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Floor Debate
February 16, 2017

[LB18 LB59 LB72 LB74 LB92 LB96 LB113 LB131 LB132 LB133 LB257 LB341 LB348
LB368 LB375 LB454 LB576 LR33 LR34 LR36 LR37 LR38 LR39 LR40 LR41]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. And welcome to the George W. Norris Legislative Chamber for the thirty-first day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Pastor Rob Clay of the Imperial Bible Church in Imperial, Nebraska, Senator Hughes's district. Please rise.

PASTOR CLAY: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Clay. I call to order the thirty-first day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

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

CLERK: Mr. President, a series of hearing notices from the Appropriations Committee, those signed by Senator Stinner as Chair. I have a communication from Senator Watermeier as Chair of the Special Committee regarding Election Challenge. And I have a communication from Senator Watermeier as Chair of the (Executive) Board regarding the appointment of the State Ombudsman. I also have acknowledgment of reports by the Legislature from various state agencies; those reports available on the legislative Web site. And finally, Mr. President, the weekly lobby report as required by state law. That's all that I have. (Legislative Journal pages 487-490.)

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR33, LR34, and LR36. Speaker Scheer, you are recognized. [LR33 LR34 LR36]

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SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. As we start this morning, I will perceive this to be the first day of the rest of our session. And having said and assuming that as we move to floor debate, I do want to make some comments in relationship on how I will be handling certain procedural motions under our current rules. With respect to the cloture motion, it's my intention that we will rule a motion in order after six hours of debate on General File, three on Select File, and an hour and a half on Final Reading. It was my intent originally when we had a long session to go eight, four, and two. But essentially today is the 31st day. We have turned our session into a short session. The numbers reflect the same percentages as an eight, four, and two. I have reduced it by one-third, so it will be six instead of eight. Half of six is three and half of three is an hour and a half, trying to be consistent with the numbers we've had. I also...and unless I discern that full and fair debate has occurred sooner, in which case I will entertain a motion of cloture earlier than the six, three, one and a half thresholds, I will make that determination based on the quality of debate, the number of participants, and the activity on the floor. It is my intention to follow...it was my intention to follow the previous eight, four, and two. However, those of you that were here the previous biennium will remember that Senator Hadley was six, four, and two I believe is what we were using the previous year. So mine is not a large discrepancy from that. If that cloture motion fails it is my intent to consider the bill finished for the year unless that bill is subsequently designated as a priority bill. Additionally, I intend to continue in general the practice of our recent Speakers to not reschedule any bill that fails to advance from the General File or the Select File, again, unless it has been subsequently designated as a priority bill. The same general rule of not rescheduling a bill will apply to any bill bracketed during debate and bills for which the principal introducer chooses to lay over their bill following a motion of indefinitely postponing pursuant to Rule 7, Section 3(a), Section 6. In other words if a principal introducer chooses to lay over the bill during the midst of a debate due to a filing of a motion of indefinite postponement, I will not reschedule the bill on the agenda without subsequent designation of the bill as a priority bill. A bracketed bill may also be rescheduled if, again, it is provided a priority designation. Hopefully, we can move forward. I wanted to make sure before we actually started what I consider our floor debate this session that everyone is aware of what I perceive to be what we will be utilizing on floor debate as we move forward. If there are any questions, please contact myself or Laurie in my office. A copy of this will be...should be or will be handed out this morning by the pages. We will also send this via email to each senator and staff so that they have that to go by. I believe this will lead us to a successful session. I'm optimistic this morning. I've got my big boy smile on this morning, so let's move forward and get some work done. Thank you very much.

PRESIDENT FOLEY: Thank you, Mr. Speaker. We'll now proceed to the agenda. The first item, motion to reconsider. Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to reconsider the vote taken yesterday with respect to the adoption of temporary rules.

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PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Chambers, you're recognized to open on your reconsideration motion.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, this motion was offered yesterday for a purpose other than just to reconsider a vote. It was to show that you're not going to be able to silence me whatever you do. But a motion to adjourn has a higher priority than a motion to reconsider, so we bring up the reconsideration motion this morning. There are things happening on this floor and away from this floor which I think merit comment. And the things that happen away from this floor I comment on because the individuals have implicated the Legislature. Now, the hounds are in full-throated bay, chasing a female. A Public Service Commissioner who is a woman is being attacked by various members of the Legislature and even the biggest coward in the state, the Governor, is now calling for an investigation. Why? This is the last man who ought to call for an investigation. He is supposed to be the top dog, yet he spent...he authorized the spending of \$54,000 to import illegal drugs into this state. There was no contract. There was no means established to get the money refunded and nobody called for an investigation. I asked for the Auditor to do an audit. He didn't do an audit. He didn't have the money or the time or something. But the Governor is not going to be investigated by anybody and he ought to be ashamed of himself. When a complaint was filed against me by one of Senator Kintner's minions saying that I was misusing state property by printing my "Kintnergrams" and distributing them, included in the complaint was a picture. It showed Kintner with the Governor, traveling with the Governor. That hypocritical person over in the Governor's Office was talking about Kintner ought to resign publicly. But I think he told him in private, don't worry about it. They're not going to do anything. I've talked to enough of the senators. Senator Murante, when we were having a meeting of the Executive Board--and he was a member of it last time--he was protecting and defending Kintner saying, we shouldn't act too hastily. Senator Hughes said that his people in his district didn't even care what Kintner had done. The Republican Party in its hypocrisy has a platform and in that platform is a plank saying they're opposed to pornography in all its forms. But they said officially they would not get involved in the Kintner matter because he was a "Repelican". He has a connection with the Governor. He had been doing the work of and for the Governor. Even after the Governor had full knowledge of what Kintner had done the Governor used him for an entire session of the Legislature carrying him around, carrying Kintner around, squiring him when he knew what Kintner had done. Then he ignored the wishes of the people in District 2 to appoint somebody who had supported Kintner. Then I see where the coward joining other cowards in the Legislature are running after this female member of the Public Service Commission. And on this particular incident I don't care if nobody on this floor listens, because with the phone calls I have gotten and the e-mails sent not to me but to my office, notes left, they do watch. And they do wonder why these senators will jump on the bandwagon chasing this woman when they were so unwilling to do anything about Kintner. I stood on this floor day after day after day, talked about Kintner, and not a puppy made a whimper on the floor; not one. Then they wanted to act like

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they had done something so great when he finally did something that compelled them to dislodge him. Then they went to his office and begged him to resign so that he wouldn't be the first senator repelled and these "Repelicans" wouldn't have to vote against one of their own kind whom they had been nurturing and supporting. Now, here they come. The "Repelican" Party, one named Dan Welch who is the head of that party, you know what he did when he was on the city council in Omaha? Black people in my community saw a little park about as far from my house as Serena could get a tennis ball if she gave it her hardest swing. He orchestrated the derailing of that effort by the city council. There was some board that has to do with agreeing or authorizing the naming of parks. They thought it was a good idea. The then mayor was not opposed to it. There was a former U.S. judge and prosecutor with whom I had not the best relationships but they all said, this is something that ought to be done since it was what the community wanted. I told the black people, don't go down there in that den of racists. I would never ask them to do anything for me, but you all think because you have something that you deem to be noteworthy they would not let the racism show. So in order that you can be taught a lesson by the racists themselves, go on and do what you're asking. Follow all the rules. Cross every "t", dot every "i", and let them slam the door in your face, being naive. Many of them Christians, they didn't think that would happen. And that's exactly what happened and Dan Welch led the effort. Where was that hypocritical coward when we had the Kintner matter when the Cass County Republican Party asked this Legislature to do something about Kintner? And do you know that resolution that they sent was never shared with the members of the Legislature until I did it? I, not a member of any political party, had to read a resolution written by the Cass County "Repelican" Party about how upset they were with Kintner and that they wanted the Legislature to do something about him if he didn't resign, which they were calling on him to do. What did the state "Repelican" Party do? Nothing. What did the "Repelicans" on this floor do in light of that resolution from one of their political party branches? Nothing. Quiet as mice. Who read it? I did. Who called out the Republican Party? I did. What republican on this floor said anything about the Republican Party violating one of its own planks about being against pornography? Not one. So I know what my job is here and I'm going to undertake it and I'm going to do it. And the public is having an opportunity to see who does what. They can see the partisanship. And the next time I speak--I'm going to turn on my light--I'm going to have something to say about what the Speaker said. All of a sudden now he is doing what you all call leadership. This was absent during the first 30 days, floundering, foundering, being allowed to make motions out of turn because he's the Speaker. Well, he can do whatever he says he wants to. He's not going to stop me. And he might have to stand up and say, I don't like the tone of the debate because Senator Chambers is the only one discussing the issue. I was the only one who discussed the Kintner issue, Mr. Speaker. You wouldn't say anything about it so you would be under your high-handed dictatorial action to say, Senator Chambers, you're the only one who's concerned about Senator Kintner so we're going to cut this off. There will be no more discussion of it. Then I'll find other ways. That's what you're going to make me do, Mr. Speaker, and I'm going to show you a thing or two as you think you can show me a thing or two. You've got some of these people under your

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thumb now, but when you carry out the Governor's wishes, his dictates and bring some of those crazy bills on the floor of this Legislature, you're not going to have unanimity then. And I'm going to watch you show your leadership at that point.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: I'm going to watch you cut some of these white Senators off. Try to cut me off. You're saying what the rules are. These people, so compliant, so "milquetoastist" that they're going to let one man dictate to them as to how they represent their constituents who voted them to come down here and do the work. You are not going to nullify what my constituents told me to do. Now, you can rule me out of order. And it's your white house and I will comply. But on other bills, you're going to have to do it. On other motions, you're going to have to do it. And you're going to have to do it again and again and again. Test me. Try me. I've seen what you're made of and it's pretty poor stuff. And you know why I'm talking like this? Because you are trying to treat me like a child and I won't accept it from you or anybody else on this floor. I don't work for you.

PRESIDENT FOLEY: Time, Senator. But you are next in the queue. You may continue.

SENATOR CHAMBERS: I was elected by people in my district to come down here and do a job. And you can impede what I'm trying to do. You can hinder what I am trying to do. But you are not going to silence me, you and nobody else and no collection of your white colleagues. And I certainly don't worry about the Governor. Before he got down here, he was out in one of those little towns like McCook where he probably thought I would never hear about it and said he was going to take care of me. He was going to form a coalition in the Legislature to handle me. What other senator has he ever said that about? Why won't he handle me himself? Because these cowards need to have a lot of company along with them. Not one of them will stand on this floor or any public forum as I will do and say what needs to be said. They'll swallow spit and try to accommodate people and say whatever they think the particular audience they're addressing wants to hear from them so that audience will be deceived into thinking they're listening to an honest man. He threw away \$54,000 of taxpayer money. Where are all those hypocritical conservatives? Where was Senator Groene, talking about he's concerned about the taxpayers' money? (Senator) Groene did not whimper about the Governor throwing away \$54,000. These others who want to talk about the duty and responsibility of the Legislature, they will cut our budget. Let the Governor cut our budget, but not one of them whimpered about the Governor throwing away \$54,000. That money has not been reclaimed. He has got his director of Corrections scampering and "skimpering" all over the country and around the world trying to get some of those death drugs. You've never seen the Governor so dedicated to anything as he is to trying to kill somebody through the agency and instrumentality of the state. And I say, when

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somebody has such an obsession, I think that is a certifiable mental ailment. I've never seen any Governor anywhere in the country so obsessed with the necessity of killing people. He has spent more time on that than any other thing. Spent a large amount of money, too. He spent more money trying to be sure he can execute somebody than he did on purchasing all the senators he purchased during this session. That's what we're dealing with. That's what I'm dealing with, not the rest of you. You all are going to roll over and let him do whatever it is he wants to do. So when I pick up the paper this morning and I see a headline about the Governor talking about an investigation, who's going to investigate? The corrupt Attorney General? Why do I say corrupt? Because Kintner's laptop was damaged; that would constitute tampering with evidence. The Attorney General did not investigate how that damage occurred and why it was damaged. The Governor didn't ask that any investigation be undertaken. But now that they're after a woman, after they're attacking a woman, here comes the Governor so he can probably get the Attorney General or somebody to investigate. And what are they going to investigate? And as for that, Senator Murante back there, I did what I said he should have done before he called that lady over there a liar. She said that her husband was not a paid staff member on Senator Vargas' campaign. (Senator) Murante said, that's a lie. (Senator) Murante, of all people. So I asked Senator Vargas. He said, no. That took care of it. But Murante wanted his lie in the newspaper to placate those out there that he will want to vote for him when he decides to run for Congress or something else. All these politicians have a motive that they will not put on the table. And when you find somebody talking about transparency, you watch how that person conducts his or her business. I don't want us to have public votes...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...for leadership, and I don't care what these fools say is my motivation. I just think it would hurt the activity and the forward moving of the Legislature. They cannot make me do or say anything else. They have you all scrambling around here trying to explain and account to them. A lot of the stuff they raise is outside the realm of intelligent debate, discussion, and you shouldn't even respond to it. I'm not going to do it, but I can read some of those robocalls that were going out, hooking a number of senators up with Senator Chambers, at least five or six of them. You're siding with...he's siding with Senator Chambers. Call him. That's the race card. That racist, white supremacist, Ku Klux Klan driven "Repelican" Party was using that tactic.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

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PRESIDENT FOLEY: Thank you, Senator Chambers. (Doctor of the day introduced.) Senator Chambers, you are recognized. This is your third opportunity, Senator.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, now that I have unburdened my soul...do I have a soul? Do you have a soul? You don't know. What is a soul other than that on the bottom of your shoe? There was a guy, he said, oh, God if there be a God, save my soul if I have a soul. Now that's probably the most honest prayer that has been uttered. But to whom was it uttered? I'd like to ask the Speaker a question if he would respond.

