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Floor Debate
May 18, 2017

[LB72 LB295 LB327 LB330 LB331 LB333 LB415 LB415A LB644 LB652 LR95 LR98 LR127
LR151 LR196 LR260]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-fifth day of the One Hundred Fifth Legislature, First Session. Our chaplain today is Senator Williams. Would you please rise.

SENATOR WILLIAMS: (Prayer offered.)

SPEAKER SCHEER: Thank you, Senator Williams. I call to order the eighty-fifth day of the One Hundred Fifth Legislature, First Session. Senators, would you please record your presence. Roll call. Mr. Clerk, please record.

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

SPEAKER SCHEER: Thank you, Mr. Clerk. Are there any corrections for the Journal?

ASSISTANT CLERK: I have no corrections this morning.

SPEAKER SCHEER: Thank you. Are there messages, reports, or announcements?

ASSISTANT CLERK: Two items, Mr. President. Report of registered lobbyists as required by law, and acknowledgment that various agency reports have been filed electronically and are available to the Legislature's Web site. That's all that I have at this time. (Legislative Journal page 1603.)

SPEAKER SCHEER: Thank you, Mr. Clerk. (Visitors introduced.) Mr. Clerk, we'll now go to the first item on the agenda.

ASSISTANT CLERK: Mr. President, we have various reports regarding gubernatorial appointments this morning. The first one from Business and Labor, Gerald Whitlock to the Boiler Safety Code Advisory Board. (Legislative Journal page 1596.)

SPEAKER SCHEER: Senator Chambers, are you wanting a personal privilege?

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

Floor Debate
May 18, 2017

SENATOR CHAMBERS: Yes.

SPEAKER SCHEER: Senator Chambers.

SENATOR CHAMBERS: Pursuant to our rules, the first point would be for the reputation of the body. This has to do with the reputation for myself. I have to correct the prayer that was given this morning. I do not come here today humbly. Thank you.

SPEAKER SCHEER: Duly noted. Senator Albrecht, you're welcome to open on your confirmation.

SENATOR ALBRECHT: Thank you, Speaker Scheer. The Business and Labor Committee considered the appointment of Gerald, or Mike Whitlock to the Boiler Safety Code Advisory Board. Mr. Whitlock testified in person during the public hearing on Wednesday, May 17th, and was unanimously supported for confirmation by the Business and Labor Committee. The Boiler Safety Code Advisory Board consists of seven members appointed by the Governor with approval by the Legislature. The members serve a term of four years and advise the Commission of Labor on rules and regulations for methods for testing equipment, construction, and installation of new boilers required to be inspected by the Boiler Inspection Act. Mr. Whitlock is a field service supervisor at Hartford Steam Boiler Inspection, an insurance company. He's been employed by HSB since 2005. He previously conducted boiler and pressure vessel inspections for ten years and now he oversees the inspectors in Nebraska, Kansas and Iowa for the HSB or the Hartford Steam Boiler Inspection and Insurance Company. He also successfully obtained the association of energy engineer certificate and energy audit designation in 2013. Mr. Whitlock is extremely qualified for the option of Business and Labor Committee to serve on the board. The committee unanimously has supported his confirmation and I would ask that you approve this appointment today. Thank you.

SPEAKER SCHEER: Thank you, Senator Albrecht. Seeing no one in the queue, Senator Albrecht, you're welcome to close. She waives closing. The question before us is the adoption of the recommendation. All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

ASSISTANT CLERK: (Record vote, Legislative Journal page 1604.) 34 ayes, 0 nays on the adoption of the report.

SPEAKER SCHEER: The report is adopted. Moving to the next item.

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

Floor Debate
May 18, 2017

ASSISTANT CLERK: Mr. President, the Education Committee would report on three appointees to the Nebraska Educational Telecommunication Commission. (Legislative Journal page 1597.)

SPEAKER SCHEER: Senator Groene, as Chair, you're welcome to open.

SENATOR GROENE: Thank you, Mr. Speaker. I'm going to do the appointments in tandem here. The first three appointments are the Nebraska Education and Telecommunications Commission, NET as we all know it. The Nebraska Education and Telecommunications Commission was created by the Educational Television Act adopted in 1963. In 1984, the Legislature changed the Education Commission's name and broadened its scope to include all educational telecommunication. The Commission promotes and provides noncommercial education, telecommunication throughout Nebraska. The first appointment is of Stan Carpenter. He's a reappointment and has served on the Commission for quite a while and chaired the Commission in '08 and '09. Mr. Carpenter received his bachelor's degree in bachelor of science and master's of education from the University of Cincinnati and his Juris Doctor from the Salman P. Chase College of Law in Kentucky. His distinguished career had him teach business law, serve in various positions with the Vermont State College System, and to Nebraska where he has served as chancellor for the Nebraska State College System since 2000. The second appointment is Marilyn Hadley. We all know her husband and her. Ms. Hadley is also a reappointment having first been appointed in 2015. Ms. Hadley received her bachelor's and master's of art and education at the University of Nebraska, Lincoln, and her doctorate in education from the University of South Dakota. Ms. Hadley has taught as a teacher, assistant professor, and department chair, and is currently a professor emeritus from the University of Nebraska-Kearney. The third appointment is Clay Smith, also a reappointment. Mr. Smith having first been appointed in 2007 and having previously served for two years as chair and ambassador for NET in Washington, D.C. He has been educated in California, having received his bachelor's and master's degree from Stanford University. Mr. Smith is a native of Lincoln, Nebraska. Mr. Smith has a long business background and currently serves as president of Speedway Motors. Please vote green on the appointments of Stan Carpenter, Marilyn Hadley, and Clay Smith to the Nebraska Educational Telecommunications Commission. Thank you.

SPEAKER SCHEER: Thank you, Senator Groene. Senator Howard, you're recognized.

SENATOR HOWARD: Thank you, Mr. President. I rise specifically in support of the appointment of Marilyn Hadley to this board. We should be so lucky to have her serve the state in this manner and I would urge your green vote on her confirmation. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Howard. Senator Kolowski, you're recognized.

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

Floor Debate
May 18, 2017

SENATOR KOLOWSKI: Thank you, Mr. Chairman. I also would echo the support of all three of these candidates. They're outstanding individuals each in their own fields and have great experience to bring to bear upon their responsibilities on these committees. Thank you very much.

SPEAKER SCHEER: Thank you, Senator Kolowski. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, because of the way that the Legislature operates, people cannot be held responsible for who it is that might recommend them, so despite the messenger, I'm voting for the message this morning. Thank you.

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no others in the queue, Senator Groene, you're welcome to close. Senator Groene waives closing. The question for us is the adoption of the three appointees. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 1604-1605.) 43 ayes, 0 nays on adoption of the report.

SPEAKER SCHEER: The report is adopted. Senator Groene.

SENATOR GROENE: Thank you. We have two more appointments. This time it's to the Board of Trustees of the Nebraska State Colleges System as required by Nebraska Revised Statutes 84-301. The Nebraska State College System serves close to 9,000 students from Nebraska and surrounding states through Chadron State College, Peru State College and Wayne State College. The Board of Trustees govern these institutions. The first appointment is the reappointment of Gary Bieganski. Mr. Bieganski has served on the Board of Trustees since 2007 and as chair of the Academic Personnel and Student Affairs Committee since 2008. He has previously served on various healthcare boards and served two terms on the State Board of Health. Gary received his bachelor's from Chadron State College in business administration and a graduate degree in adult education from Oregon College of Education. The second appointment to the Board of Trustees from the Nebraska State College System is Carter Peterson. He is a new appointee. Mr. Carter has served on the Nebraska State College Board of Trustees since 2005 and has served for 12 years on the Wayne Board of Education prior to this. He received his degree from Wayne State College and has been operating an insurance agency in Wayne since and has taught as an adjunct professor in the business department. Please vote green on the reappointments...excuse me, it's a reappointment on Carter. Please vote green on the reappointment of Gary Bieganski and Carter Peterson.

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

Floor Debate
May 18, 2017

SPEAKER SCHEER: Thank you, Senator Groene. Senator Kolowski, you are recognized.

