch. I'm just concerned about being very careful about the language that we have in the law, and I'm concerned someone who may look to the law to see if they're complying, look up statutes and see this... [LB134]

PRESIDENT FOLEY: One minute. [LB134]

SENATOR CRAWFORD: ...could be alarmed or confused about what they need to do. The language itself suggests there might be this whole set of regulations they have to follow, and so that is a concern I have of moving forward in terms of thinking carefully about this clause in the language and what it is that we want to say. It seems broad in terms of saying any producer, any person who is even providing eggs for human consumption is under all of these regulations, and I understand that it may be limited efforts on compliance, but it raises a concern in terms of how

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broadly we're stating the law. So I'm considering and I understand the importance of all of the other language in the bill. [LB134]

PRESIDENT FOLEY: Time, Senator. [LB134]

SENATOR CRAWFORD: Thank you, Mr. President. [LB134]

PRESIDENT FOLEY: At this point, Senator, there are no other lights on. You're recognized to close, Senator Brasch, on LB134. [LB134]

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor. And in closing, I do appreciate the concerns that are expressed by Senator Crawford on the "any person." Between...I encourage your green vote, and I'm happy to look at perhaps an exemption to clarify. And just so there's no alarm, there are several exemptions in this entire bill that talk about educational institutions, healthcare facilities. If you pull up the bill you will see that certain food establishments, you have to be so many producers. Also there's a lot of exceptions that are stated. And if it would be more friendlier in nature, if that's what I'm hearing from her, for the very small informal operations that may be...charitable groups are already exempted, that I'm happy to look at that. And I want everyone to be comfortable with the bill, and this was designed to make it a more clear and better bill, help reduce fees. For those who are now paying a maximum fee, it will go down to the \$18. It has been reviewed by several food organizations, the grocers, and I believe it is a good bill. I am happy to try to refine it for those who are not in a commercial basis. I'd ask for your green vote. And I welcome any other suggestions. [LB134]

PRESIDENT FOLEY: Thank you, Senator Brasch. Members, you've heard the debate on LB134. The question is to advance the bill to E&R Initial. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB134]

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB134]

PRESIDENT FOLEY: LB134 advances. Mr. Clerk. [LB134]

ASSISTANT CLERK: Mr. President, a new resolution, LR21, offered by Senator Krist, it will be laid over. Requests to reintroduce bills: Senator Linehan to LB46; Senator Ebke to LB368; Senator Linehan, LB295; Senator Linehan, LB452; Senator Quick to LB506; Senator McDonnell to LB46; Senator Kolterman to LB645; Senator Groene to LB502 and to LB504. Amendment to be printed to LB46 from Senator Morfeld. (Also, Senator Blood withdraws her

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name from LB644, Legislative Journal pages 338-339.) [LR21 LB46 LB368 LB295 LB452 LB506 LB645 LB502 LB504 LB644]

And finally, Mr. President, a priority motion: Senator Ebke would move to adjourn until Wednesday, January 25, 2017, at 9:00 a.m.

PRESIDENT FOLEY: Members, you heard the motion to adjourn. All those in favor say aye. Those opposed say nay. We are adjourned.