PRESIDENT FOLEY: Speaker Scheer, would you yield, please?

SPEAKER SCHEER: Certainly.

SENATOR CHAMBERS: Take a deep breath, Mr. Speaker. This is a question that deals strictly with the agenda. If we get through all the bills that are on the agenda this morning, what else will we do this morning besides that?

SPEAKER SCHEER: If we can get through the full agenda this morning, one, I would be elated; two, we would adjourn.

SENATOR CHAMBERS: Thank you, Mr. Speaker. Now everybody feels good. But suppose I decide to show that I'm going to stand up to the Speaker this morning and run this train off the track. I don't intend to do that. Having been here as many decades as I have...I've been here more decades than some of you have been months and you're going to try to outsmart me and tell me what I can't and can do. And I'd laugh at you, but you're not even worthy of laughter. I save my laughter for more significant things such as a very deep philosophical point that was made. Donald Trump, your so-called President, was walking through the Boeing plant. He hasn't done it yet, but is going to do it later on today, where the employees just voted against unionizing. And the head of the Boeing plant pointed to an old guy doddering and tottering around. He said, Mr. President, I want you to look at that man. Looking at him, you would think there's nothing distinctive about him. I want you to know he's been working for our company for 30 years. He started at the bottom 30 years ago and that's where he remains today. Now, that would make me laugh. That's worthy of a laugh. But the things you all do are beneath laughter. They're beneath contempt. And let me tell you why I say that. If you didn't know any better, you could not do any better. Nobody would be fair and just in making an assessment on which a judgment would be based if that judge was going to condemn somebody because they didn't do what they lacked the capacity to do. But you all can do better. You know how to do better. I don't know of another setting--because I don't know any of you that well, I'm speculating--any other setting where you would let somebody treat you like a child and tell you what you had better do, especially those of

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you who have children. Would you be proud to have your child see you handled in that fashion? When my children were little they never saw or heard anything from me that would make them feel their father is not their shield and their protector against any threat of any kind that might be leveled against them.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: And I told people and I said it on this floor many times in the old days, I would die and go to hell ten times before I would let somebody harm one of my children. And these teachers whom Senator Groene wants to run around here putting their violent hands on people, a couple of them made the mistake of touching my children. Now, I didn't punch any of them, but I went up there and I grabbed them. Every one of them was bigger than I was at the time, every one of them. But they knew that if I chose to punch instead of grabbing then it wouldn't be a pleasant experience. And I would give this rationale. There's less disparity between my size and you and your size and that child. I said, in fact, you're bigger than I am. Do to me what you tried to do to the child. Not one of them did because they were cowards just like the Governor and these cowardly senators.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. You're now recognized to close on your reconsideration motion.

SENATOR CHAMBERS: Thank you, Mr. President. And while I'm at it, I don't know if Senator Stinner is listening, I don't know if Senator Baker is listening, I don't know if the Speaker is listening. There aren't too many more than those in the Chamber. But Senator Clements, so people will know, he is, Senator Erdman is here, "Professor" Schumacher, Senator Halloran, Senator Lowe, Senator Hansen...I'm not going to go through everybody because if they pan the camera they'll see how empty the Chamber is. But of those who are here raise your hand, how many would like to see an 80-year-old man get on this desk and do a back flip with no hands? How many of you? Sometimes we have to learn to live with disappointment. We will get out of here early today if you all don't bring up unnecessary issues, if you don't make the train detour, if you don't put any impediments on the track. The Speaker was correct when he said that this can be viewed as the first day of this part of the session. But for me, it's the first day of the 60-day session. I brought us to where I said I wanted us to be, where it's not a long session anymore, but a 60-day session. There has been no 60-day or short session I've been here when the Legislature failed to do everything that needed to be done. And it didn't take 60 days to do that. There would

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be a lot of fluff, a lot of nonsense, a lot of unnecessary things offered. I'll kill off as many of them as I can, some of them I'll let go through. Why do I say I? I'm going to make you all hot, because this is all about me. Not ye, not thee, this is all about Senator Chambers. You all don't like that, do you? Well, show that it's not. Thirty days played right into my hands. And you all helped. Just like that little girl when they had Shake'N Bake, you made chicken, you put...they have all these ingredients in a box or a bag and you put a piece of chicken in it that's raw and you shake it and then you bake it. And they had this little snaggletoothed girl and they were making fun of the people called hillbillies, I'm sure, because this little girl went to her grandmother. And she bit that chicken, she said, this ain't fried chicken, this Shake'N Bake, and I helped. A little snaggletoothed white girl being used in that fashion. I don't like to see any child made fun of. And the reason I do it is to let you all know that I see how little you think of your own children. I wouldn't make a commercial like that. I wouldn't make any commercial that ridiculed a child. When I watch the news and I see some of the cruel things white parents do to their children and put it on that Internet...the only reason I know it, because it makes the news. You know what they were doing around Halloween? They were taking their little children's candy and then when the child cried, they put that and sent it all over wherever that Internet takes it. And people were laughing, they thought it was funny. This child who trusts you as a parent and you're going to tell that child, I took all of your candy and it's gone, and you get a kick out of watching your child cry? You all are just of the Abraham school where he would have killed Isaac if an angel hadn't come along. What you all need is one of Satan's minions--which you consider me to be--to enter your homes and teach you how not to abuse your own children. That's not funny. Nobody should laugh at the distress of a child. Who is the child to trust? It's like the man who supposedly put his little boy on top of the refrigerator, stood in front of him with his arms stretched out...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...and said, okay, son, jump. And when the little boy jumped he turned away and folded his arms across the chest and the little boy hit the floor. And as the little boy cried, he said, son, that's to teach you not to trust anybody. There are different ways to teach lessons to children than that. Adults don't want lessons taught to them in that fashion. So I watch what they do and don't just listen to what they say. But after they have said what they say and set the standard by which I should judge them, then I judge them by what they said they believe in. Then they get angry at me. Think about what you say on this floor before you say it. Mr. President, in order to help the Speaker get done what he wants to do in this 60-day session, I withdraw...I ask unanimous consent to withdraw that reconsideration motion.

PRESIDENT FOLEY: Seeing no objection, the motion is withdrawn. Items for the record, Mr. Clerk.

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CLERK: Thank you, Mr. President. Banking Committee reports LB72, LB96, LB257, LB341, LB375, LB454 to General File and LB92 to General File with amendments. A series of resolutions: Senator Kolowski, LR37 and LR38; Senator McCollister, LR39; Senator Halloran LR40. Those will be laid over. Education gives a series of hearing notices, Mr. President. Those are all signed by Senator Groene as Chair. General Affairs Committee will have an Executive Session at 9:30 in Room 2022. General Affairs, I guess, at 9:40 in 2022. That's all that I have, Mr. President. (Legislative Journal pages 490-494.) [LB72 LB96 LB257 LB341 LB375 LB454 LB92 LR37 LR38 LR39 LR40]

PRESIDENT FOLEY: Thank you, Mr. Clerk. We'll now proceed to General File, LB74. Mr. Clerk. [LB74]

CLERK: LB74 by Senator Crawford. (Read title.) Introduced on January 5, referred to the Urban Affairs Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB74]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Crawford, you're recognized to open on LB74. [LB74]

SENATOR CRAWFORD: Thank you, Mr. President. And good morning, colleagues. LB74 aligns the population thresholds related to municipal law on annexation, suburban development, and planned unit development by municipalities located in certain counties and it clarifies how these thresholds will be met. This bill is a part of an effort that we've undertaken in the Urban Affairs Committee over the past two years to really work through our first-class city statutes and our second-class and village statutes to try to clean them up and update them. And the threshold for counties that is outlined in this bill, LB74, it is a threshold change. So we thought that was a substantive enough change that it would be more appropriate to bring it as a separate bill instead of as just part of a cleanup bill. And also, it is found in statutes for first-class, second-class and in also the statutes that apply to all municipalities. So it didn't fit well in our other cleanup bills on that front either. LB495 and LB875, which were passed by the Legislature in 2009 and 2016 respectfully (sic: respectively) created different annexation and planned unit development procedures for cities of the first class, cities of the second class, and villages that are located in whole or in part within the boundaries of a county having a population between 100,000 and 200,000. LB877, also passed in 2016, established distinct review procedures for proposed subdivision plats in cities of the first class, cities of the second class, and villages that are located in whole or in part within the boundaries of a county having a population between 100,000 and 250,000. LB74 would align the county population thresholds for annexation, review of proposed subdivision plats, and the approval of planned unit developments at a range between 100,000 and 250,000. Sarpy County is currently the only county in this population range and Sarpy County is

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growing rapidly, which is another reason to align the threshold with a high range at 250,000. LB74 will also clarify that county population thresholds that impact municipalities are legally met by either the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census. This will address sections of current statute that are unclear as to the point at which a county population threshold is met. With that, I encourage you to vote green on LB74 in order to harmonize population thresholds in our statutes and clarify how those population thresholds are legally met. Thank you, Mr. President. [LB74]

PRESIDENT FOLEY: Thank you, Senator Crawford. Members, you've heard the opening on LB74. Debate is now open on the matter. Senator Crawford, you're recognized to close on the bill. [LB74]

SENATOR CRAWFORD: Thank you. Assuming there are no...since there are no questions, I'll just again emphasize that LB74 is to align our population thresholds and our municipal statutes and clarify how those thresholds are met. And I encourage you to vote green on LB74. [LB74]

PRESIDENT FOLEY: Thank you, Senator Crawford. Members, you've heard the debate on LB74. The question is, the advance of the bill to E&R initial. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, Mr. Clerk. [LB74]

CLERK: 33 ayes, 0 nays on the advancement of the bill. [LB74]

PRESIDENT FOLEY: LB74 advances. Next bill, Mr. Clerk. [LB74]

CLERK: LB131 is a bill by the Urban Affairs Committee. (Read title.) Introduced on January 6, referred to the Urban Affairs Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB131]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Wayne, you're recognized to open on LB131. [LB131]

SENATOR WAYNE: Thank you, Mr. President and members of the Legislature. I did have these notes written down approximately 25 days ago, so I had to reprint them and start all over and remember everything that we were going to discuss that first day. So I appreciate this body allowing this bill to be heard today. LB131 is a technical bill designed to address the issue of urban growth districts within the urban growth district statutes. In 2009, this body authorized the creation of urban growth districts as a mechanism to finance municipalities' infrastructure needs. Under the Revised Statute Section 18-2901 a municipality may establish one or more urban

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growth districts in the area of a municipality which were not within the corporate limits as it existed 20 years prior. Once the district is created, the municipality may utilize the estimated local option sales tax revenue generated within the district to issue urban growth bonds and refunding bonds to finance and refinance the construction or the improvement of roads, streets, streetscapes, bridges, and related structures. During the Urban Affairs Committee's work on LR155 interim study in 2015, it was discovered that the process of setting the territory for urban growth districts creates a chicken-egg scenario. Under the current statute the territory of a district must be within the area that was outside the corporate limits of the municipality as it existed 20 years prior to the issuance of any urban growth bonds. Since a municipality cannot issue urban growth bonds until first creating an urban district, it may be difficult, perhaps impossible under the current statute, for a municipality to accurately set the territory in which the district the current law is supposed to govern. LB131 would change the requirement for the territory of a urban growth district so that it is limited to the areas outside the municipality's corporate limits as it existed 20 years prior to the creation of the district rather than 20 years prior to the issuance of the bonds. LB131 received no opposition testimony at the hearing and was advanced by the Urban Affairs Committee 6-0 vote with one member being absent. I ask for a green vote to advance LB131 to Select File. [LB131]

PRESIDENT FOLEY: Thank you, Senator Wayne. Members, you've heard the opening on LB131. Senator Chambers, you're recognized. [LB131]

SENATOR CHAMBERS: Mr. President and members of the Legislature, I would like to ask Senator Wayne a question. [LB131]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB131]

SENATOR WAYNE: Certainly. [LB131]

SENATOR CHAMBERS: I have some preliminary questions--and this is his maiden voyage as Chair of this committee, so I owe it to him to do this--Senator Wayne, did we serve with each other on the Learning Community? [LB131]

SENATOR WAYNE: Yes, we did, Senator. [LB131]

SENATOR CHAMBERS: Were we representatives from the same subdistrict? [LB131]

SENATOR WAYNE: Yes, we were, Senator. [LB131]

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SENATOR CHAMBERS: Did we get worthwhile things done? [LB131]

SENATOR WAYNE: We got a lot done for that district. [LB131]

SENATOR CHAMBERS: This is a yes or no question. Are you ready? [LB131]

SENATOR WAYNE: Maybe. [LB131]

SENATOR CHAMBERS: We shall see. Senator Wayne, is the answer yes or no. [LB131]

SENATOR WAYNE: Or. [LB131]

SENATOR CHAMBERS: No, the or is between yes and no. Is the answer yes or no? [LB131]

SENATOR WAYNE: Yes. [LB131]

SENATOR CHAMBERS: Thank you. [LB131]

PRESIDENT FOLEY: Thank you, Senator Chambers. Seeing no other members wishing to speak, Senator Wayne, you're recognized to close on LB131. [LB131]

SENATOR WAYNE: First, I want to thank Senator Crawford and the work of the Urban Affairs Committee last year for working with the interim study and putting this bill and the bills following this and I just want to thank their work and I would ask again for a green vote to move this to Select File. [LB131]

PRESIDENT FOLEY: Thank you, Senator Wayne. Members, you've heard the debate on LB131. The question is the advance of 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, and I believe I heard a record vote request. [LB131]

CLERK: (Record vote read, Legislative Journal pages 494-495.) 33 ayes, 0 nays, Mr. President, on the advancement of the bill. [LB131]