SENATOR KOLOWSKI: Thank you, Mr. President. Well, again, we are very fortunate to have outstanding candidates with these two individuals that would serve our state very well and we give them the highest recommendation for a green vote. Thank you.

SPEAKER SCHEER: Thank you, Senator Kolowski. Seeing no others in the queue, Senator Groene, you're welcome to close. Senator Groene waives closing. The question before us is the adoption of the report. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 1605-1606.) 41 ayes, 0 nays on the adoption of the report.

SPEAKER SCHEER: The report is adopted. Mr. Clerk.

ASSISTANT CLERK: Mr. President, the Education Committee would report on Jerald Meyer for the Board of Educational Lands and Funds. (Legislative Journal page 1597.)

SPEAKER SCHEER: Senator Groene, you're recognized.

SENATOR GROENE: Thank you, Mr. President. Jerald Meyer to be appointed to the Board of Educational Lands and Funds. According to the Nebraska Revised Statutes, this board consists of five members charged with the administration of the educational lands of the state of Nebraska held in its school trust. The land has produced millions of dollars income for public schools. During the 2012-2014 biennium, the gross revenue attributed to the trust totaled \$96 million. Jerald Meyer is a new appointee to the board. Mr. Meyer received his degree in agriculture economics in marketing from Kansas State University. He has served as a school board member for Pawnee County Public Schools and as a regional sales manager for an agricultural company. Mr. Meyer currently is a sales team leader for an agricultural company. Please vote green on the appointment of Jerald Meyer.

SPEAKER SCHEER: Thank you, Senator Groene. Senator Kolowski, you are recognized.

SENATOR KOLOWSKI: Thank you, Mr. Chairman. Again, Mr. Meyer is a very excellent candidate. We're fortunate to have such people volunteer for these positions in our state and I urge you to vote green for a highly-qualified candidate. Thank you.

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

Floor Debate
May 18, 2017

SPEAKER SCHEER: Thank you, Senator Kolowski. Seeing no others in the queue, Senator Groene is welcome to close. Senator Groene waives closing. The question before us is the adoption of the report. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: (Record vote, Legislative Journal page 1606.) 39 ayes, 0 nays on the adoption of the report.

SPEAKER SCHEER: The report is adopted. Senator Groene.

SENATOR GROENE: Thank you, Mr. President. We have one last appointment to the Technical Advisory Committee on Statewide Assessment. This committee is charged with reviewing the statewide assessment plan, the state assessment instruments and the accountability system developed under the Quality Education Accountability Act of Nebraska Statute 79-760.03. The committee shall have as one of the members an administrator from a Nebraska school. Ms. Cindy Gray fits that position. She is a new appointment to the board. Ms. Gray has been an administrator with the Elkhorn Public School District since 2000 and is currently the associate superintendent. She also served in 2000 to 2006 as a director of curriculum and assessment. Ms. Gray received her bachelor's degree from Nebraska Wesleyan and a master's and Ph.D. from the University of Nebraska-Lincoln. Please vote green on the appointment of Ms. Gray.

SPEAKER SCHEER: Thank you, Senator Groene. Senator Kolowski, you are recognized.

SENATOR KOLOWSKI: Thank you, Mr. Speaker. Dr. Gray is an outstanding educator, has a long tenure in the Elkhorn Public Schools and serving the metro area very, very well. I, again, we're very fortunate to have such highly qualified people running for these positions and I'd ask for your green vote. Thank you.

SPEAKER SCHEER: Thank you, Senator Kolowski. Seeing no others in the queue, Senator Groene is welcome to close. Senator Groene waives. The question for us is the adoption of the report. All those in favor please vote aye; all opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 1606-1607.) 43 ayes, 0 nays on the adoption of the report, Mr. President.

SPEAKER SCHEER: The report is adopted. Mr. Clerk, next item.

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

Floor Debate
May 18, 2017

ASSISTANT CLERK: Mr. President, the next reports are from the General Affairs Committee, the first being to three appointees to the Nebraska Commission on Problem Gambling. (Legislative Journal page 1593.)

SPEAKER SCHEER: Senator Larson, as Chairman of the committee, you're welcome to open.

SENATOR LARSON: Thank you, Mr. President. First, I will take the Liquor Control Commission, correct? Is that what you said?

ASSISTANT CLERK: The first ones that were filed was the Commission on Problem Gambling, Senator.

SENATOR LARSON: Okay. Excuse me. We have three appointments to the Commission on Problem Gambling. The first one is Cameron Arch who is seeking appointment to the Nebraska Commission on Problem Gambling. Mr. Arch is currently employed by Blue Cross Blue Shield of Nebraska. He has extensive experience in government and government relations. Mr. Arch earned his J.D. From the University of Nebraska College of Law and is currently admitted to practice law in the states of Nebraska and Massachusetts. The next one will be Mr. Matthew Monheiser. Mr. Monheiser is a resident of Sidney, Nebraska, and a graduate from the University of Northern Colorado with a degree in finance. He currently manages rental properties and has a strong interest in economic development in the state of Nebraska. And last is Dr. Robert Muelleman. Dr. Muelleman is currently employed as an emergency physician at the University of Nebraska Medical Center in Omaha and has published significant research on the effects of problem gambling on domestic violence and holds an MD from UNMC. I'd urge the body's support of all three members of the Nebraska Commission on Problem Gambling.

SPEAKER SCHEER: Thank you, Senator Larson. Seeing no one in the queue, Senator Larson is welcome to close. Senator Larson waives closing. The question before us is the adoption of the report. All those in favor please vote aye; all those opposed nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 1607-1608.) 40 ayes, 0 nays on the adoption of the report.

SPEAKER SCHEER: The report is adopted.

ASSISTANT CLERK: Mr. President, the next report from the General Affairs Committee is for Bruce Bailey to the Liquor Control Commission. (Legislative Journal page 1593.)

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

Floor Debate
May 18, 2017

SPEAKER SCHEER: Senator Larson, you're welcome to open.

SENATOR LARSON: Thank you, Mr. President. Bruce Bailey is seeking a reappointment to the Nebraska Liquor Control Commission. Mr. Bailey graduated from the University of Nebraska-Lincoln in 1970 with a degree in construction management and is a partner at the Design Associates of Lincoln. He has been a member of the Liquor Control Commission for two years, and I'd urge the body to support the reappointment.

SPEAKER SCHEER: Thank you, Senator Larson. Seeing no one in the queue waiting to speak, Senator Larson is welcome to close. He waives closing. The question before us is the adoption of the report. All those in favor please vote aye; those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: (Record vote, Legislative Journal page 1608.) 43 ayes, 0 nays on the adoption of the report.

SPEAKER SCHEER: The report is adopted.

ASSISTANT CLERK: Mr. President, the final report from General Affairs this morning is for Thomas Patterson, the State Racing Commission. (Legislative Journal page 1593.)

SPEAKER SCHEER: Senator Larson, you're welcome to open.

SENATOR LARSON: Thank you, Mr. President. Mr. Patterson is currently seeking an appointment to the State Racing Commission. He is currently a resident of Cambridge, Nebraska and a graduate from the University of Nebraska College of Law. Mr. Patterson currently practices law and serves on a number of different boards and foundations and commissions throughout the state of Nebraska and is also the current county attorney in Cambridge. Thank you, Mr. President, and I'd urge your adoption.

SPEAKER SCHEER: Thank you, Senator Larson. Seeing no one wishing to speak in the queue, Senator Larson is welcome to close. He waives closing. The question before us is the adoption of the report. All those in favor please vote aye; those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 1608-1609.) 43 ayes, 0 nays on the adoption of the report.

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

Floor Debate
May 18, 2017

SPEAKER SCHEER: The report is adopted. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next report is from the Health and Human Services Committee of Kyle Klammer to the Rural Health Advisory Commission. (Legislative Journal page 1596.)

SPEAKER SCHEER: Senator Riepe, you are welcome to open.

SENATOR RIEPE: Thank you, Mr. President. Was the appointment noted by...to the Rural Health Advisory Committee?

ASSISTANT CLERK: That's correct, Senator.

SENATOR RIEPE: Okay. I have them in different order, so I will start there. I rise to present one appointment to the very important Rural Health Advisory Commission today. The Rural Health Advisory Commission is a Governor-appointed commission consisting of 13 members. The commission is to advise the Department of Health and Human Services, the Division of Public Health, the Legislature, the Governor, the University of Nebraska and citizens of Nebraska regarding all aspects of rural healthcare and advises the Office of Rural Health regarding the administration of the Rural Health Systems and Professional Incentives Act. Today, I bring the nomination of Dr. Kyle Klammer who has been appointed to serve on the Rural Health Advisory Committee representing residents. Dr. Klammer is currently a family medicine resident at the University of Nebraska Medical Center. Dr. Klammer received his high school diploma from Ainsworth High School and received his undergraduate degree from Chadron State. Dr. Klammer has stated he will return to western Nebraska to practice family medicine following the completion of his residency. He has advanced from the Health and Human Services Committee on a 7-0 vote. I'm excited about his nomination and with that I ask for your green vote. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Riepe. Senator Chambers, you are recognized.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Riepe a question or two.

SPEAKER SCHEER: Senator Riepe, would you please yield?

SENATOR RIEPE: I certainly will.

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

Floor Debate
May 18, 2017

SENATOR CHAMBERS: Senator Riepe, what is the name of this organization?

SENATOR RIEPE: It's the Rural Health Advisory Commission.

SENATOR CHAMBERS: An Advisory Commission. Would they advise with reference to the health of children or only adults?

SENATOR RIEPE: No, children and adults, the entire population.

SENATOR CHAMBERS: Rural children?

SENATOR RIEPE: Yes, sir.

SENATOR CHAMBERS: And the Governor made this appointment?

SENATOR RIEPE: Yes, sir.

SENATOR CHAMBERS: Did you vet this individual? Did you question...

SENATOR RIEPE: Yeah, I guess. I don't know your definition of vetting, but...

SENATOR CHAMBERS: Let me change that word. Were you present at the hearing when this individual appeared?

SENATOR RIEPE: Yes, I was.

SENATOR CHAMBERS: Were any questions put to him with reference to his attitude toward the welfare of children?

SENATOR RIEPE: Not specifically to children as such. We talked to his commitment to the rural community and citizens that live in the rural community.

SENATOR CHAMBERS: Well, the reason I ask, we have people on this floor who talk as though they're concerned about the rural community, but they're not concerned about the child welfare in rural communities. So, I wouldn't want to vote for somebody who is interested in the welfare of adults in rural community, but they're not interested in child welfare in the rural

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

Floor Debate
May 18, 2017

communities. But from your general conversation or observation, you had presumed that this man's interest would embrace the children in the rural communities as well as adults?

SENATOR RIEPE: Absolutely.

SENATOR CHAMBERS: Thank you very much.

SENATOR RIEPE: Thank you, sir.

SPEAKER SCHEER: Thank you, Senator Chambers, Senator Riepe. Seeing no one else in the queue, Senator Riepe is welcome to close. He waives closing. The question is the adoption of the report. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 1609-1610.) 40 ayes, 0 nays on adoption of the report.

SPEAKER SCHEER: The report is adopted.

ASSISTANT CLERK: Mr. President, the next report from Health and Human Services is Joel Bessmer to the State Board of Health. (Legislative Journal page 1596.)

SPEAKER SCHEER: Senator Riepe, you're welcome to open.

SENATOR RIEPE: Mr. President and colleagues, thank you. I rise to present one appointment with great excitement to the State Board of Health. The State Board of Health is a 17 member board and has the power and duty to adopt and promulgate rules and regulations for the government of the professions and occupations licensed, certified, registered or issued permits by the Department of Health and Human Services. This morning, I present to you Dr. Joel Bessmer who has been appointed to serve on the State Board of Health representing physicians. Dr. Bessmer received his M.D. from the University of Nebraska Medical Center in 1993. Dr. Bessmer served as chief resident of internal medicine in 1997 and served as a professor at the University of Nebraska Medical Center from 1997 to the present. Between 2007 and 2010, Dr. Bessmer was the U.N. Medical Center personal service medical practice director and in 2010, Dr. Bessmer became medical director for Members MD, a concierge health provider. Following the passage of LB817, that was the direct primary care which I know is of particular interest to all of us. In 2016, he founded Strata healthcare, a direct primary healthcare provider, along with Dr. Clint Flanagan. Did I mention direct primary care? I'd like to if I didn't. Dr. Bessmer was

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

Floor Debate
May 18, 2017

advanced from the Health and Human Services Committee on a 7-0 vote. Dr. Bessmer is a energetic and bright individual. He will be a great resource to us as we reform healthcare delivery in Nebraska. Like other physicians, part of his training is both in adult medicine and pediatric medicine at the Medical Center and the residencies. With that, I ask for a green vote on Dr. Bessmer and thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Riepe. Senator Craighead, you are recognized.

SENATOR CRAIGHEAD: Thank you, Mr. President. I, too, want to support Dr. Bessmer. He happens to live in my district with his wife, Kathy, and their 17 children. He was one of my late husband Mike's physicians and he is everything that Senator Riepe said he is. He's energetic, he's brilliant, and I think he would be a great asset to this committee. Thank you.

SPEAKER SCHEER: Thank you, Senator Craighead. Senator Chambers, you are recognized.

SENATOR CHAMBERS: Thank you. Senator Riepe, a question or two if you will respond.

SPEAKER SCHEER: Senator Riepe, would you yield?

SENATOR RIEPE: Yes, sir.

SENATOR CHAMBERS: Does the group to which this gentleman will be appointed have to do with licensing various professions, did you say?

SENATOR RIEPE: Yes, sir.

SENATOR CHAMBERS: Would the Nebraska Psychological Association be one of those professions?

SENATOR RIEPE: Yes, sir.

SENATOR CHAMBERS: Did you question this person as to whether or not he feels that he must pay homage to the Catholic Conference before any discussion of rules and regulations would take place?

SENATOR RIEPE: No, sir, we separated church and state.

Floor Debate
May 18, 2017

SENATOR CHAMBERS: It doesn't seem to be the case with the Nebraska Psychological Association though, does it?

SENATOR RIEPE: There are issues, I understand with the psychological group.

SENATOR CHAMBERS: And what is one of the issues you understand to exist that might impel me to ask you these questions? Would it involve whether or not there indeed is a separation between church and state?

SENATOR RIEPE: I believe that issue deals with the...I'm trying to think if it's the...and I'm not extremely well-versed obviously on it, but there was some issue between the psychologists that's been going on for a number of years. Some of that has to do with prescribing authority, and some of it has to do, I think, with the gender identification.

SENATOR CHAMBERS: But the problem is created not by the association, but rather by the attitude of the Catholic Conference. Isn't that where the problem arises because the Catholic Conference must approve of rules and regulations before they can be implemented? Isn't that a fact?

SENATOR RIEPE: I think not. The Catholic Conference does not approve those rules and regulations. They may have comment, but they are not accountable for approving them.

SENATOR CHAMBERS: Well, I know they don't approve of them and that's why they can't be implemented.

SENATOR RIEPE: Well, they apparently are able to influence some votes, possibly, or have like-minded people there.

SENATOR CHAMBERS: Well, yeah, I think it goes beyond influencing votes. Don't you think it goes to having a veto power which is beyond just influencing votes. It's more of a directory attitude or stance, isn't that correct?

SENATOR RIEPE: Well, I'm not going to be led there. I don't believe that they have undue influence. I think they have influence.

SENATOR CHAMBERS: So you wouldn't think an outside entity, the official arm of the Catholic Church, you wouldn't say that it has undue influence if that entity can prevent by

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

Floor Debate
May 18, 2017

expressing objection the implementation of rules and regulations governing the Nebraska Psychological Association? You wouldn't deem that to be undue influence?

SENATOR RIEPE: No.

SENATOR CHAMBERS: So then you think it's appropriate what the Catholic Conference is allowed to do? Is that correct?

SENATOR RIEPE: I think the Catholic Conference can have, as they have, have a voice.