PRESIDENT FOLEY: Thank you, Mr. Clerk. LB131 advances. Next bill is LB132. Mr. Clerk. [LB131 LB132]

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CLERK: LB132 by the Urban Affairs Committee. (Read title.) Introduced on January 6, referred to the Urban Affairs Committee, advanced to General File. Once again, I have no amendments to the bill, Mr. President. [LB132]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Wayne, you are recognized to open on LB132. [LB132]

SENATOR WAYNE: Thank you, Mr. President and members of the Legislature. LB132 is a cleanup bill that is designed to correct the issues from a bill that was passed last session. In 2014, the Urban Affairs Committee began a multiyear effort to update and modernize the statutes governing various classes of municipalities. In 2016, LB705 served as an omnibus cleanup bill for the statutes governing the cities of the first class. LB132 would correct issues that were missed in LB705, it harmonizes statutes, references in two sections dealing with improvement districts. It also clarifies references to extraterritorial zoning jurisdictions in two sections. LB132 received no opposition testimony at the hearing that was advanced by Urban Affairs on a 6-0 vote with one member being absent. I would ask for a green vote to advance LB132 to Select File. [LB132]

PRESIDENT FOLEY: Thank you, Senator Wayne. Members, you've heard the opening on LB132. Senator Schumacher, you're recognized. [LB132]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. These items appeared on the agenda fairly rapidly and they're about an inch thick here in the book. And I'll be quite honest, I haven't had opportunity to really think through them and their implications. But whenever you start talking about extraterritorial jurisdiction, it raises a little bit of a red flag for me because I spent some time as a city attorney and a village attorney. And what that basically means is that the town board or the city council gets to reach out into the land around the city with some of its regulations. And those folks around the city don't have any vote in electing that reach out agency. And oftentimes when these legislation occurs, an organization, a municipal organization or a city who's got lobbyists or whatnot comes in and makes the case and the folks around the perimeter don't even know the thing is before us and don't have any real chance for substantive input because they're homeowners and farmers and whatnot around the city. And this is an issue that is kind of complex and we're going to see a lot of over the years as particularly towns in the eastern part of the state around Omaha and Lincoln begin to grow and these become issues. So I think it's appropriate this morning if we have a bit of an explanation from the Urban Affairs Committee as to what is trying to be accomplished by these changes, who might be for these changes, how they would affect the folks around the perimeter with taxes, regulations, the use of their land. And to that end, I'll yield some time today to--I hate to do this to her--to Senator Crawford who I know has worked on these issues. And then we'll also ask Senator

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Wayne perhaps later on. Senator Crawford, I'd yield you the rest of my time to kind of give us a general explanation of what's behind these bills and the extraterritorial...the nature of extraterritorial jurisdiction. [LB132]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Crawford, 2:30. [LB132]

SENATOR CRAWFORD: Thank you, Senator Schumacher. And, again, this was part of the cleanup effort. And so the intent with LB132 is not to change or grant any additional authorities in extraterritorial jurisdiction, but instead to clean up some of the statutory references. And so that includes things like changing language. In some parts of the statute it talks about two miles outside of the limits of the city and instead when we cleaned up the language we always refer to that area as the extraterritorial zoning jurisdiction. And so areas that there was an example where that was not caught and it includes that in the bill. Actually, and there are--I'm just going to roll up to the beginning of the bill--and there are areas where there is a missing referent. And in terms of the improvement district created pursuant to Section 16-619 or 16-624. And I will... that was a missing referent that was not pulled in when the initial clean up was done. So I would say in term of... [LB132]

PRESIDENT FOLEY: One minute. [LB132]

SENATOR CRAWFORD: Thank you, Mr. President. I will let Senator Wayne pick up in terms of 16-623. But it is adding...16-624. That was a reference that was added just where it generally was expected to be referred to as one of the improvement district sections that we always need to consider when we're talking about the improvements. And it just was a reference that was missed in terms of making sure that was clear and clean in the statute. So improving definitions and there was a missed reference is my recollection and understanding of the key changes that are in there. And, again, the misreference is 16-624. So we can look that up and see what that reference is. [LB132]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Friesen, you're recognized. [LB132]

SENATOR FRIESEN: Thank you, Mr. President. Yes, when I first looked at this bill, too, when we talk about the extraterritorial distance around a small village especially, some of the small cities and villages, they control the power distribution around in that area, too. And I was just...I guess from my clarification, you're just...Senator Wayne, would you yield to a question? [LB132]

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PRESIDENT FOLEY: Senator Wayne, would you yield to a question, please? [LB132]

SENATOR WAYNE: Yes. [LB132]

SENATOR FRIESEN: I guess my question is, this doesn't really change any of the territorial limit or anything else, it's just clarifying language and it refers back to the distance statute somewhere else? [LB132]

SENATOR WAYNE: Yes. All this does is simply harmonize. There was a section that was missed and it just makes it clean as far as the definition in which the other sections of the other statutes reference. It just clarifies it and mimics the exact same definition to make sure it's clean. We just missed...the committee missed these two sections when they were cleaning it up last year. [LB132]

SENATOR FRIESEN: Okay. Thank you very much. [LB132]

SENATOR WAYNE: It doesn't change anything. [LB132]

SENATOR FRIESEN: That clarifies everything enough for me. Thank you, Mr. President. [LB132]

PRESIDENT FOLEY: Thank you, Senator Friesen and Wayne. Senator Krist, you're recognized. [LB132]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. Again, I would echo the concerns of Senator Schumacher because this is a case all across Nebraska where...let's just talk about the metropolitan area in the city of Omaha. It's a metropolitan class and therefore by definition of the extraterritorial zone around there is three miles around the area. This is taxation without representation at its best. Those of us who live in a three-mile arc around the city of Omaha cannot vote for the mayor or any city councilmen, but we are bound by...as an SID by what those people, those decisions that are made. So extending it or changing it is a huge deal and it changes some dynamics across the board. I would hope that somebody at some point really look at that issue of taxation without representation. And if you're within that three-mile arc, you should be able to vote. But that's a discussion for a different day. I'd like to ask Senator Wayne a question if I could, please. [LB132]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB132]

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SENATOR WAYNE: Yes. [LB132]

SENATOR KRIST: Just for clarification, Senator Wayne, you're taking out references that specifically say for a city of the first class, understanding the metropolitan class is different from the first is different from the second, but you're taking out the reference of two miles. Is that reference for two miles, just to make a record...a legislative record, those definitions of the exact distances are located in another statute, is that correct? [LB132]

SENATOR WAYNE: Section 16-901 defines ETJs for cities of the first class, and we are just harmonizing--since that's already in the statute--we are just harmonizing everywhere else in the statute which is referenced to match that definition. [LB132]

SENATOR KRIST: So this is innocuous in the fact that it is basically using a label that is defined someplace else in the statute and it harmonizes the way the rest of the statutes are written? [LB132]

SENATOR WAYNE: Yes. [LB132]

SENATOR KRIST: Okay. Thank you very much. [LB132]

PRESIDENT FOLEY: Thank you, Senators Krist and Wayne. Senator Schumacher, you're recognized. [LB132]

SENATOR SCHUMACHER: Thank you, Mr. President. Senator Wayne, would you yield to a question? [LB132]

SENATOR FOLEY: Senator Wayne, would you yield, please? [LB132]

SENATOR WAYNE: Yes. [LB132]

SENATOR SCHUMACHER: So what is the extraterritorial jurisdiction of a city of the first class? [LB132]

SENATOR WAYNE: The exact definition? [LB132]

SENATOR SCHUMACHER: Yeah. [LB132]

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SENATOR WAYNE: The exact definition is two miles. So we are...instead of having two miles in every section, we just referred back to Section 16-901 and where the word is used, ETJ is used, it refers back to the other section as two miles. So the definition of it does not change. [LB132]

SENATOR SCHUMACHER: And I do not have 16-901 before me, but you're saying that that is two miles for a city of the first class? [LB132]

SENATOR WAYNE: Yes, Senator. [LB132]

SENATOR SCHUMACHER: Okay, I'll check that out, because for some reason I'm thinking a first class is five miles, but I might be wrong on that. What is sometimes not necessarily good policy is when city attorneys and village attorneys and people just...ordinary people trying to read the law look at a bill and then it references off to some other section when they read one section. It makes it very confusing to make them look someplace else if they're arguing with a city bureaucrat as to whether or not they are not within or within a city jurisdiction. And if it is two miles and that's what the...it's defined at in this other section then what good is being accomplished by using kind of a code system and striking two miles from all these other parts of the sections? You then have got to be more and more of a lawyer in order to trace back the thing. So, what's sold as modernization may also be a shorthand for next year or some point along the line, we'll change that one section and expand the jurisdiction way out. I'm going to check on 16-901 to see if that's accurate that that is within the...that's defined as just two miles for a city of the first class. What I was hoping for in initiating this discussion is a little bit of a tutorial as to how cities exercise their jurisdiction outside of their physical boundaries, because this phrase comes up in some of the other bills that we're going to have today and it would be nice for everyone, particularly folks who are going to be here for six or eight more years when this language comes up and these issues come up to say, oh, yeah, I remember that and here's what to watch for. And so far, we haven't had that discussion. But it is an important discussion because there is variability as to how far a city can reach out for some things and how far an impact on land owners and communities around a city can be had. And I was hoping for that discussion. Apparently, we're not going to have that discussion this morning. I probably have forgotten a whole lot of what I know about it, but these are issues particularly in areas where we have expanding cities and conflicting rights between the folks that live in and outside of the limits. [LB132]

PRESIDENT FOLEY: One minute. [LB132]

SENATOR SCHUMACHER: So, thank you, Mr. President. [LB132]

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PRESIDENT FOLEY: You had another minute, Senator. I don't know if you heard me correctly. You're done? Okay. Senator Halloran, you're recognized. Senator Halloran. [LB132]

SENATOR HALLORAN: Thank you, Mr. President. Colleagues, Nebraskans, would Senator Wayne yield to a question, please? [LB132]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB132]

SENATOR WAYNE: Yes. [LB132]

SENATOR HALLORAN: This may be as much a comment as a question, but I guess I'm always a little skeptical when laws have to be interpreted by a lawyer or lawyers or attorney or attorneys. But everybody understands two miles. Everybody understands three miles. And to Senator Schumacher's point, I think the clearer we make laws the better the laws are for all involved. And I'm a little skeptical that extraterritorial zoning jurisdiction...over time the definition can change and favorably or unfavorably to all the parties involved. So I'm inclined to stick with...and maybe if we have to go back to other statutes where extraterritorial zoning jurisdiction is defined currently at two miles, that we take out the extraterritorial zoning jurisdiction and just say how many miles it is. So my question is, why is it that we can't do that? [LB132]

SENATOR WAYNE: It's not a matter of whether this body would want to do that or can do that. We can do that. However, the bill before us was just...there was a section that was left out in 2015 when this or 2016 when they cleaned it up. We're just fixing that section. The conversation you want to have would impact multiple statutes outside of the two areas that we're looking at today, but I'm not opposed to having that conversation either. [LB132]

SENATOR HALLORAN: Okay. Well, I appreciate it. I just, again, just to repeat myself because we all have a tendency to do that here, I think two miles is very defined--or in the case where it is defined as three miles--we need to have those kind of definitions, something clearer than a multisyllable series of words that can be defined later as something other than what it is certainly. But, thank you, Senator. [LB132]

SENATOR WAYNE: Thank you. [LB132]

PRESIDENT FOLEY: Thank you, Senators Halloran and Wayne. Senator Albrecht, you're recognized. [LB132]

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SENATOR ALBRECHT: Thank you, President Foley. I rise today with my experience from city council and county board, and I was with the Papillion City Council for eight years, Sarpy County Board for four. Very much enjoyed the time that I spent with them. But to Senator Schumacher's question about the extraterritorial jurisdiction, it's a word that is embedded in my mind because when I did serve from 2006 to 2010, to be able to protect cities like Gretna, Springfield, that extraterritorial jurisdiction allowed...would, if you take this away, it would allow those cities to be...if somebody wanted to go out and take...a larger city wanted to go out into those areas and put their city ordinances on them and but more importantly, annex them, they could go out, if there's no jurisdiction whatsoever, they could easily take over smaller towns. So if that's the intent of not only LB131 but LB132 and LB133, I very much caution this body by taking those extra two miles out without further discussion. [LB132 LB131 LB133]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Hansen, you're recognized.
[LB132]

SENATOR HANSEN: Thank you, Mr. President. And just because we had the question earlier on the microphone, I wanted to officially read it in. Section 16-901(1) says, "Except as provided in Section 13-327 and subsection (2) of this action, the extraterritorial zoning jurisdiction of a city of the first class shall consist of the unincorporated area two miles beyond and adjacent to its corporate boundaries." So there's that two mile definition in the statute. I did support this bill, as an Urban Affairs Committee member. And I think it is...in fact, does clean up and follow up efforts we'd made in the past year to be concise and consistent. If we overall as a body decide to object to the extraterritorial zoning jurisdiction definition, that is something we certainly can do, as Senator Wayne pointed out. However, that will require a set of wholesale changes throughout our statute book and will probably be best handled in a future year in a future bill. This bill is, in my mind, a simple cleanup bill. I do not think that there are significant policy changes being made in the bill outside of harmonizing provisions to meet a single statutory definition. Obviously, as we've already seen and proving with LB132, when we go through and change some sections of statute and you might not catch them all. So, for example, let's say what somebody wanted to do and changed three to five or two to one or what have you, we would have to go through and change every single section and make sure we caught them all and if we didn't catch any we would have to go back and double check or maybe have some areas where some sections didn't work or go across. To me, my mind, extraterritorial zoning definition is just kind of like a city municipal classification. We define cities of the metropolitan class, I believe cities of above 300,000. We can get rid of the term city of the metropolitan class and just say cities above 300,000, but that's going to be hundreds if not thousands of different statutes that we'd have to amend. And then if we ever wanted to change that definition, we would then have to go through and change that as well. So those are just kind of my thoughts and I do appreciate that we have good discussion on the bill on the body of the floor and I appreciate all of my other colleagues rising to make sure their concerns are raised. Thank you, Mr. President. [LB132]

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PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Crawford, you're recognized. [LB132]

SENATOR CRAWFORD: Thank you, Mr. President. And I concur with Senator Hansen's analysis that he raised in terms of talking about the extraterritorial jurisdiction. It is for people who...it is a common definition and it is the case that it's clearly defined in statute and then many of our statutes then are about that area, the extraterritorial jurisdiction. And so keeping it clearly defined in one area of statute means that should we make changes or decide to make the extraterritorial jurisdiction larger or smaller, then we have one place in statute to change that instead of trying to catch every single place in statute where that term is used. And so it is appropriate in clean up to use that term, extraterritorial jurisdiction, and there is very...it's clear and easy for someone to find out what that is for their class of city. And so...and again, I want to emphasize and clarify that LB132 does not make any changes in what the extraterritorial jurisdiction is. That's clearly laid out in statute in another place. It simply cleans up language in one area of our statute where it mentioned it in terms of two miles instead of using the term, the legal term extraterritorial jurisdiction. And so there is no change in extraterritorial jurisdiction in LB132. And also, I wanted to just follow up for the record and for your information, when I was on the mike earlier I did not remember exactly what 16-624 was. This area of statute that we are fixing with LB132 is an area of statute that talks about improvement districts. And if you look in the statute, Chapter 16, Section 624 is really a section that talks about how owners who want improvement districts can petition...come together and petition to have an improvement district in their area. So this is an important part of the statute where again, it's the owners themselves coming together to petition the city to allow there to be an improvement district to make improvements that those owners want to make in that part of the extraterritorial jurisdiction. So it's an important reference to make sure is included in this section of our statute that talks about the improvement districts for municipalities. Thank you, Mr. President. [LB132]

PRESIDENT FOLEY: Thank you, Senator Crawford. Seeing no other members wishing to speak, Senator Wayne, you're recognized to close on LB132. [LB132]

SENATOR WAYNE: Thank you, Mr. President. And thank you, Senator Hansen and Senator Crawford, for giving a little more history and detail. But Senator Crawford is correct in the fact that this would harmonize not only the statutes but it will allow statutes or people of the public to be able to go look at the statute and define...understand what it is and why it's defined the way it is and where it's at. Instead of looking at multiple different places within the section, they can actually open up the statute and read it in one location. So with that, I would ask a green vote and to move this to Select File. [LB132]

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PRESIDENT FOLEY: Thank you, Senator Wayne. Members, you've heard the debate on LB132. The question is the 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. [LB132]

CLERK: 31 ayes, 5 nays, Mr. President on the motion to advance the bill. [LB132]

PRESIDENT FOLEY: LB132 advances. Moving on to the next bill, LB133. Mr. Clerk. [LB132 LB133]

CLERK: LB133 introduced by the Urban Affairs Committee. (Title read.) It was introduced on January 6, referred to the Urban Affairs Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB133]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Wayne, you're recognized to open on LB133. [LB133]

SENATOR WAYNE: Thank you. Thank you, Mr. President. Thank you, members of the Legislature. Again, this is similar to the last bill. In 2014, the Urban Affairs Committee began a multiyear effort to update and modernize the statute. LB133 is an omnibus cleanup bill for statutes...Chapter 17 governing cities of the second class and villages. Much of the current language in these statutes has not been amended since it was codified in 1943 and some of them date as far back to the 1800s. LB133 amends more than 300 separate sections and the changes contained in the bill are generally categorized in the 12 categories. The key changes in the bill are changing terminology. So instead of having governing body, we change it to city council or village board of trustees. Instead of second class cities, we change it to the city of a second class. It clarifies references to zoning jurisdictions or ETJ referred to in different ways in many different sections and harmonizes that. Changes all references to ETJs to use the term extraterritorial zoning jurisdiction. It also amends Section 17-1001 to define the default ETJ of a city of a second class or a village as an incorporated area one mile beyond the adjacent...and adjacent to the corporate boundaries. Clarifying references to legal newspapers referred to in different ways in different sections. Some of the statutes say legal newspapers, others just say newspapers. The bill uses the same phrasing in all published...in all cases which is published for a period x in a legal newspaper in or in the general circulation of the city; uses legal newspapers, since there is an existing statutory definition of legal newspaper which, just for the record, is Section 25-523; and in every newspaper the state currently meets the current definition within the statute. In cases where there is no legal newspaper or general circulation in a city of a second class, provides a default procedure for public notices by the city or village; replaces and eliminates antiquated or obsolete language among the antiquated and archaic language eliminated telegraph poles, steam-powered rail cars, tipping shops, hitch posts and rails,

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freeholders, servants; transfers the section of the statute to another area of the municipality codes. For example, statutes on platting were clearly intended to apply to all classes of municipalities but have been misplaced in Chapter 17, which applies to cities of the second class. In addition to key changes, LB133 makes a large number of technical changes, including: corrective subject verb agreement; clarifying references to improvement districts; correcting references to city officials; correcting gender references; eliminating run-on sentences; correcting and harmonizing statute references. LB133 received no opposition testimony in the committee hearing and was advanced from Urban Affairs on a 6-0 vote with one member absent. I ask for a green vote to advance LB133 to Select File. [LB133]

PRESIDENT FOLEY: Thank you, Senator Wayne. Debate is now open on LB133. Senator Schumacher, you're recognized. [LB133]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. On page 98 of the bill it talks in terms...there's some change of language and I want to make sure that I understand what's going on, because this is a hot-button issue in a lot of small towns. Cities of the second class and villages shall have the power to regulate the crossing of railway tracks--and then this language is stricken--to provide precautions and prescribe rules, regulating the same and to regulate--and then the striking stops--the running of railway engines, cars, or tracks within the corporate limits of such city or village. And stricken: to prescribe rules and regulations and to govern the speed of such engines or tracks thereof. Senator Wayne, would you yield to a question? [LB133]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB133]

SENATOR WAYNE: Yes. [LB133]

SENATOR SCHUMACHER: Senator Wayne, if you know, is this intended to be a substantive change in the ability of a city of the second class to come up with rules and regulations regarding the behavior of cars and or railroad cars and trains within its jurisdiction? [LB133]

SENATOR WAYNE: Not at all. Actually, it just makes it easier to read. So it says: shall have the power to regulate the crossing of railways and. And what we're doing is taking out: to provide cautions (sic: precautions) and prescribe rules regulating the same. Well, if you already have the power to regulate it, we don't need to provide cautions and prescribe rules regulating, because you already have the power to regulate. So it's extra wording that is not needed because the ability to regulate does just that. [LB133]

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SENATOR SCHUMACHER: So if, let's say, along Interstate 80 there's several...a whole bunch of towns along the way, smaller towns that the railroad runs the trains through. And the trains usually go buzzing through there at a pretty high rate of speed. Is it the intent of this provision to allow them to slow down those trains as they go through? [LB133]

SENATOR WAYNE: It is the intent for them to have the same power that they have currently to regulate. We're just saying it doesn't have to say provide precautions and prescribe rules regulating the same. That's legalese and "lawyerish" that we don't need in the statute and we just think if you have the power to regulate, all that covers those extra terms. [LB133]

SENATOR SCHUMACHER: So is the answer, yes, they can slow down the trains? [LB133]

SENATOR WAYNE: The answer is, they will have the same power that they current have. [LB133]

SENATOR SCHUMACHER: And what is that? [LB133]

SENATOR WAYNE: That they...actually, there's a lot of different statutes that touch on whether they can slow down a train. Not just statutes, but federal regulations. In some places they can slow them down to a certain percentage of their speed and some places they can't, depending on some of the federal regs too. And I'm not a expert today in federal regulations. [LB133]

SENATOR SCHUMACHER: Okay. Thank you, Senator Wayne. I have nothing further. Thank you. [LB133]

PRESIDENT FOLEY: Thank you, Senator Schumacher and Senator Wayne. Senator Crawford, you're recognized. [LB133]

SENATOR CRAWFORD: Thank you. I rise in support of LB133. And I did want the body to know that in the process of making the changes in the bill, it is many pages of statute. But we...those changes were broadly sent out to our second class cities and villages so that they all had a chance to read it and see if there's anything that they had concerns on to let us know. And also individuals with the League of Municipalities who regularly work with cities in using these laws also looked through these changes as well. So there were a lot of eyes on these changes from the people who most often use these statutes. And so I wanted the body to know that that was part of the process to make sure that the individuals in the municipalities had a chance to see and review these statutes. And so to Senator Schumacher's concern, for cities where this is an important issue, I hope...and that they looked at that statute as well. As I read it, it does...the

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language in that section says that the city can make any other further provisions, rules, and restrictions to prevent accidents at crossings and on the tracks. And so that language I think is inclusive in terms of addressing...making sure municipalities can address those issues that they think are important safety issues within their municipality where there are issues of railway tracks. And so again, it is intended as a cleanup language to make it simpler, not intended with the stricken language to remove any powers but just to...those areas that are stricken would be powers that are still present in the language that remains. Thank you, Mr. President. [LB133]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Albrecht, you're recognized. [LB133]

SENATOR ALBRECHT: Thank you, President Foley. Again, I caution all of this rewrite. Would Senator Crawford yield to a question, please? [LB133]

PRESIDENT FOLEY: Senator Crawford, would you yield, please? [LB133]

SENATOR CRAWFORD: Yes. [LB133]

SENATOR ALBRECHT: So can you...thank you. Can you let me know how many people actually testified on this or is this something that you worked through in an interim study to make all these changes? [LB133]

SENATOR CRAWFORD: There was an interim study, yes. And actually, just so that you know for this bill and future bills, whenever there is a bill on the board a good way for you to know who came to testify is your Chamber View also gives you a link to the committee. [LB133]

SENATOR ALBRECHT: ...for the record, I'm asking you if you can tell us who it was. [LB133]

SENATOR CRAWFORD: Yeah, I'm...so it provides a link to the committee statement. And so there you can see who testified. And we had for this bill testifying in support was the League of Nebraska Municipalities and the Nebraska Press Association. And so really the League... [LB133]

SENATOR ALBRECHT: Okay, thank you. That leads to one of my questions. Page 110, where they take out the ability...it will be published in a paper, but if you're in the smaller communities and you don't know that a larger municipality is going to impose annexation on your area or ordinance authority or...you have to allow the people a chance to come and talk about it, so that concerns me. When you take out any of those extraterritorial jurisdictions, you know, you run

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the...schools are affected, fire departments are affected, whether it's a paid fire department or a volunteer fire department. I'm just, I want to just caution everyone. I know that you've worked hard on this cleanup bill, but it's a cleanup bill that is for those folks who came in, in not opposition but a proponent of these changes. So again, I live in a small town now but living in the big city, it's only right that the folks that live in these smaller towns have a voice on what the big cities might decide to do to them. So, again, I would be in opposition of LB133 for that reason. Thank you. [LB133]

PRESIDENT FOLEY: Thank you, Senator Albrecht and Senator Crawford. Senator Bostelman, you're recognized. [LB133]

SENATOR BOSTELMAN: Thank you, Mr. President. I rise to speak to the same area that Senator Albrecht just spoke of. My concern with this--and maybe it can be explained to me--is where we strike out the language talking about the posting...public posting in three places. A lot of our small communities don't have a paper. It's local...it's a regional paper, it comes out once a week, if that. You get it two or three days later and the best way we can get information out is by posting it publicly in like in the post office or the public square or those areas. And I guess I have concern, especially in that area there, that we're not going to be able to get appropriately publish or notify the public of upcoming meetings. And I guess...would Senator Crawford or Senator Wayne...Senator Wayne, could you yield to a question on that? [LB133]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB133]

SENATOR WAYNE: Yes. [LB133]

SENATOR BOSTELMAN: My concern with this is that we're going to take the opportunity for publishing notices in a timely manner away from our smaller villages and communities. Could you address that? [LB133]

SENATOR WAYNE: Yes. So actually on page 68, to Senator Albrecht and your concern, on 68 of the bill we've actually struck out that language and created that same language in page 68 to make it apply to all sections so it's consistent throughout the entire statutes. [LB133]

SENATOR BOSTELMAN: Okay. [LB133]

SENATOR WAYNE: So it's reposted right there, so. Thank you. [LB133]

SENATOR BOSTELMAN: Okay, thank you. [LB133]

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PRESIDENT FOLEY: Thank you, Senator Bostelman and Senator Wayne. Senator Chambers, you're recognized. [LB133]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I'd like Senator Albrecht to just look in my direction. Thank you. I would like Senator Bostelman to look in my direction. Thank you. I would like Senator Halloran to yield to a question or two, if he will. [LB133]

PRESIDENT FOLEY: Senator Halloran, would you yield, please? [LB133]

SENATOR HALLORAN: With pleasure. [LB133]

SENATOR CHAMBERS: Senator Halloran, what city are you from? [LB133]

SENATOR HALLORAN: I consider it a fine town of Hastings. [LB133]

SENATOR CHAMBERS: Well, that would be considered a larger city than the ones that Senator Albrecht may have been concerned about. Is that correct? [LB133]

SENATOR HALLORAN: Maybe. [LB133]