SENATOR CHAMBERS: Then let us focus more. The problem then is not the Catholic Conference but rather those whose job it is who represent the state to implement rules and regulations. The problem is with them by allowing the conference to unduly influence their judgment. Is that a more correct statement of the situation?

SENATOR RIEPE: Well, one could view it that way because we don't control the individual votes of the individuals nor do we know specifically what their thoughts are.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: I like your choice of language. You said one could view it that way and it's obvious that one does and I am that one at this point. But that's all the questioning I will do of Senator Riepe and I will turn my light on. Thank you, Mr. President.

SENATOR RIEPE: Thank you.

SPEAKER SCHEER: Thank you, Senator Chambers and Senator Riepe. Senator Hilkemann, you're recognized.

SENATOR HILKEMANN: Thank you, Mr. Chairman. I wonder if Senator Riepe would yield to a couple of questions.

SPEAKER SCHEER: Senator Riepe, would you please yield?

SENATOR RIEPE: Yes, I will.

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

Floor Debate
May 18, 2017

SENATOR HILKEMANN: Senator, I know we supported the direct primary care. I just...I really...I'm asking this question not that I'm going to be opposing to Dr. Bessmer, with direct primary care does he have the option to accept or reject Medicaid patients?

SENATOR RIEPE: We are working...thank you for the question. He would have to be in the network for any one of the three manage care organizations. They have not at this time adopted direct primary care. It's one of the considerations that they may look at. I emphasize "may." He will and I'm sure take Medicaid patients that are not currently under direct primary care. My emphasis on direct primary care, Senator, a little bit earlier wasn't...if I'm trying to be somewhat playful, trying to get some extra plugs in for direct primary care.

SENATOR HILKEMANN: But so...if I understand the answer that you just gave me, is that the answer is that he can choose to be in direct primary care and then he doesn't have to take Medicaid patients, is that correct?

SENATOR RIEPE: Nobody as a physician, you know, no physician has to take Medicaid patients, under any condition.

SENATOR HILKEMANN: I understand that. I just wanted that clarification there because I'm...again, I'm quite concerned how we're going to take care of the Medicaid population in this state. I just think that if we have someone on our State Board of Health, the question mark whether what's going to happen to our Medicaid patients? That's really where I am concerned about. Thank you.

SENATOR RIEPE: Thank you.

SPEAKER SCHEER: Thank you, Senator Hilkemann and Senator Riepe. Senator Chambers, you are recognized.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I have what could be called an extreme amount of concern when an entire identifiable population of our brothers and sisters are treated with official disdain, disrespect, and a denial of their very humanity. I am disappointed that the members of the committee that sent this name to us did not question this individual about his attitude in that regard. And one reason I speak so often on behalf of those I call the least...people should know the other two by now. The pauses cause people to look up and see whether their prayers have been answered and I either had a stroke or I'm in the process of having what for them would be a heart attack, but I will not have a heart attack because I lack that organ. I assure you of that. But here's where I'm bothered. As a

Floor Debate
May 18, 2017

member of the Legislature, I share in the collective guilt that justifiably enshrouds this body for our unwillingness to ensure that all of the people in this state are accorded their dignity as human beings. I speak very harshly in criticism of churches, big shots, corporations and others who not only are in a position to speak for themselves, but often misuse the power they have to harm those that I feel a special obligation toward. I think in this society every person, male, female, child, should be accorded respect without regard to race, religion, or sexual orientation. And when some of our brothers and sisters are treated as though that same old outmoded religion-based notion of how people with leprosy should have been treated, then I think it is reprehensible. And in those days when religion reigned supreme, even when Jesus supposedly was walking around on this earth, these people were compelled to warn others with the shouted word unclean, unclean. These are people, not things. And this body regards members of the LGBT community as things. You know why I know that? Because they wouldn't sit still for a moment if it was their own child. Now, I can't say politicians wouldn't sit still if it were their own child, their brother or their sister because I have seen politicians who are in positions of authority, in fact, sometimes even as Governor who has a very, very inappropriate attitude and disdain toward the LGBT community despite familial connections. So when there is an entity of this state which must gain the approval of the Catholic Conference before rules and regulations will be implemented pursuant to law, then that element of the state government can be called theocratic and it let's you know what happens if religious people take control in this country. Fortunately, Trump is not going to be around long enough to have that done. Not only is he opposed to a separation between church and state, he doesn't even know what that means. But he will say he's agin it because those who are a part of his base are agin it. He'll take billions...

SPEAKER SCHEER: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SPEAKER SCHEER: Senator Kolterman, you're recognized.

SENATOR KOLTERMAN: Thank you very much, Mr. President. Good morning, colleagues. I rise in support of Dr. Bessmer's appointment. I did hear...I did attend the hearing, listened to him talk, studied his resume. We had adequate information I believe to bring him forward. I will tell you that in visiting with him there was a quorum there and we asked him questions about how he could help us expand our medical services across the state. He had some very good ideas about utilizing possibilities of direct primary care, patient-centered medical home, and not just in Lincoln and Omaha, but throughout the state. I think he could bring a very helpful dialogue to the board that could figure out ways that deal with many of Senator Chambers' concerns. I, too, feel like we need to make sure that if we're going to expand healthcare across the state, it has to go to the rural areas. I feel very strongly that this individual will help promote that. So with that,

Floor Debate
May 18, 2017

I would encourage you to support this nomination. I understand the concerns, but this is a very qualified individual that spent a lot of time helping educate doctors. He was on the staff at UNMC for many years working with the interns program. He went back into private practice specifically so he could expand his personal practice, take away some of the bureaucracy that's involved. That's why we advanced direct primary care last year. His total philosophy is to have a doctor-patient relationship. I don't believe it matters with whom it is. That's why they train to be doctors. They aren't trained to be doctors to deal with insurance companies and legislation. So with that, again, I would encourage you to support Dr. Bessmer and, again, I do appreciate the concerns. I appreciate the dialogue, but he is a good man and deserves to be appointed. Thank you.

SPEAKER SCHEER: Thank you, Senator Kolterman. Senator Chambers, you're recognized and this is your third time at the mike.

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature, I have no quarrel with the gentle person whose name is being recommended and I will vote in favor of accepting him. I'm talking about a condition that exists right now with reference to the licensing and the regulating of healthcare professions. And when an entire association can be crippled through the inability of the people on that licensing board to assert enough moral force to carry out the duties that they have suggested they will assume and carry out, then it is a bad situation and I cannot for the life of me understand how there can be Catholics on this floor who know how the Catholic Conference is sticking its nose where it ought not be stuck in the way that it is. Or if it's not the Catholic Conference because they want to say what the Catholic Conference is doing is all right because if they have that power, they should wield it any way they can to control what state agencies do, then they ought to put pressure on those on the licensing board who won't do their job. I'm not religious. I have no influence with the Catholic Conference. Obviously you all who are Catholics don't either. I have no influence with the Governor, with the Board of Health, or anybody in the state. Like Ricketts' crickets. (Chirp sound.) All I have is my voice. And my voice is ignored as much as I ignore the voice of Ricketts' crickets when they are allowed to do a little chirping. I understand that based on how well they served him so far, they will be elevated to the level of locusts and then perhaps to grasshopper. That remains to be seen. Now to get back to a very serious matter. Next session I will at least offer a resolution of condemnation and I will mention the Catholic Conference, but I won't condemn them. I know that they're a political organization and they're going to behave as a political organization. I also think they should...the Conference itself should have to register as a lobbying entity, but they probably don't. Their lobbyist probably does. But I think it's an intolerable situation. I don't know why the World-Herald won't editorialize about it. They have a pension for talking about things that are far less consequential than this. So I had to get those things on the record and whenever somebody is going to be appointed to a board related to health, I may feel constrained to say similar things. That's all I have at this point. Thank you, Mr. Speaker.

Floor Debate
May 18, 2017

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Pansing Brooks, you are recognized.