SENATOR CHAMBERS: Okay. Thank you. Here's what I'm going to ask you all. I'm a villain, based on what people in your area think. I don't care what happens to you all, based on what people in your district think. All these absent people would be considered your kind of people. Where are they? Now, these things that you're talking about, as you all pointed out, may have no impact on the bigger cities at all. What I have said repeatedly, I am elected by way of a district, but every person in Nebraska is one of my constituents. All of the cities are a part of Nebraska. The boundaries of cities are artificial designations and separating factors, but people are supposed to be people everywhere. If there is something that is a concern to people in what is considered one of these smaller-sized municipalities, is that to be taken to mean that because the municipality by definition is smaller, the concern is of lesser weight to the people who live there if it impacts on them than it would be to somebody who lives in Lincoln or Omaha or some of the larger cities? I want you all to pay attention. Don't listen to everything that you were told and take it at face value. Where is Senator Groene, Senator Friesen, Senator Linehan? And I'm not going to call the roll of those who are absent. See, here's the way a song goes that they used to sing when I was a little kid in church and didn't know any better and had no freedom not to go to church. When the roll is called up yonder, I'll be there. When it's called I'm going to be there. Whenever it's called, that's where I'll be. You know what these people say? Don't call the roll until I get there, because they're not here. They don't care about you all. It's insignificant, it's

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trifling. That's the interpretation I give it. Truly, it has no impact on me, no impact on the people in the district I represent if I'm going to limit my representation to that geographic area. There are notions which people have developed, I'm sure, from what was said yesterday by the Speaker. We haven't dealt with a contentious issue yet. You saw what happened when we were talking about the rules. That was semicontentious. When these hard issues come, kumbaya, you're going to say goodbye to kumbaya, because it's not going to be here. I've worked as hard as, and maybe harder than most, on everything that's been before us every day of this session,... [LB133]

PRESIDENT FOLEY: One minute. [LB133]

SENATOR CHAMBERS: ...every day of this session. You won't be able to go to a page or a number of pages in the transcript where I was not participating. And I was serious about everything that I said. The "professor" and I sometimes have conversations off the mike. We make observations to each other. And this is one that I thought needed to be put on the mike for the record and you all need to talk to your absent buddies. Remember, they're your people, not mine. They're your kind, not mine. Why should I care about them? Why should I care about you all? Many of you in here don't care about what I care about. But remember also, my standards and my conduct are not dictated by what other people's standards are or how they behave. I just wish there would be some way... [LB133]

PRESIDENT FOLEY: Time, Senator. [LB133]

SENATOR CHAMBERS: Thank you, Mr. President. [LB133]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Crawford, you're recognized. [LB133]

SENATOR CRAWFORD: Thank you, Mr. President. I just wanted to clarify and answer any questions that might have come along as we were going through the queue. And so one of the questions that was raised was about the newspapers. And so it is...the current definition, the legal newspaper, applies to all of our current newspapers that are in the state of Nebraska, so that definition does not rule out or exclude any of our smaller town newspapers. Again, the statute changes were sent to all second class cities so that all of them had a chance to review it and come with questions and suggestions. And so they had a chance to see it and see what their concerns or questions would be. And so, again, I encourage you to vote green on LB133. Thank you. [LB133]

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PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Halloran, you're recognized. [LB133]

SENATOR HALLORAN: Thank you, Mr. President. Would Senator Crawford yield to a question, please? [LB133]

PRESIDENT FOLEY: Senator Crawford, would you yield, please? [LB133]

SENATOR CRAWFORD: Yes. [LB133]

SENATOR HALLORAN: Thank you, Senator. On page 10, line 16, we go back to the extraterritorial zoning jurisdiction. But in this case, it's changing it from one half mile to the definition of extraterritorial jurisdiction of two miles. I didn't do the math on the physical amount of area that involved, but it would include a significant number of people within that extra one and a half miles. And it just makes my point that I believe these things should be defined in understandable terms for those that it affects. One half mile was very understandable, and now this grabs in an extra mile and a half. Am I wrong? I'm sorry, go ahead. [LB133]

SENATOR CRAWFORD: May I? Yeah. [LB133]

SENATOR HALLORAN: Please. [LB133]

SENATOR CRAWFORD: So the extraterritorial jurisdiction differs by the classification of the city. So when we were talking about the extraterritorial jurisdiction being two miles, that was in a bill that was in the statutes for first-class cities. So this bill is actually about second-class cities and villages. And so in this case, when we're talking about a second-class city or a village, the extraterritorial jurisdiction is smaller. And so this does not change what the extraterritorial jurisdiction is for a second-class city. Instead, it just uses that term "extraterritorial jurisdiction," which is clearly defined in statute elsewhere. [LB133]

SENATOR HALLORAN: Thank you. Can you tell me what the definition is for a Class II city for extraterritorial zoning? [LB133]

SENATOR CRAWFORD: So, I don't want to say it wrong on the record. I don't have that right in front of me to remember off the top of my head. But I will make sure to let you know and I will put it on the record in terms of what it is at each class. Actually, Senator Hansen read that into the record just a little bit ago in terms of what it is for each class of city. And so we can look that

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up and show you what that is for each class of city. It is two miles for first-class city and then it is smaller for each class of city below that. [LB133]

SENATOR HALLORAN: Okay. But we don't know if it's a half mile? [LB133]

SENATOR CRAWFORD: I just don't want to say it incorrectly on the record or on the mike. [LB133]

SENATOR HALLORAN: Thank you, Senator. I think... [LB133]

SENATOR CRAWFORD: I want to make sure I have it in front of me before I say that. [LB133]

SENATOR HALLORAN: I thank you. I appreciate it, Senator. I think that just makes my point that we shouldn't have to keep referencing back to something. An actual distance is an actual distance. Thank you, Senator. Thank you. [LB133]

PRESIDENT FOLEY: Thank you, Senator Halloran and Crawford. Senator Wayne, you're recognized. [LB133]

SENATOR WAYNE: Thank you. Again, this, the one area that I was going to talk about was the newspaper, and I think we've got that cleared up that we moved it over to one section so it applies and makes it clear. This goes to the reason why we have to have these cleanup bills, because the bill that Senator Schumacher...or the section that Senator Schumacher referenced, 17-522 that dealt with railroads and railway crossings, it actually was written in 1879 and codified in 1943 and hasn't been touched since. There's language in there that's archaic that we need to clean up. We're not talking about substantive changes or policy changes. And the issues that some people are having in this body are the policy issues that we should take up in Urban Affairs and we can bring it to the floor on the policy and substantive issues of ETJs, ETAs, and all the other things that we keep talking about. But those are policy issues. What we're trying to do is just harmonize the statutes to make sure that when people of the general public can go to them and read them, that they're clear, concise in understanding, so we can as a body or just the general public can move forward and help, whether it's the first class, second class or metro. They can be educated on what to do, how to do it, and talk to their elected officials on those kind of issues. This is not a policy change. This is a technical change to clean up sections that are referenced all over the place, to Senator Halloran's point, and try to harmonize them so they're not referenced in multiple locations, that people can actually read them in one location. And to the issue of the half mile, there was one section. This goes to the complication of why we have to clean this bill...these bills up or these statutes up. Over the years, it was defined as a half mile

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and years ago it changed to a mile. Well, one section wasn't changed since 1800. We fixed that section to harmonize with the other definitions of the first class to match the mile...second class to match the mile. So that's what we mean by harmonizing, that sometimes sections get left out. We forget to change them. It happened, so now we're trying to clean all that up. So that's what this bill does. This is not a policy change. This is a technical change. [LB133]

PRESIDENT FOLEY: Thank you, Senator Wayne. Senator Murante, you're recognized. [LB133]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I rise in support of LB133. But would Senator Albrecht yield to a few questions? [LB133]

PRESIDENT FOLEY: Senator Albrecht, would you yield, please? [LB133]

SENATOR ALBRECHT: Yes, sir. [LB133]

SENATOR MURANTE: Senator Albrecht, I just had a good conversation with you off the microphone about your concerns on this bill, but I'd like to sort of elucidate that conversation a little bit more. I know you had some concerns about notice requirements as it pertains to the annexation of ETJs and I didn't quite get an answer on your concern about the elimination of them altogether. So could you expand upon that a little bit just so I can familiarize my understanding of where you're coming from? [LB133]

SENATOR ALBRECHT: The elimination of what? [LB133]

SENATOR MURANTE: Of ETJs. [LB133]

SENATOR ALBRECHT: Well, again, you know, we can think about the annexation of Elkhorn with the city of Omaha. We can think about if Sarpy County were to go out and annex their city of Springfield, city of Gretna. You know, there was a huge dispute over that. So, again, I have an issue with taking any of those boundaries out. So if you can tell me that these three bills that we're talking about this morning are going to include and will continue to include the ETJs of the larger cities and the smaller villages, show me. Show me where it's at because there are many, many pages and I need to clarify that we're not making this one change. And it very much concerns me, as Senator Chambers talked about, that people aren't on the floor. I mean, wake up, everybody. This is like really important business that we're taking care of here and when you go home this weekend and they say, oh, my goodness, you changed this. Oh, yeah, we did, but I guess nobody had the time to read the bill and really ask enough questions, because we've been so consumed with rules that we have to start opening these bills and dissecting them. So I

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need...I think, you know, everybody, number one, needs to be on the floor. If you're not on the floor, you don't even know what we're talking about. So I would, and I'm taking too much of your time and I apologize, but I'm just saying there has to be enough people. And I will ask for, you know, a call of the house when it comes up and roll call, because we need to know what we're voting on here. And not that I wouldn't later on say, yeah, as long as somebody can show me that we're not taking the extraterritorial jurisdiction away from first class or villages. [LB133]

SENATOR MURANTE: And let me respond to that simply by saying, Senator Albrecht, two things. First of all, as I think you and I have discussed, my district has approximately 38,000 people in it. Only 5,000 live within incorporated boundaries of a city. The overwhelming majority of my district are unincorporated SIDs in western Sarpy County. So this is a bill which has the potential to impact my district tremendously, and I actually live in one of those unincorporated SIDs just on the outskirts of the city of Gretna, so I appreciate your concern. But what appears to be the stated intent of LB133 is not to fundamentally change any public policy but to update and harmonize provisions of existing law. I think Senator Wayne has accomplished that with LB133. But to the extent that I can be...help facilitate a conversation to make sure that we ensure that the parts are stricken are included in provisions of statute... [LB133]

PRESIDENT FOLEY: One minute. [LB133]

SENATOR MURANTE: ...elsewhere and that we aren't fundamentally changing any public policy, I'd be happy to do that. So I continue to support LB133 but thank Senator Albrecht and the other members for their discussion on this bill. I think it's been a good discussion. Thank you, Mr. President. [LB133]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Albrecht, you're next in the queue. [LB133]

SENATOR ALBRECHT: Thank you, President. And again, when you have a lump of bills...and I know that there's been an interim study. My fault for not finding out what this study was all about and I apologize for that. But when I sit here and I look at a bill and I'm not comfortable with it because I don't understand exactly what the full intent is, I get very concerned because you're talking about fire departments, you're talking about these schools, you're talking about ordinances that maybe that's why people live out in the country. They kind of enjoy what they get to do without being policed on everything. But more importantly, as Senator Chambers takes care of the downtrodden, I really care about the public and what they have to say. I don't believe that our government...you don't need to be overregulated. And when it comes to something like this, if it's not the time to go out and do what you want to do as a big city, you need to allow the people that do live out in the countryside to make their determination of what they'd like to do,

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too. So again, I would plead that they do a call of the house so that everyone comes in and gets engaged here and that we do a roll call. Thank you. [LB133]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Chambers, you're recognized. [LB133]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, tailgating on what Senator Albrecht said, the discussions that we have are why we are here. There are people in different areas of the state, obviously, and not all people in all parts of the state will understand what's going on in every other part of the state where we may not live. So we learn from each other. And it seems to me that some of you all ought to be concerned when those who don't live in the specific small community, if that's what's being discussed, have enough interest to be here. They'll come and they'll vote on this bill, not knowing what they're voting for, because they seem to be noncontroversial. A bill may have no controversy whatsoever but be one of the most important bills that we will discuss because of the policy decisions that we're making. We should be here to learn. Some of these issues may very well come up, even if we're talking about a tax bill, the impact on certain communities. The people who are not here, they're not going to know. Where are all the new people? I guess they know everything that needs to be known about everything going on right now. Maybe they know, and we'll find out if they ever show up when we're debating. I would like to ask Senator Walz a question or two if she will answer. [LB133]

PRESIDENT FOLEY: Senator Walz, will you yield, please? [LB133]

SENATOR WALZ: Yes. [LB133]

SENATOR CHAMBERS: Senator Walz, you know that I'm a person of advanced age, don't you? Well, I'm older than everybody else in here. [LB133]

SENATOR WALZ: You're older than I am. [LB133]

SENATOR CHAMBERS: And there are certain stereotypes that attach to people who are as much older than you as I am, correct? [LB133]

SENATOR WALZ: Yes. [LB133]

SENATOR CHAMBERS: Now, I do remember things that mean something to me and I know I remembered you saying that you were a teacher. [LB133]

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SENATOR WALZ: Correct. [LB133]

SENATOR CHAMBERS: Did you expect your students to all be present when a subject was being discussed, even if it was one they didn't have any particular interest in? [LB133]

SENATOR WALZ: Absolutely. [LB133]

SENATOR CHAMBERS: Oh, so then you didn't say we're going to talk about algebra, so those of you all who don't care much about algebra, you can go do what you want to until we're through talking about algebra? You didn't do that? [LB133]

SENATOR WALZ: I never did that. [LB133]

SENATOR CHAMBERS: Hmm. Thank you, Senator Walz. [LB133]

SENATOR WALZ: Yes. [LB133]