SENATOR PANSING BROOKS: Thank you, Mr. Speaker. Well, since Senator Chambers opened the door, I have to just take a moment to put an exclamation point on his comments. And we had a Nebraska Supreme Court case that was just...that just came down this session barring the notorious memo 195, which prohibited same-sex children, or same-sex couples from fostering children. So just to be clear to those in HHS and other entities and departments within our state, discrimination is not acceptable against any person at any time. The Supreme Court said that the policy barred same-sex couples from adopting children as well under law and individuals may adopt kids from state care only if they have first been licensed as foster parents, but the memo made it impossible for persons who identify themselves as homosexuals to be foster parents. So there was a case that was brought by the ACLU by three people. The lower court first ruled, well, you haven't been denied, you didn't apply. But the Supreme Court unanimously rejected the appeal on the affirmed the lower court decision that was invalidating that memo. And in his remarkable Opinion for the court, Justice Wright spoke eloquently about the dignitary harm same-sexed couples suffer knowing that the state formally bans them from fostering children. The court went on to say the plaintiffs were faced with the unavoidable, inability to be treated on equal footing if they wished to pursue being foster parents. And the district court's order effected an immediate resolution of that imminent and serious harm. We find no merit to the defendant's narrow view that the action presented a hypothetical harm because the parent...plaintiffs have not shown an ultimate inability to become foster parents. They went on to talk about the fact that the ban on gay foster parents is indistinguishable from a white's only sign that had been used in the past to bar people of color from applying for jobs. So again, I think that this is noticed and that the state should be on notice that we are not going to differentiate and discriminate against any of our citizens, no matter whom they love, no matter the work they do, we are going to support our citizens and this reprehensible decision not to allow psychologists and psychiatrists to help those in need who are LGBT, it is just disgusting to me. So I thank Senator Chambers for bringing this up. I have no problem and will vote for the confirmation, but this moment came up and we have a continuing issue in this body where people don't understand the pain of others,...

SPEAKER SCHEER: One minute.

SENATOR PANSING BROOKS: ...where people choose to close their minds to the barriers and the suffering of others. We had it numerous times yesterday with the disabled people that are needing support from the state. We continue to have comments about people of color, native people, I get letters on. So does Senator Brewer. We have to be more kind and more embracing and more loving. And I ask as a parent of an LGBT person that you be more kind, more open, more Christlike in your actions and your votes. Thank you, Mr. Speaker.

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

Floor Debate
May 18, 2017

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. Senator McCollister, you are recognized.

SENATOR McCOLLISTER: Thank you, Mr. Speaker. Good morning, colleagues. I wondered if Senator Riepe would yield to a few questions.

SPEAKER SCHEER: Senator Riepe, would you yield, please?

SENATOR RIEPE: Yes.

SENATOR McCOLLISTER: The psychologists in the state, they have an association. Do you recall what the name of that group was?

SENATOR RIEPE: I don't know in detail exactly what their...I'm assuming you have it. I don't.

SENATOR McCOLLISTER: Actually, I don't, but it wouldn't be unusual to assume that they operate with a code of behavior or a code of conduct that tells members of that group how they're supposed to handle patients and conduct their business. Is that right?

SENATOR RIEPE: Yes, I'm sure they do.

SENATOR McCOLLISTER: Do we currently have an active code of conduct for that group in the state of Nebraska?

SENATOR RIEPE: That I cannot say.

SENATOR McCOLLISTER: Well, I'll let you know that we do not and we haven't had for at least seven or eight years. And the difficulty that we've have, Senator Riepe, is the fact that we can't agree on whether or not a particular psychologist or psychiatrist should refer somebody. And that has been the big issue and has been the holdup for at least seven or eight years. Don't you think that's a bit long for us to try to put in place new standards?

SENATOR RIEPE: I think seven or eight years is a lifetime.

SENATOR McCOLLISTER: Well, I...a political lifetime in this body for sure.

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

Floor Debate
May 18, 2017

SENATOR RIEPE: Yes.

SENATOR McCOLLISTER: Well, thank you, Senator Riepe. And I would encourage Health and Human Services Department to move forward on that, accept the standards that are used in well over half of the state's in this country, and put Nebraska into the 21st century. Thank you.

SENATOR RIEPE: Thank you.

SPEAKER SCHEER: Thank you, Senator McCollister and Senator Riepe. Senator Chambers, you have already spoken three times so I cannot acknowledge you. Seeing no others in the queue, Senator Riepe, you're welcome to close. He waives closing. The question before us is the adoption of the report. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: (Record vote, Legislative Journal page 1610.) 40 ayes, 0 nays on the adoption of the report, Mr. President.

SPEAKER SCHEER: The report is adopted. Mr. Clerk, next item.

ASSISTANT CLERK: Mr. President, the next report from the Transportation Committee involves two appointments to the Motor Vehicle Industry Licensing Board. (Legislative Journal page 1596.)

SPEAKER SCHEER: Senator Friesen, as Chairman of the committee, you're welcome to open.

SENATOR FRIESEN: Thank you, Mr. President. This morning I have two individuals who are going to be appointed to the Motor Vehicle Industry Licensing Board. It's Tom Dinsdale and Steve Hinchcliff. Tom Dinsdale resides in Grand Island and is a new appointment to the board filling the trailer dealer position on the board. Mr. Dinsdale is president of Tom Dinsdale Automotive and has several dealerships in the area. Steven Hinchcliff resides in Elkhorn and is also a new appointment filling the new car dealer position for the second congressional position on the board. Mr. Hinchcliff owns and operates a new car dealer franchise in Omaha. Both Mr. Dinsdale and Mr. Hinchcliff appeared before the committee and there was no opposition to the appointment of either appointee and the Transportation and Telecommunications Committee supports approval of the confirmation report with no member in opposition. Mr. President, I'd ask for approval of the confirmation report.

SPEAKER SCHEER: Thank you, Senator Friesen. Senator Krist, you are recognized.

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

Floor Debate
May 18, 2017

SENATOR KRIST: Thank you, Mr. President. I wonder if Senator Friesen would yield to a question.

SPEAKER SCHEER: Senator Friesen, would you please yield?

SENATOR FRIESEN: Yes, I would.

SENATOR KRIST: We had a bill earlier in the year that did away with the licensing, annual licensing and renewals for people who sell trailers and cars, etcetera, etcetera. Is this, this board that we're putting people on that would have dealt with those licenses?

SENATOR FRIESEN: I am not sure about that. This board here deals with the dealer licensing, so when a dealership needs a license to operate in the state. I would imagine that they also oversaw that, but I'm not sure. They would oversee that also.

SENATOR KRIST: So do we...you're saying that there are additional reasons why this board is in force?

SENATOR FRIESEN: Yes, as a customer of a dealership, if you would have a complaint and say you were unhappy with something happened and you couldn't reconcile that with the dealer, you could go to this board and file a complaint. And instead of taking it to court, this board would try to solve your problem for you. So, yes, they oversee all the dealers and try to find resolution to any complaints that might come before them.

SENATOR KRIST: Is this board paid per diem? Do we spend tax dollars for them to come together?

SENATOR FRIESEN: Yes, I think they have a \$50 per diem.

SENATOR KRIST: Okay. Noted on the record. Thank you. Thank you, Senator Friesen.

SPEAKER SCHEER: Thank you, Senator Krist and Senator Friesen. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President, I didn't realize that I had spoken three other times on that other issue, but I want to make one more comment especially in view of the exchange between Senators McCollister and Riepe. During the '60s there were many

Floor Debate
May 18, 2017

demonstrations in which I participated where we were challenging establishments that wouldn't serve black people. And ministers were leading this effort. These ministers knew that I and other black men, we were much younger at that time, did not believe in turning the other cheek, that we were not going to tolerate any white, racist cowards attacking these people because they thought there would be no retaliation. So although the preachers did not like the concept of violence as they labeled even self-defense, they always wanted us to be sure and accompany them, which we did. And I don't know whether it was the expression on our face or the clothing that we wore which let them see that we were physically able to protect ourselves and those people we were escorting, those groups never encountered the racist mobs that attacked people in the south who had been taught to duck and cover. We also made it clear that we would give as good as we got. And not one time during the '60s was any group of black people who were demonstrating ever attacked by white people. Not one time. Since I was notorious in those days, even Lee Terry's daddy who was also named Lee Terry was a young man once and during his younger years, he was still older than I, he referred to me as a black militant firebrand. So that's the way I was labeled, just as reporters when I was the only black person here would always include in their stories, State Senator Ernie Chambers, the only black Senator or the only African-American Senator. So people knew me. So a group of white guys came down from Creighton to the barbershop where I cut hair. I was very good at that. Anything that I do, I do the best that I can. And my best at that equals or exceeds that which other people consider to be their best. When you go to barber school, you learn how to cut hair on white people because white people run the barber schools. So there were about six of these guys and they came to the shop and they said, Mr. Chambers what...I wasn't a senator then, wasn't even thinking about being a senator. And if anybody in those years, Senator Friesen, has suggested I'd be a member of this Legislature, I cannot say that I would have controlled myself because I had utter contempt for any and all branches of government in this country. All of them were complicit in racial segregation, racial discrimination. So they said, well, you do all this demonstrating. I said, yep. Well, suppose...

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: ...some of us came down and demonstrated in front of the barbershop. I said, well, why would you do that? Well, we would carry signs saying we want a haircut, what would you do? I say, we don't (inaudible), come on in and get a haircut if you can pay for it. We cut anybody's hair. And we cut white people's hair better than the cuts they got in other barbershop where white people were the barbers. So I practice what I preach. Even when white people thought that I would fight a white person at the drop of the hat simply because that person was white had no concept of what I am because they judge me by what they were. So I practice what I preach, and far more of what you all preach than any of you all would. Thank you, Mr. President.

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

Floor Debate
May 18, 2017

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no others in the queue, Senator Friesen is welcome to close. He waives closing. The question before us is the adoption of the report. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record.

ASSISTANT CLERK: (Record vote, Legislative Journal pages 1610-1611.) 34 ayes, 0 nays on the adoption of the report.

SPEAKER SCHEER: The report is adopted. Colleagues, we're moving to Final Reading. Would you please return to your seats. Any announcements or items?

ASSISTANT CLERK: Mr. President, one item. Confirmation report from the Business and Labor Committee. (Legislative Journal page 1611.)

SPEAKER SCHEER: Mr. Clerk, the first bill is LB72. [LB72]

ASSISTANT CLERK: Mr. President, with respect to LB72, Senator Blood would move to return the bill to Select File for specific amendment. (FA80, Legislative Journal page 1611.)

SPEAKER SCHEER: Senator Blood, you are recognized. [LB72]

SENATOR BLOOD: Thank you, Mr. President. Fellow Senators, friends all, I rise today as one of my last opportunities to express my concerns on LB72. First, I want to say that I highly respect Senator Schumacher. I have learned a lot from him. He is indeed a true statesman. I got to say Senator Schumacher, you is smart. You is kind. And you is important. But with that said, I got to express my concerns. The changes made on Select File had no public hearing. It's a very, very different than the original bill and I do understand and comprehend that we are allowed to make those changes. But I believe that it deserves a public hearing. Every municipality that I have spoken with in my neck of the woods opposes this bill even as amended. As a body, I certainly understand that we have the ability and the right to create guidelines for our municipalities, often to their detriment, but my concern is, when did we start making legislation and ignore their voice? And I truly believe the municipalities believe that their voices are not being heard on this bill. When lien priority is voluntarily given in no defined benefit communities, I believe that we open the door to those very communities withholding a lien when a savvy bond company demands being first choice, or no money can then be loaned. I believe it's an overreach in favor of special interest and in a market whose conditions will fluctuate, especially when it comes to levels of solvency. With that, I would withdraw my motion. Thank you, Mr. President. [LB72]

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

Floor Debate
May 18, 2017

SPEAKER SCHEER: Without objection, so noted. Mr. Clerk, the reading. [LB72]

ASSISTANT CLERK: (Read LB72 on Final Reading.) [LB72]

SPEAKER SCHEER: All provisions of law relative to procedure have been complied with. The question is, shall LB72 pass? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Please record, Mr. Clerk. [LB72]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1612.) The vote is 41 ayes, 4 nays, 3 present and not voting, 1 excused and not voting, Mr. President. [LB72]

SPEAKER SCHEER: LB72 does pass. We'll now proceed to LB333E. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor please vote aye; all those opposed vote nay. This requires 30 votes. Please record. [LB72 LB333]

ASSISTANT CLERK: 43 ayes, 2 nays to dispense with the at-large reading. [LB333]

SPEAKER SCHEER: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB333]

ASSISTANT CLERK: (Read title of LB333.) [LB333]

SPEAKER SCHEER: All provisions of law relative to procedure have been complied with, the question is, shall LB333E pass? All those in favor please vote aye; all those opposed vote nay. This vote will require 33 positive votes. Please record, Mr. Clerk. [LB333]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1613.) The vote is 48 ayes, 0 nays, 1 excused and not voting. [LB333]

SPEAKER SCHEER: LB333E passes with the emergency clause attached. We'll now proceed to LB415. Mr. Clerk, the first vote...motion, Mr. Clerk. [LB333 LB415]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to return LB415 to Select File for a specific amendment. (FA81, Legislative Journal page 1614.) [LB415]

SPEAKER SCHEER: Senator Chambers, you are welcome to open. [LB415]

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

Floor Debate
May 18, 2017

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Kolterman a question or two if he would respond. [LB415]

SPEAKER SCHEER: Senator Kolterman, would you please yield? [LB415]

SENATOR KOLTERMAN: Yes, I will. [LB415]

SENATOR CHAMBERS: Senator Kolterman, did you and I have a brief discussion this morning over here in my territory? [LB415]

SENATOR KOLTERMAN: Yes, we did. [LB415]

SENATOR CHAMBERS: Who approached whom? [LB415]

SENATOR KOLTERMAN: Well, Senator Chambers, I approached you to let you know...I approached you. [LB415]

SENATOR CHAMBERS: Please answer the question as it's asked. [LB415]

SENATOR KOLTERMAN: I approached you. [LB415]

SENATOR CHAMBERS: Thank you. At the time you approached me, Senator Kolterman, in my territory, was I to all appearances tending to my own business? [LB415]

SENATOR KOLTERMAN: Just like normal. [LB415]

SENATOR CHAMBERS: And Senator Kolterman, did you initiate an exchange with me? [LB415]

SENATOR KOLTERMAN: Yes, I did. [LB415]

SENATOR CHAMBERS: Senator Kolterman, what was the subject of that exchange that you initiated with me in my territory while I was minding my own business? [LB415]

SENATOR KOLTERMAN: I let you know that my bill was up on Final Reading again today. [LB415]

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

Floor Debate
May 18, 2017

SENATOR CHAMBERS: And what is the number of that bill? [LB415]

SENATOR KOLTERMAN: LB415. [LB415]

SENATOR CHAMBERS: And what was it you told me about that bill which is yours? [LB415]

SENATOR KOLTERMAN: This is the second time it was up. [LB415]

SENATOR CHAMBERS: Thank you, and I'm going to let you know what my amendment is. This bill will not again appear on Final Reading. Senator Kolterman, without me going through all the trouble of getting a vote on this, would you agree that this bill will not appear again on Final Reading this session? [LB415]

SENATOR KOLTERMAN: I hope so, yes. [LB415]

SENATOR CHAMBERS: Now, you gave two answers. Do you hope so, or is your answer that it will not appear again? [LB415]

SENATOR KOLTERMAN: I think there's another amendment that will allow it to appear again. [LB415]

SENATOR CHAMBERS: In fairness to you, you did not tell me this is the last time that it would appear, did you? [LB415]

SENATOR KOLTERMAN: No, I did not. [LB415]

SENATOR CHAMBERS: You told me that it is going to appear again, correct? [LB415]

SENATOR KOLTERMAN: I told you that it would appear on Final Reading today, hopefully for the last time. [LB415]

SENATOR CHAMBERS: Is it an amendment that you are going to offer? [LB415]

SENATOR KOLTERMAN: No, it is not. [LB415]