SENATOR CHAMBERS: Members of the Legislature, that's why Senator Groene needs to be here, so he'll understand what's going on in public classrooms, public school classrooms, and maybe he'd be here. You know why I mention people by name? When they do come, they have so much that's judgmental, so much condemning of other people, which I do, too, but not in the same mean-spirited way. And my aim when I do that is to try to encourage people to do better, as Senator Walz tries to do, as anybody who has children will try to do with their children. But when you have people who, once they get the three-cornered hat on their head, they've never had it before, then they're above all of these mundane things that don't count. And I want my protegee--I'm not going to keep calling him by name--to notice that I practice what I preach. And I wish we all would do it. The Legislature as an institution is no better than we are. The rules don't make any difference. The words in the law make no difference. The difference or even the makeup of the Legislature or the structure of it, how will those things be administered and operated by the ones who are to do that? [LB133]

PRESIDENT FOLEY: One minute. [LB133]

SENATOR CHAMBERS: I can write laws as a legislator however I please. Maybe the executive will not enforce them. Maybe the judiciary will not properly interpret them. So it's not enough to just put words on paper. And it's not enough for us to just say we're parts of the Legislature. The Legislature is no better than we collectively make it. Most people's job was done yesterday when

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the Speaker said we have these temporary rules in place; now we can row, row, row your boat. But that's not good enough for me. Was that my third time, Mr. President? [LB133]

PRESIDENT FOLEY: That was your second, Senator. Thank you, Senator Chambers. Senator Schumacher, you're recognized. [LB133]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I didn't mean to start a big discussion this morning. Ah, yeah, I did. There isn't a time that a moment spent in your chair on this floor is wasted. Every minute is a learning experience and enables you to do a better job. This morning, we've kind of muddled around in "Municipal Law 100"--some very basic concepts that some of you have had experience with because you've been on county boards or city councils but some it's a new experience: terms of extra jurisdictional..."extraterritorial jurisdiction," issues of first-class cities and how they differ from metropolitan cities and how they differ from villages. We haven't gotten down into the weeds very much as to what is a village and what is a city of the second class. But you get the general idea that villages are littler than cities of the second class, who are littler than first-class cities, who are littler than primary class cities, who are littler than the metropolitan class city. And that's good. And the people who chose to say, ah, this just looks like a bunch of technical junk, and weren't here missed out on that. And you also got into kind of an interesting discussion that Senator Halloran touched off on: whether or not it's a smart idea to use a shorthand phrase like "extraterritorial jurisdiction" and put it just in one spot in the statute or leave it sprinkled through the statute. It's kind of an interesting technique and an interesting argument, because by putting it in just one spot you open the door, maybe, to a future Legislature reading through that. And instead of reading something meaningful, you read blah, blah, and go on and not go back to see what you're doing. So if all of a sudden at some point somebody or some interest group thinks, gee, it would be interesting to have that half mile become a mile, all you have to do is slip it in one spot and, bingo, it's changed. It's not hard to go through the statutes with a word processor and a little computing power and change it from multiple times, but it would attract attention if you did it that way. So it's a little lesson learned. If you bury something in a definition, do you have big consequences if that definition is just shorthand and going to be read by people, maybe in a rush or in the heat of debate or in the crazy days at the end of the session, as blah, blah, instead of something with meaning? It's been a good discussion for those of you who chose to be here and we learned a little bit. And it probably, even though some might say was, ah, we could have breezed through here and been off, done already if we had just started pressing green and red buttons. We now learned a little bit and it's well worth it to learn a little bit of the basic things and use these easy bills as ways to learn to think on the floor. And I absolutely commend those of you who sat in your chairs this morning instead of did whatever else you were doing. Thank you, Mr. President. [LB133]

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PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Wishart, you're recognized. [LB133]

SENATOR WISHART: Thank you, Mr. President. I rise today, I'll likely be in support of LB133, but I do...I have enjoyed this conversation today. Even though I represent Lincoln, I care a lot about the integrity of smaller communities in the state. Would Senator Murante yield to a question? [LB133]

PRESIDENT FOLEY: Senator Murante, would you yield, please? [LB133]

SENATOR MURANTE: Yes. [LB133]

SENATOR WISHART: Senator, will you explain what a technical cleanup bill is? [LB133]

SENATOR MURANTE: I would say they take a couple of different forms. The first is every committee, every committee in the Legislature has an analysis of the subject matter within its jurisdiction on an annual basis following every session with the bills that it's passed and identifies areas of statutes within its jurisdiction which need technical changes where something was written poorly or wasn't very clear. That happens annually on a regular basis. The other, and I can speak to at least three different examples within the Government, Military and Veterans Affairs Committee, are when institutions who have to implement the laws that we create come to us and say you did something that doesn't make a lot of sense here; can you clean up a date? We have several bills on the Election Act that deal with that. They don't substantively change public policy. They may tweak public policy here or there. But for the most part, they exist for the purposes of harmonization and making the statutes more readable for the public at large. [LB133]

SENATOR WISHART: And, Senator, thank you. Would you consider LB133 one of these cleanup bills? [LB133]

SENATOR MURANTE: Yes. [LB133]

SENATOR WISHART: Okay. So you do not see there being any substantial changes in policy coming out of this piece of legislation. [LB133]

SENATOR MURANTE: No. What I see predominantly with this is the placement of certain standards within law being stricken from a patchwork and piecemeal approach and being

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approached more from a holistic standpoint, which doesn't change public policy; it just changes how it manifests itself. [LB133]

SENATOR WISHART: Okay. Thank you. [LB133]

PRESIDENT FOLEY: Thank you, Senators Wishart and Murante. Senator Chambers, you're recognized. This is your third opportunity, Senator. [LB133]

SENATOR CHAMBERS: Thank you. And that last exchange, that was very instructive. We hear terms all the time and never bother to find out what they mean. And I wish and I hope everybody will not feel that anything is too trifling to ask about. That's why we're here and that's why we discuss. I stay here because after...I've always wanted to say, like Abraham Lincoln, four score and seven years ago. I may not even live that long so I will say two score and two years ago I came to the Legislature. But I still learn because there is so much in the statutes, so much that changes in the law because of court decisions that we can never say we know all there is to know about any subject. So we go along piecemeal, and as issues come to our attention we discuss them. Then we try to see how they might interconnect or interrelate or overlap where other similar things are found. And sometimes if you want to make an amendment or offer one you'll say a certain section of law has been opened up or mentioned; therefore, you can go into that area and offer something and it is germane--pertinent to or relevant to what the bill is about. But when it comes to this that we're talking about now, I'd like to ask Senator Wayne a question if he will answer. [LB133]

PRESIDENT FOLEY: Senator Wayne, would you yield, please? [LB133]

SENATOR WAYNE: Yeah. Yes. [LB133]

SENATOR CHAMBERS: Senator Wayne, I think respect is shown for people by listening to what the person says. And I listen to what people say, believe it or not, even though I may not always comment on it. Did you say there's a point where the term "second-class city" would be changed to city of the second class? [LB133]

SENATOR WAYNE: Yes. [LB133]

SENATOR CHAMBERS: Thank you. And here's why that's important. See, when I hear second-class city, I think of how black people have always been considered second-class citizens. So if I hear second-class cities, that's where black people are confined to live, it's where poor white people are confined to live, and where anybody who is on the outs is going to live because we're

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all second-class citizens. Where would a second-class citizen live other than in a second-class city? So when you're talking not as a descriptor of where people who have been degraded by being designated second-class citizens but, rather, a classification of the city itself based on its size or population or however you're going to do it, then it takes on an entirely different meaning. Maybe I, who am considered a second-class citizen, a second-class person or not even a person at all, may wind up being able to live in a city of the second class where maybe Warren Buffett lives. You all know who Warren Buffett is, don't you? I call him "Rumpledskins" because one thing he said: My suits may be rumpled but they're not cheap. He's conscious of things too. But when you have what Warren Buffett has, you don't have to put on an exterior and make an ostentatious show of wealth. Everybody knows that you've got it. They know you can do differently if you chose. And that's precisely why people who don't have a lot will try to put on that exterior, hoping it will bring to them a modicum of respect, human decency, their dignity will be respected if they dress a certain way because this is how the people dress who are not the unpeople, not the nonpeople, not who are the Untermenschen, as the Jews were called, subhumans. This society has a lot wrong with it and rather than speak of exceptionalism... [LB133]

PRESIDENT FOLEY: One minute. [LB133]

SENATOR CHAMBERS: ...and the best country on the face of the earth, you need to see it from a perspective different from that of those who are privileged, because a lot of you who accept that are not accepted by the privileged ones. You are low on the totem pole. They might talk to you as Trump did when he was campaigning, but he will not socialize with you. He will not invite you to dinner ever. He's not going to rub elbows with you. He needs you as a voter. He knows you're ignorant. He knows you're hungry and he knows you're angry, so he plays to that and he becomes your God because he's saying what you need to hear, knowing, while you support him, he can't possibly deliver. But he gave you a feeling that everybody wants, that you have dignity and somebody who's important recognizes it, even though they're not going to recognize it by treating you as though you have dignity... [LB133]

PRESIDENT FOLEY: Time, Senator. [LB133]

SENATOR CHAMBERS: ...because if they thought you had dignity... [LB133]

PRESIDENT FOLEY: Time, Senator. [LB133]

SENATOR CHAMBERS: ...they wouldn't talk down to you. Oh. [LB133]

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PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Seeing no other members wishing to speak, Senator Wayne, you're recognized to close on the advance of LB133. [LB133]

SENATOR WAYNE: Thank you, colleagues. Today has been a great day so far. I love the questioning and the interaction. I think it's healthy. I think it's productive. And I think it shows people we can work together. We haven't been able to show that for a while so I appreciate you all taking time on my bills to demonstrate how we work together. I do want to refresh everybody's memory of what was said, that this was a part of an interim study in which all of the cities of the second class were contacted. They gave us feedback, the Urban Affairs Committee, feedback on what are the technical changes, not substantive changes or policy changes but what are the technical changes where we can harmonize the statutes. And that's what this bill does. So I would appreciate a green vote to advance this to Select File. I also will mention I guess before, I have committed to Senator Albrecht and anybody else that I will sit down with them and we will walk through page by page to make sure when this comes back around on Select File all questions will be answered. So thank you. [LB133]

PRESIDENT FOLEY: Thank you, Senator Wayne. 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; those opposed vote nay. Record please, Mr. Clerk. [LB133]

CLERK: 27 ayes, 3 nays to place the house under call. [LB133]

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 Kolowski, Brasch, and Larson, please return to the floor. The house is under call. Senators Kolowski and Larson. Senator Larson, the house is under call. Senator Albrecht, do you wish to proceed or shall we wait for Senator Larson? There's been a request for a roll call vote. The question before the body is the advance of LB133 to E&R Initial. Mr. Clerk, please call the roll. [LB133]

CLERK: (Roll call vote taken, Legislative Journal page 495.) 39 ayes, 5 nays, Mr. President, on the advancement of the bill. [LB133]

PRESIDENT FOLEY: Thank you, Mr. Clerk. LB133 does advance. I raise the call. Mr. Clerk, if you have items for the record, you may read those now; otherwise, we can proceed to the next bill. [LB133]

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CLERK: We can proceed, Mr. President. Thank you. [LB133]

PRESIDENT FOLEY: Next bill is LB113. Mr. Clerk. [LB113]

CLERK: Mr. President, LB113, a bill introduced by Senator Hansen. (Read title.) Introduced on January 6, referred to Urban Affairs, advanced to General File. There are Urban Affairs Committee amendments pending, Mr. President. (AM5, Legislative Journal page 294.) [LB113]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Hansen, you're recognized to open on LB113. [LB113]

SENATOR HANSEN: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. I rise today to introduce LB113, a bill that deals with municipal classifications, specifically the current classification structure for municipalities and population thresholds for those municipalities in Chapters 14 through 19 of statute. This bill came from an Urban Affairs interim hearing that we held on LR526 to study those issues last fall. Since then my office has been working with Urban Affairs Committee members and committee legal counsel throughout the interim to help identify any potential issues with the statute that may need updating. Nebraska already has clear population thresholds for its various municipal classifications, from metropolitan class all the way down to villages. However, as LR526 pointed out, there were several issues that needed to be updated. Since having the hearing, we've been working on the best ways to update those statutes in a clear and concise way. One update would be to the process of who is to receive a certification from a city when a city crosses a threshold into a new larger classification. Currently, for example, when a village reaches the population threshold to become a second-class city and when a second-class city reaches the threshold to become a first-class city, they must...city must certify to the Secretary of State. However, under current statute, other classes of cities when they cross their threshold must certify to the Governor. LB113 makes it so all certifications are sent and received by the Secretary of State. Additionally, LB113 would add clarifying language as to when population thresholds are met. Currently, many sections are silent as to when this would apply, for example, the year the population actually crosses the threshold or the most recent federal decennial census that clarifies that they did. LB113 adds clarifying language that these thresholds apply at a federal census as is often presumed and has recently been enacted for many counties. Specifically, the bill adds the language, "as determined by the most recent federal decennial census or the most recent revised certified count by the United States Bureau of the Census," in many different sections. [LB113]

PRESIDENT FOLEY: Excuse me, Senator. Members, please come to order. [LB113]

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SENATOR HANSEN: Thank you, Mr. President. Additionally, we took this opportunity to remove and update obsolete language, such as references to a state census which, based on our research, Nebraska last conducted in 1885. One last update that I would draw your attention to is Section 5 of LB113 which provides for a city of the primary class to move to a city of the metropolitan class once the primary class reaches the threshold of more than 300,000 inhabitants which is determined by the most recent federal census. There previously had been no mechanism for the city to move from one class to the other, but there had been mechanisms for each class to move in other classifications. With that, I would like to thank the Urban Affairs Committee for their time and attention to this matter and for the work the committee counsel and staff and community stakeholders have put into this, both this bill and the interim hearing. I will note that it came...had no opposition in the Urban Affairs Committee and came out unanimously among committee members. With that, I would ask the body to advance LB113 after we adopt the Urban Affairs Committee amendment, AM5. Thank you, Mr. President. [LB113]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Senator Wayne for a committee amendment. [LB113]