SENATOR CHAMBERS: Is it a friendly amendment in your opinion? [LB415]

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

Floor Debate
May 18, 2017

SENATOR KOLTERMAN: I think so, I hope so. [LB415]

SENATOR CHAMBERS: Mr. President, Senator Kolterman is such a very pleasant gentleman, he approached me in a way that was so respectful that even had I an intention, which I didn't, to mess with his bill, that would have been erased. And to establish that, Senator Kolterman, I want to withdraw my pending motion. [LB415]

SENATOR KOLTERMAN: Thank you, Senator Chambers. [LB415]

SPEAKER SCHEER: Thank you, Senator Chambers, Senator Kolterman. Seeing no objection, so withdrawn. Mr. Clerk. [LB415]

ASSISTANT CLERK: Mr. President, Senator Linehan would move to return LB415 to Select File for a specific amendment. (FA82, Legislative Journal page 1614.) [LB415]

SPEAKER SCHEER: Senator Linehan, you are recognized. [LB415]

SENATOR LINEHAN: Thank you, Mr. President. I, too, have great respect for Senator Kolterman and hopefully I will withdraw this amendment, but I want to spend a little time this morning talking about this. I have been trying to figure out with the help of the research office and my own staff what our obligations are to the teacher's retirement. And there seems to be the general consensus that we are obligated, the Legislature is obligated to keep the account sound. And if that is in fact, I don't think there has been a court case determining that, and they're not our employees...they're not our employees, we don't bargain with them, we don't decide what their salaries are, so I have a conflict going in my head how we could possibly be responsible for their retirement when we don't hire them. And I can guarantee you I have a lot of e-mails that explain to me that they don't work for us and that we don't and should not have very much to do with them. So I would like to ask Senator Kolterman if he would yield for some questions. [LB415]

SPEAKER SCHEER: Senator Kolterman, would you please yield? [LB415]

SENATOR KOLTERMAN: Yes, I will. [LB415]

SENATOR LINEHAN: Senator Kolterman, is it your opinion that we, the state of Nebraska, the Legislature, is responsible for the State Teachers Retirement account being sound? [LB415]

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

Floor Debate
May 18, 2017

SENATOR KOLTERMAN: Yes, it is. [LB415]

SENATOR LINEHAN: Okay. And is that why this year by statute we contributed \$44 million to the State Teachers Retirement account? [LB415]

SENATOR KOLTERMAN: Yes, it is. [LB415]

SENATOR LINEHAN: And is \$44 million approximately what we did not override the Governor's vetoes on yesterday? A round number, somewhere between \$40 (million) and \$50 million. [LB415]

SENATOR KOLTERMAN: Yes. [LB415]

SENATOR LINEHAN: So we had to trim spending for the most needy amongst us as we heard repeatedly yesterday on the floor, but we managed in a tight year to come up with \$44 million to keep this retirement account sound. So would you yield to another question, Senator Kolterman? I'm sorry. [LB415]

SENATOR KOLTERMAN: Definitely. Yes, I will. [LB415]

SENATOR LINEHAN: So is that why you are working so diligently to make sure we can get the...and this bill does, is raises the retirement account from fifty-five to sixty? [LB415]

SENATOR KOLTERMAN: That's one of the reasons we're doing it, to keep it sound. [LB415]

SENATOR LINEHAN: And are you concerned that we keep working on this to make sure that we don't have people who...so it's allowed now, I understand, it's allowed that you can retire and start your annuity and start subbing within 180 days, that is allowed now, right? [LB415]

SENATOR KOLTERMAN: Yes, it is. There's some catches to the...but it is allowed. [LB415]

SENATOR LINEHAN: So you can retire and get a fairly decent...these are guaranteed annuities, right? Or, well, guaranteed, but they are fixed annuities? [LB415]

SENATOR KOLTERMAN: They're paid on an annuity payout, correct. [LB415]

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

Floor Debate
May 18, 2017

SENATOR LINEHAN: So it's based on their years and their...it's like, three times...three percent of their salary over the years, right? Something like that, income above 60 percent. [LB415]

SENATOR KOLTERMAN: I don't have the formula, but it's a nice benefit. [LB415]

SENATOR LINEHAN: About 60 percent I think of their salary. So, that's not the way the state employees retirement works, is it? [LB415]

SENATOR KOLTERMAN: The state is on a different type of plan. They're on a cash balance plan. [LB415]

SENATOR LINEHAN: So they don't have a guaranteed annuity. [LB415]

SENATOR KOLTERMAN: They have a guaranteed return on investment. [LB415]

SENATOR LINEHAN: Okay. Thank you, Senator Kolterman. I appreciate it very much. So I, too, will withdraw my amendment, but I think next year we need to look seriously at how we're funding this and why it gets put ahead of everything else, including all the people that were here yesterday asking us not to cut funding. I don't understand this and I think it's something we need to look at seriously next year. So with that, I will pull my amendment and thank you, Senator Kolterman and Mr. President. [LB415]

SPEAKER SCHEER: Without objection, so ordered. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. This will require 30 positive votes. Please record. [LB415]

ASSISTANT CLERK: 45 ayes, 1 nay to dispense with the at-large reading, Mr. President. [LB415]

SPEAKER SCHEER: Mr. Clerk, read the title. [LB415]

ASSISTANT CLERK: (Read title of LB415.) [LB415]

SPEAKER SCHEER: Thank you, Mr. Clerk. For the record, the at-large reading was dispensed with. All provisions of law relative to procedure having been complied with, the question is, shall LB415E pass. All those in favor vote aye; all those opposed vote nay. With the E-clause it will require 33 positive votes. Have all voted that wish to? Record, Mr. Clerk. [LB415]

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

Floor Debate
May 18, 2017

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1615.) The vote is 48 ayes, 0 nays, 1 excused and not voting. [LB415]

SPEAKER SCHEER: LB415E passes with emergency clause. We will now proceed to LB415A. Mr. Clerk. [LB415 LB415A]

ASSISTANT CLERK: (Read LB415A on Final Reading) [LB415A]

SPEAKER SCHEER: All provisions of law relative to procedure have been complied with. The question is, shall LB415AE pass with emergency clause? All those in favor vote aye; all those opposed vote nay. This, again, will require 33 positive votes. Have all voted that wish to? Please record. [LB415A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1615-1616.) The vote is 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President. [LB415A]

SPEAKER SCHEER: LB415AE passes with emergency clause attached. We will now proceed to LB644. Mr. Clerk, the first vote is to dispense with at-large reading. All those in favor please vote aye; all those opposed vote nay. This will take 30 affirmative votes. Have you all voted that wish to? Please record. [LB415A LB644]

ASSISTANT CLERK: 45 ayes, 1 nay to dispense with the at-large reading, Mr. President. [LB644]

SPEAKER SCHEER: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB644]

ASSISTANT CLERK: (Read title of LB644.) [LB644]

SPEAKER SCHEER: All provisions of law relative to procedure have been complied with, the question is, shall LB644 pass? All those in favor please vote aye; all those opposed vote nay. Please record. We'll stand at ease for about another 35 seconds. Record, Mr. Clerk. [LB644]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1617.) The vote is 48 ayes, 0 nays, 1 excused and not voting. [LB644]

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

Floor Debate
May 18, 2017

SPEAKER SCHEER: LB644 does pass. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB72, LB333E, LB415E, LB415AE, and LB644. Mr. Clerk, next item. Items, Mr. Clerk. (Legislative Journal Page 1617.) [LB72 LB333 LB415 LB415A LB644]

ASSISTANT CLERK: Mr. President, some items. Communication from the Clerk to the Secretary of State inasmuch as the Legislature did not override line-item vetoes contained in LB327. The bill is delivered for the filing in the form and amounts as prescribed by the Governor. LB331 is being delivered for filing in the form as prescribed. And LB330 is being filed in the form and amounts as prescribed by the Governor. All those signed by the Clerk to the Secretary of State. Mr. President, the next item is LR95, introduced by Senator Craighead. Provides for the Honor and Remember Flag as adopted as the official symbol of the state of Nebraska. (Legislative Journal pages 1618-1619.) [LB327 LB331 LB330 LR95]