SENATOR WAYNE: Yes, I am back. Today is the Justin Wayne day, so I'm ready to take some more questions. Yes, thank you, Mr. President and members of the Legislature. The committee amendment, AM5, clarifies references to county population thresholds within the municipal statutes providing that such thresholds are met based off of either the most recent federal census or the most recent revised certification count by the U.S. Bureau of Census. I'd ask for a green vote and adopt AM5. [LB113]

SPEAKER SCHEER: Thank you, Senator Wayne. Those in the queue, Senator Blood, you're recognized. [LB113]

SENATOR BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I rise in support of AM5 and LB113. It is a good thing to modernize in ongoing fashion anything that pertains to thresholds for municipalities and counties. And it is prudent to include the Census Bureau because that is the marker that is utilized for this type of decisionmaking. To give you a little history, based on my eight years as a city council person and on the League of Municipalities, those thresholds are very important to especially municipalities because this is how we get to know whether we are going to receive state CDBG money or federal CDBG money. They help us get sidewalks and streets and other infrastructure things that we may not be able to afford to get within certain municipalities that we can bring to lower income areas. And so I cannot state how important it is to make sure that these thresholds are continually updated, continually give good guidelines, because you would hate to see a county or a municipality stuck in limbo

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because we'd written bad state statute. And so again, I rise in favor of both the amendment and the bill. [LB113]

SENATOR KRIST PRESIDING

SENATOR KRIST: Thank you, Senator Blood. Senator Murante, you are recognized. Senator Murante waives. Senator Scheer, you're recognized, sorry, Speaker Scheer. [LB113]

SPEAKER SCHEER: Thank you, Mr. President. I rise to support both AM5 and the underlying bill, LB113. And I'll be very brief. I just wanted, on behalf of the entire body this morning, mention that Senator Briese's wife Joan's mother has passed away. The services are today. And I would like to express condolences to the family from the body at large and express our deep sympathies for her loss. Thank you, Mr. President. [LB113]

SENATOR KRIST: Thank you, Senator Scheer. Seeing no one else in the queue...sorry. Senator Chambers, you're recognized. [LB113]

SENATOR CHAMBERS: Thank you. Mr. President, I would like to ask Senator Hansen a question. [LB113]

SENATOR KRIST: Senator Hansen, will you yield? [LB113]

SENATOR HANSEN: Yes. [LB113]

SENATOR CHAMBERS: Senator Hansen, did you say that at one point, one place in the statute, certification was to go to the Secretary of State; in another it said that the certification in some cases would go to the Governor? Did I hear you correctly? [LB113]

SENATOR HANSEN: Yes, that is correct. [LB113]

SENATOR CHAMBERS: And this bill would make the certifications all go to the Secretary of State? [LB113]

SENATOR HANSEN: Yes. [LB113]

SENATOR CHAMBERS: Thank you. What this shows, among other things, is that a Legislature often addresses things in a piecemeal fashion. We look at the piece that's given to us and we

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address it. And if that were the only place, the only instance when that particular piece was being dealt with, that's fine. But then when we don't get a panoramic view...and we really are not going to do that. We can't. We travel cheap. We don't provide enough wherewithal in our own branch of government to function as competently as we should. But when we do it piecemeal, we will have the same activity being handled in two different places, in two different ways. And only when by chance it's discovered, we'll have a bill like Senator Hansen's where you're going to reconcile at least these two conflicting, in some cases maybe contradictory, provisions. What I had thought about doing when I leave the Legislature for the last time, this is one instance when the people throughout the state will not be as happy as I will be. So it's a win-win for everybody. I would start with the first page in the first volume of the statutes and, Senator Wishart...I always want to call her "wise heart," so if I do that then don't take offense. I would go through and not make any substantive or policy changes but look at syntax and grammar, where we don't have split infinitives, we don't have the kinds of things that will cause a statute to be appropriately defined or described as being bunglesome. You can't just read it straight through and get the sense of it. You will read partway through. Then you'll say, wait a minute, how did I get here? What is this language referring to? Then when you go back, you are not sure whether it refers to what preceded it, what it referred to that followed it, and it would mean something different depending on which approach is the appropriate one. And maybe those who crafted the statute hadn't given it any thought, so if you ask them, they wouldn't know for sure and they might say, well, the court will straighten it out. If there are substantive policy and constitutional issues that can't be resolved legislatively the courts do have a role. But they should not have to deal with issues of grammar. And if the state were of a mind to have me out of the way, not gone from the earth, persuade whoever has to be persuaded to give me that job and let me work until I no longer am here and just show what could be done to make the statutes readable, to make provisions of law understandable, especially in the criminal realm where you're being told what you may do without suffering a penalty, what you shall not do unless you're going to suffer a penalty. As we go through these... [LB113]

SENATOR KRIST: One minute. [LB113]

SENATOR CHAMBERS: ...bills, some amendments that I offer are going to seem trifling. But I read some statutes with just my naked eyes which are dimming, with a pair of ordinary glasses which gives me a bit more that I can see, with reading glasses that give me even more, reading glasses and a magnifying glass. But don't let me get on it with my microscopic examining eye. But sometimes, because of the seriousness of issues, that's what's needed. Thank you, Mr. President. [LB113]

SENATOR KRIST: Thank you, Senator Chambers. Senator Murante, you are recognized. [LB113]

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SENATOR MURANTE: Thank you, Mr. President. Members, good morning. Would Senator Wayne yield to a few questions? [LB113]

SENATOR KRIST: Senator Wayne, will you yield? [LB113]

SENATOR WAYNE: Yes. [LB113]

SENATOR MURANTE: Thank you, Senator Wayne. Senator Wayne, this session we have had quite a few discussions on the proper referencing of bills, haven't we? [LB113]

SENATOR WAYNE: Yes. [LB113]

SENATOR MURANTE: And do you think it's been fairly well established that the committee of jurisdiction as it relates to county governance is the Government, Military and Veterans Affairs Committee? [LB113]

SENATOR WAYNE: Maybe. Yes. Yes. [LB113]

SENATOR MURANTE: Right. So county government, generally speaking, belongs to the General...to the Government Committee. Isn't that correct? [LB113]

SENATOR WAYNE: Correct. [LB113]

SENATOR MURANTE: And your amendment here simply pertains to changing population thresholds for county government, doesn't it? [LB113]

SENATOR WAYNE: Correct. [LB113]

SENATOR MURANTE: So AM5 is nothing more than an Urban Affairs power grab on the Government Committee. Isn't it, Senator Wayne? (Laugh) [LB113]

SENATOR WAYNE: Correct. I have been watching Referencing Committee all this year. I went to about eight of them and seen this as a way to make a move. [LB113]

SENATOR MURANTE: So would you support a motion to recommit LB113 to the Government Committee for a public hearing? [LB113]

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SENATOR WAYNE: No. [LB113]

SENATOR MURANTE: Fair enough. I will bow to the Chairman of the Urban Affairs Committee and support LB113. Thank you, Mr. President. [LB113]

SENATOR KRIST: Thank you, Senator Murante. Senator Chambers, you're recognized. [LB113]

SENATOR CHAMBERS: Mr. President and members of the Legislature, when a person is recognized in the way that I have been, I have five minutes to use any way that I choose. Maybe the most eloquent use I could make of my five minutes is to stand here and say nothing, bring us to a halt for five minutes. Senator Murante did the best he could at trying to be clever, so I'm going to recognize that and acknowledge it. I hope he feels better. But here's what I will say. Levity helps on occasion. Sometimes it can be instructive. But for him to try to make a point with this bill to clean up the grabs that his worthless committee has done is a travesty. The kind of bills where I have made rereferencing motions are serious. To misrefer them undermines and almost eradicates the standards for referencing that we have. Levity does not always mean jesting. Jestling does not always mean mockery. But a mockery has been made of the way we refer bills. There was a time in Senator Murante's career, before he got corrupted, he would know that a gun bill goes to the Judiciary Committee. There was a bill that was sent to the Judiciary Committee dealing with the Political Subdivisions Tort Claims law. "Political Subdivisions" was in the title. Throughout the bill it dealt with counties and subdivisions, and I wanted to refer it to Government and Veterans Affairs. And he stood up and objected. He said, you look at where the bill traditionally has gone, you look at what it is doing, and it belongs in the Judiciary Committee even though it mentions in the title and the body of the bill discusses subdivisions. Then when it comes to a bill that relates to guns he says, well, the bill mentions county so it should go to the Government Committee. That's how silly he has become, how lacking in judgment he has become. And his attempt at levity, although I gave him the amount of applause it's due, the subject of misreferencing bills is one of the most serious failings that I have detected this session. And you all can see that I will stay here even when there is nothing exciting about what we're discussing, because not all things that are important are exciting. There will be times when Senator Murante's seat will be empty because I watched many times when all of the Chairpersons on this side were gone. The reason I can judge them, because I'm here. And they can play games. [LB113]

SENATOR KRIST: One minute. [LB113]

SENATOR CHAMBERS: They can jest. They can joke. A death penalty bill was sent by this stupid Legislature to the wrong committee so that it would get out on to the floor. That's why it

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was done, and that's not funny to me at all. I've spent too much of my time trying to take this state out of the killing business to let somebody wet behind the ears, some upstart, toy with it. He can do it because he's got those who hate me more than they care about the system and they will send it to his nothing committee. And I got a letter from an Italian telling me how much he loves me and respects what I do. And he described himself as an Italian, comma, white man, 76 years old. I wonder if Senator Murante got a similar letter telling how proud those of Italian heritage are of the way he has conducted himself. You let a black man do as he is doing, and I would be the one that condemns him the most. No black man can be white by trying to act like it. No Italian will ever be considered white by trying to act like white people and carry water for them. It's serious business and I take it seriously. [LB113]

SENATOR KRIST: Time, Senator, but you're the next in the queue. You can continue. [LB113]

SENATOR CHAMBERS: Thank you. And nobody could talk to me like I talked to him yesterday without him saying...without me saying something about it. I said he lied on a woman. If I lied, let him say that I lied. He said that this woman that now he and his fellow cowards are attacking, led by the Governor, he said she made a statement that is an absolute misstatement of fact, which would be a lie. Because he said without information, following false information or making it up out of whole cloth, that a...this woman's husband was a paid staff member for Senator Vargas. And I asked why he didn't go ask Senator Vargas. I asked Senator Vargas and Senator Vargas said, no, the man was not paid. Is this person going to apologize for the public allegation he made against a woman? No, because apparently his heritage allows him to insult women and lie on them publicly and never correct it. I'm going to give you all some information before the session is over to show how simpleminded Senator Larson is. He brought up a statement that I made about a person who worked in the Attorney General's Office. We're going to get the whole story and show you how they were joking and jesting about it, and how the man who handled death penalty cases for the Governor sent out, on state property, the computer, a joking remark about the celebration they can have at the Christmas party that "Wili" Otey had been executed, how it was time to hold their glasses up, being cheerful and funny. And you all think it's funny and I don't. I don't care who is being killed and who is doing the killing, it's not funny. It's not a time for jesting. And that woman was making jests about it in the courtroom. And I made it clear why I said what I said and I'd say it again in the context in which I said it. But he didn't get the whole story. That's what they do in that little pestiferous corner where they hang out. And I don't know where they go when they're not there. What he did is worse than anything I say about him on this floor. Let him stand up and say either that he didn't call the woman a liar and was misquoted or that he spoke out of turn and he ought to apologize. He won't. Let him show where I'm wrong. And I'll tell him this. If he shows that I'm wrong by showing some facts, I'm not going to, in the face of facts, hold to a position that I've been shown is wrong. This isn't a matter of trying to win an argument. It's a matter of trying to make sure that women are not treated in a disparaging, inappropriate way, and they are attacking the only "non-

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Repelican" on the Public Service Commission and they're led by his Governor. The Governor would say sit, and he would sit; bark, and he'd bark; bite, and he'd try to bite. He'd tell him, go bite Senator Chambers. He'd say, Governor, you can't pour me on Senator Chambers. I had three sisters. All of them have died. [LB113]

SENATOR KRIST: One minute. [LB113]

SENATOR CHAMBERS: I had and have a multitude of nieces, and some of my nieces have died. My mother has died, my grandmother has died--all of them women. I respect women. And for me to say what I said about that woman in the Attorney General's Office, something very bad had to have happened for me to do that. But I said it and I never denied having said it, and I explained why I said it. And when they asked for a comment from her, you know what she said? Well, that's just Ernie. She didn't hit the ceiling. She knew what I was talking about. And we even served on a task force after that, together. And people thought sparks would fly, because they don't understand, they don't try to find out, and they think I'm as small-minded as they are. Thank you, Mister...is my time up? Thank you, Mr. President. [LB113]

SENATOR KRIST: Thank you, Senator Chambers. Seeing no one in the queue, Senator Wayne, you're recognized to close on your amendment. [LB113]

SENATOR WAYNE: Thank you, colleagues. Thank you, Mr. President. So I sit on Urban Affairs as the Urban Affairs Chair, and I also sit on the Government Relations Committee. And what was a display between me and Murante, and I am not making any apologies about it, is every bill that has come before Government Affairs I ask him why, because sometimes there's an interplay between Government Affairs and Urban Affairs. In addition to that, I think I've been one of the few people that I've seen in the Referencing Committee room. And I will tell any of my colleagues, you should go there and watch the interaction and watch how it plays out. And so not just Senator Murante but other Chairmen and Speaker have continued to ask where things are going in reference. I've been continuing to look at bills and look up history. So, yes, there was levity there, but in all seriousness those motions and rereference motions are very serious. And the issues that Senator Chambers raised about the gun bill and about other things, you can ask Senator Hilgers or go read the transcript. In that committee, we had a long hearing on that gun bill, and I asked more questions than probably I ever asked in that committee because there's some issues that I have with that bill. So I do take it very seriously, and I don't think Senator Chambers thinks that I don't, because we served on the Learning Community together and had great opportunities. And I've been a...wouldn't say attacked but constructively criticized many times by Senator Chambers, and I appreciate that because that's how we grow. And I will tell you that the reason you will not see me up here, and I've been waiting to say this for a while, seeing an argument between me and Senator Chambers is because in the communities that we represent

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very often do we see two black males stand up and work together. I think for at least this year definitely we are going to break that "stigmatism" and we are going to work together and get a lot of things done for north Omaha. And that's my goal and I think Senator Chambers knows that. And I've talked to him about that at length. So in no way are we diminishing those rereferencing motions, but it is an ongoing joke, you could say, in Government Affairs because I do question those things a lot and we have a lot of conversation about it. Also, as it goes back to AM5, this simply adds to clarify. What Senator Hansen is doing, and I support it, is to give counties some tools and, under Senator Hansen's bill, cities to be able to move up from class to class and possibly if they want to move down. It clarifies some procedures for them to do that, which right now in statute we don't have. So if city of Lincoln becomes a metropolitan by numbers, it's unclear right now on how they will be recognized as a city of the metropolitan class. This clarifies how we can do that and I just added the committee is adding the amendment to make sure it also applies to counties. And with that, thank you, Mr. President. [LB113]

SENATOR KRIST: Heard the closing on AM5, the adoption of AM5 to LB113. The question is the adoption of AM5. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB113]

CLERK: 40 ayes, 0 nays on adoption of committee amendments. [LB113]

SENATOR KRIST: AM5 is adopted. Seeing no one else in the queue, Senator Hansen, you're recognized to close on your bill. [LB113]

SENATOR HANSEN: Thank you, Mr. President. And thank you, colleagues. I appreciate the debate we've had today and I appreciate all those who spoke in favor of the bill: Senator Murante, Senator Blood, and Senator Wayne. And Senator Chambers, I believe, said he was supporting it as well. This is just, again, just to clarify, this is just clarifying population thresholds for cities that are already in statute and clarifying that that is done at the federal decennial census as opposed to some other estimate or count. With that, I'd ask for your vote, your green vote for LB113. Thank you. [LB113]

SENATOR KRIST: You've heard the closing on LB113. The question is the advancement to E&R Initial of LB113. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB113]

CLERK: 41 ayes, 0 nays on the advancement of LB113. [LB113]

SENATOR KRIST: LB113 advances. Any items? [LB113]

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CLERK: Not at this time, Mr. President. [LB113]

SENATOR KRIST: Next item. [LB113]

CLERK: LB118. I'm sorry, LB18, not LB118, LB18, a bill by Senator Kolterman. (Read title.) Introduced in January, referred to the Health and Human Services Committee, advanced to General File. I do not have committee amendments. I do have an amendment from Senator Kolterman. (AM24, Legislative Journal page 496.) [LB18]

SENATOR KRIST: Senator Kolterman, you're recognized to open on LB18. [LB18]

SENATOR KOLTERMAN: Thank you, and good morning, Mr. Speaker and fellow colleagues. I'm here to ask for your support of LB18 and the accompanying amendment, AM24. LB18 is a bill that is very similar to LB901 from last session that deals with dentists and dental assistants, dental hygienists. The bill advanced out of HHS Committee with overwhelming support. Unfortunately, even with Speaker Hadley's priority designation, we ran out of time to pass this bill last year. We've been working hard during two interims with interested parties to compromise on a version that satisfies all stakeholders. LB18 incorporates some amendments from last year and makes a few technical changes but is mainly the same bill, and also advanced out of committee unanimously. LB18 is a scope of practice bill and is an example of how scope of practice bills should work. All the parties involved started talking about how they could become a true dental team and how to best utilize all the team members. Rather than wait for piecemeal attempts at scope changes over the next few years, the dentists, the assistants, the hygienists all convened to discuss how to best provide care across the dental continuum. They gathered research on patient safety, quality of care, and cost-efficiency. The Nebraska Dental Association, the Nebraska Dental Hygiene Association, and the Nebraska Dental Assistants Associations all came together and met once a month for nearly four years. At the end of those four years, the parties had nearly reached an agreement on how to move forward. The Nebraska Dental Association house of delegates unanimously supported this effort. That's something you don't see very often--the profession promoting a scope of practice increase for all of its auxiliaries. The goal of LB18 is to create safe and quality care at the least cost, and be able to allow Medicaid providers the ability to appropriately delegate functions to allow more care, again, at the least cost. The bill expands the scope of practice for both dental assistants and dental hygienists. First, the bill leaves dental assistants as they currently exist in order to allow dentists who do not want to delegate responsibilities to function without any change. A new level of dental assistants is created--the licensed dental assistant--with increased education requirements and increased duties. In addition, a licensed dental assistant with additional education and testing can apply to receive permits to perform expanded functions. Second, the bill increases the scope of practice for dental hygienists. Just like licensed dental assistants, with

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additional education and testing the licensed dental hygienists can apply to receive permits to perform additional expanded functions. And third, the public health dental hygienists have an increased scope of practice as well. In a public health setting, again with education and testing, the licensed dental hygienist can perform additional tasks for seniors or children. These duties may be performed without supervision by a dentist. This team approach to the dental practice is an important step forward in providing the highest quality of service at the least cost. This bill will make a huge dent in access to care and has the potential to have a huge impact on the oral health of Nebraskans. The beauty of this bill is that it allows for a variety of approaches to the delivery of dental care. Dental practices can continue as they exist today without any change or they can add licensed dental assistants and some additional duties for both assistants and hygienists or dental practices can expand access and allow assistants and hygienists to become more active participants in the delivery of care, giving the dentists more time for complex procedures in medically comprised patients, which is important for many practices that serve large Medicaid populations. The bill allows assistants and hygienists to use their unique skills and to advance in their careers. Finally, it creates a team approach to dental care and expands access particularly for children and seniors in public health settings where dental care is not always available. All of these newly delegated procedures must have the individual's complete appropriate education and training within an accredited dental education program. Many other states have a long history of using this model to make dental care delivery more efficient without creating entirely new types of providers and adding new schools. This model uses existing providers, existing educational programs that will be expanded. It will also help our dentists and those living in rural areas to better access dental care. Again, I want to commend all the parties for getting together and working on a compromise to bring this to the Legislature. I want to make it clear that all the parties support this legislation. There is no opposition from the dental assistants, the dental hygienists, or the dentists, or I don't know of anyone else. Thank you, and I ask for your support of LB18 and AM24. [LB18]

SENATOR KRIST: Thank you, Senator Kolterman. Would you like to open on your amendment or is there anything different you'd like to add? [LB18]

SENATOR KOLTERMAN: What the amendment does, it changes one word in the bill. I've got to get it in front of me here. [LB18]

SENATOR KRIST: Thank you, Senator Kolterman. Senator Chambers, you're recognized. Are you done, Senator Kolterman? [LB18]

SENATOR KOLTERMAN: I wasn't finished. [LB18]

SENATOR KRIST: Okay. Go ahead. [LB18]

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SENATOR KOLTERMAN: Thank you. [LB18]

SENATOR KRIST: Sorry. [LB18]

SENATOR KOLTERMAN: It changes one word. It strikes "any." And it changes the date so it's effective January 1 of 2018, so that we can give HHS the time to get this put in place, the regulations. Thank you. [LB18]

SENATOR KRIST: You're done? Thank you, sir. And I apologize. Senator Chambers, you're next in the queue. You're recognized. [LB18]

SENATOR CHAMBERS: Thank you, Mr. President. Senator Kolterman, don't have such lengthy pauses, especially if I'm standing at the mike. But anyway, I want to just for a second go back to what I was saying so I can finish the comment I was making about women. I had mentioned my sisters, my nieces, my mother, my grandmother. And because of the way I felt about them, not only them but I had...there were girls in the church that I knew and I was always protective of them. We didn't have anything but mainly white girls at the schools I went to because they were always white schools, but I had to defend and protect them from things that would be attempted against them by white boys. I had always been taught to respect females and don't ever fight a girl. I was going to break up a fight. We were in about the 4th grade. So when I was going to break up the fight, I took this girl by the arms and I just was holding her. And she had on what are called patent leather shoes and she kicked me on my shin and that was the sharpest pain I ever had in my life. I remember it to this day. I will never forget it. But I wouldn't strike her. I've never hit a woman. So when I see grown men who ought to know better--they're in positions of responsibility, they are elected officials--take out after a woman as they're doing--I'll mention her name, Commissioner Crystal Rhoades--then that gets literally on the fighting side of me. And if they want to take out after somebody, let them come after me, all of them together, all of them at one time, tell me where they want to meet and I'll be there with you. You're going to all, in the newspaper, talk about how you're going to attack this woman. The Governor and those pantywaists in here and the head of the Republican Party, Dan Welch, cowards all, not men. They might be males but they're not men and they ought to be ashamed of themselves. Who on this floor will say anything? Nobody. But since what they said was public, open, and notorious, somebody needs to address them, somebody who's not afraid of them in any way, physically, mentally, politically. However they want to deal with me, let them try. But they better know what they're dealing with and they better bring something when they come. Bunch of cowards, from the Governor on down. Ricketts is who I'm talking about, the man who appointed the man who sits behind me. Cowards. Go tell him I said he's a coward. He's listening. Probably cowering under his desk right now. And you'll have all these people running around bolstering him: Governor, you're a good guy. But I want everybody in this state who hears me to know that I'll

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take on the Governor and all these cowards in the Legislature who are going to gang-up on a woman, on a woman, mind you. And how many male politicians have done wrong? You just had one of them. If I hadn't kept pushing, he'd still be here now and Senator Clements wouldn't be in that seat. And that rat had the nerve to--not Senator Clements--to say that I insulted his wife. And most of my "Kintnergrams" mentioned her as a victim and him the victimizer. He had no respect for her or any other woman... [LB18]

SENATOR KRIST: One minute. [LB18]

SENATOR CHAMBERS: ...and he demonstrated that. And there were people on this floor defending Kintner... [LB18]

SENATOR KRIST: One minute. [LB18]

SENATOR CHAMBERS: ...but not me. And I will always stand if I have to do it alone, and I want people to know where I stand. Mess over a woman in front of me and I will inject myself. Now if she told me, mind your business, I'd say, yes, ma'am, as you like it. But now back to this bill which I will address the next time I'm recognized, Senator Kolterman. And I'm sure we'll make sure that I'm not taking any of your time before you're through. [LB18]

SENATOR KRIST: Thank you, Senator Chambers. (Visitors introduced.) Senator Howard, you are recognized. [LB18]

SENATOR HOWARD: Thank you, Mr. President. I rise in support of LB18 and AM24. And I just want to make a few comments for the record. This bill represents...I think we're veering towards six or seven years of work on behalf of the dentists, the dental assistants, the dental hygienists. And it was a really tough negotiation to make sure that everybody was on the same page. I actually remember working with Senator Kolterman and Senator Williams last year, and this bill in particular was a real heartbreaker. We were up against a deadline and the Speaker wanted to move on, and so this bill just didn't make time last year. And so it's really exciting that we're talking about it now. I will tell you that scope of practice issues have traditionally been our most combative, combustible issues that we see in this Legislature. And because of that and just by way of history and explanation, for those of you who aren't familiar with when we're talking about the 407 process, because you will hear that a lot when we talk about scope of practice issues, the 407 process was created in 1985 under a bill, LB407, by then-Senator Don Wesely. And what it did was it took the scope issue and it put it to folks who maybe had a little more expertise than legislators, right? I am not a dentist. I do nothing in the dental field. And so it's better for me to leave it with somebody who has expertise. It created a three-legged stool. First, a technical review committee would look at the change in scope. Then it would go to the Board of

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Health and the Board of Health would consider that change. And then, finally, the Chief Medical Officer would decide whether or not he agreed with that change in scope or agreed with the technical review committee, the Board of Health. And then that would come to the Legislature and we would be able to decide. We are always the deciding body in terms of scope of practice issues. Now, can a group bring a legislative bill without a 407? Absolutely. But that doesn't happen as often, because when we're considering the interest of public safety we should not be deciding when we have really...when we don't have that technical expertise. What's rare and wonderful about this 407 and this scope is that all three legs of the 407 stool came together and agreed on the change, and that's really significant. And for that reason I certainly would support AM24's date change because the Board of Health does need some time for implementation, as well as the department. And I absolutely support LB18 and I'm very excited that we're discussing it today. Thank you, Mr. President. [LB18]

SENATOR KRIST: Thank you, Senator Howard. Items for the record, Mr. Clerk? [LB18]

CLERK: Mr. President, notice of the hearings from the Appropriations Committee, a series of hearings, all signed by Senator Stinner, as Chair of the committee. Your Committee on Agriculture, chaired by Senator Brasch, reports LB348 as indefinitely postponed. I have a new resolution. Senator Hilkemann offers LR41; that will be laid over. Name adds, Mr. President: Senator Erdman to LB368, Senator Murante to LB59, Senator Ebke to LB576. (Legislative Journal pages 496-499.) [LB348 LR41 LB368 LB59 LB576]

And, Mr. President, a priority motion: Senator Hansen would move to adjourn the body until Tuesday, February 21, at 9:00 a.m.

SENATOR KRIST: You heard the motion. All those in favor? Opposed? Ayes have it. See you Tuesday morning at 9:00.