SPEAKER SCHEER: Senator Craighead, you are welcome to open. [LR95]

SENATOR CRAIGHEAD: Thank you. Good morning, Speaker Scheer and colleagues. I come before you this morning to introduce LR95, which authorizes the display of the Honor and Remember Flag to honor service members who gave their lives in defense of our country. The resolution would allow for the Honor and Remember Flag to be displayed on any day, including Armed Forces Day, Memorial Day, Gold Star Mother's Day, Veterans Day, and any other day on which a resident of this state dies while serving on active duty in the armed forces of the United States. LR95 was introduced as a comprise to Senator Kolowski's LB652 which had the exact same language. LB652 has been held in committee due to questions about having this type of content put into statute because of the incorporated nonprofit status of the Honor and Remember Organization. LR95 would allow the Honor and Remember Flag to be flown on state property during the next year while Senator Kolowski considers enacting this into statute. I respectfully ask for your green vote on LR95. Thank you. [LR95 LB652]

SPEAKER SCHEER: Thank you, Senator Craighead. Seeing no one wishing to speak, Senator Craighead, you're welcomed to close on your resolution. She waives closing. The question for us is adoption of LR95. All those in favor please vote aye; all opposed vote nay. Have all voted that wish to? Please record. [LR95]

ASSISTANT CLERK: 39 ayes, 0 nays on the adoption of LR95, Mr. President. [LR95]

SPEAKER SCHEER: LR95 is adopted. Next item. [LR95]

Floor Debate
May 18, 2017

ASSISTANT CLERK: Mr. President, the next resolution, LR151, which was introduced by Senator Pansing Brooks, is a resolution acknowledgment the provisions of the In re Gault Supreme Court decision. [LR151]

SPEAKER SCHEER: Senator Pansing Brooks, you're welcomed to open. [LR151]

SENATOR PANSING BROOKS: Thank you, Mr. President. Members of the body, I'm proud and happy to open on LR151 today, a ceremonial and celebratory resolution that marks the 50th anniversary of In re Gault, a Supreme Court decision that was announced 50 years ago this week. In re Gault is a landmark Supreme Court decision that found that the constitutional guarantees of due process apply whenever children are brought before a juvenile court and that a child requires the guiding hand of counsel at every step in the proceedings against him. Other states are passing similar resolutions to mark this 50th anniversary of the Gault decision. In fact, LR151 contains identical language to resolutions that already passed this year in Georgia and Washington State. Further, for those of you who think that Congress simply can't get anything done, the United States Senate passed a similar resolution in 2007 to mark the 40th anniversary. They have yet to do so this year. I have passed out copies of that resolution for your information. LR151 was voted out of committee unanimously and had no opposition testimony. We met at the early hour of 8:00 a.m. and I thank Senator Ebke for calling that hearing. And in fact, I think that we may have set a record for the session's shortest hearing. So in closing, I urge you to vote green on LR151 to commemorate the important In re Gault decision. Thank you very much. [LR151]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. Seeing no one wishing to speak, you're welcomed to close. Senator Pansing Brooks waives closing. The question before us is the adoption of LR151. All those in favor please vote aye; all those opposed vote nay. Have all those that wish to voted? Please record. [LR151]

ASSISTANT CLERK: 32 ayes, 0 nays on the adoption of the resolution. [LR151]

SPEAKER SCHEER: LR151 is adopted. Next item. [LR151]

ASSISTANT CLERK: Mr. President, the next resolution is LR127, which was introduced by Senator Krist. It pertains to the Nebraska Justice System Special Investigative Committee and authorizes them to continue the work. This resolution was referred to the Executive Board for public hearing. It was reported to the Legislature for further consideration with amendments. (AM1417, Legislative Journal page 1591.) [LR127]

SPEAKER SCHEER: Senator Krist, you are welcomed to open. [LR127]

Floor Debate
May 18, 2017

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues; good morning, Nebraska. The Executive Board held a hearing for LR127 this past Tuesday; and I want to thank Chairman Watermeier and the members of the Executive Board for advancing this legislative resolution. In 2014, the Legislature established the Department of Correction Services Special Investigative Committee through the adoption of LR424 in response to the murders committed by Mr. Nikko Jenkins. As the committee moved forward, it expanded its investigation to include a number of other significant issues into the department. LR424 report provided, quote, a candid and blunt report concerning dysfunction of the Nebraska Department of Correction Services, and then Governor Heineman's role in the specific problems examined, end quote. Also provided a, quote, candid assessment of a starting point for reforms that must have been undertaken to restore the public's confidence in Nebraska Department of Corrections. In 2015, the Legislature adopted LR34 to continue the work of the special committee as it sought to continue to provide oversight over the Department of Correction Services and to assess the department's progress on the recommendations made in the LR424 report. The LR34 Committee held ten hearings that examined issues in staffing, overcrowding, mental and behavioral health, treatment, programming, and restrictive housing. At the end of the process, the LR34 Committee issued a report and their findings and recommendations on each of these issues. Let me stop there and just say for those of you who think that this had any bearing or had anything to do with the CSG Phase One, Phase Two, JRICC, JROC or any of the other happenings, it did not. The Special Investigative Committee and the Oversight Committee were separate, distinct from those events and those organizations. LR127 would continue that work as outlined in this resolution. In addition, and probably the strongest part of this resolution, the focus on the Department of Corrections, this resolution would establish a Nebraska Justice System Investigative Committee. The committee would be charged with studying programs and policies relating to adult justice system implemented and followed by, not just the Department of Corrections Services, but the Office of Parole, Board of Parole, Nebraska Commission of Law Enforcement and Criminal Justice, the Office of Probation. This committee is required to brief the Judiciary Committee and Appropriations Committee of the Legislature by December 15 of 2017 and December 15 of 2018 and issue a report on their findings. The Executive Committee did amend my initial suggestion, and I am fully supportive of the committee amendment that follows. Thank you. [LR127]

SPEAKER SCHEER: Thank you, Senator Krist. Mr. Clerk for amendment. [LR127]

ASSISTANT CLERK: Mr. President, there is an amendment to LR127 from the Executive Board. (AM1417, Legislative Journal page 1591.) [LR127]

SPEAKER SCHEER: Senator Watermeier, as Chair of the Executive Board, you are welcomed to open. [LR127]

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

Floor Debate
May 18, 2017

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraska. This committee amendment to LR127, which is AM1417, does a couple of things. AM1417 strikes the resolve clauses and adds some new language which makes the following changes. It provides that the committee shall be an oversight committee rather than investigative committee. It makes the Chair of the Judiciary Committee the Chair of the special committee, and finally, it strikes the reference to the specific subpoena power that would be enabled in the investigative committee. I would ask for your support on LR127 after this amendment passes. Keep in mind that we still have subpoena power inside of the Executive Committee we can grant to this committee if they so need it, but it would have to come through the Executive Board. I just want to stop and remind everybody that may have forgotten a little bit and really thank all the members that have been on the different investigative, oversight, Justice Reinvestment, JROC; I can't believe as I go through some of the paperwork the amount of time that those committee members have spent on this issue. Even since I have been here since 2013, it's been enormous. And I lived through LB605, which was an enormous undertaking to get good changes happening inside of the Corrections. And we're on the right direction. But I still believe there is some work that needs to be done and we need to be ready, we need to be prepared as a body when things happen. And part of the push for me to make this resolution happen was to encourage more members of this body to become involved. I think even Senator Krist had mentioned that yesterday that it had focused so heavily on the Judiciary Committee that my goal, and I think his goal as well, would be to inject new blood, new ideas, and new thoughts so that when things come to the body that need to come, we have more support. This is an important resolution. I am firmly committed to making this happen. And as Senator Krist had alluded to earlier, there is quite a number of things going on. And my view of this in the future would be to try to limit that so such a confusion of overlapping committees that we could narrow that down to maybe one committee in the future. But the public trust really is at odds with the Corrections right now. They're concerned about what's going on. And we need to be concerned about what's going on in there. I have conversations all the time with Director Frakes. And I think he appreciates my involvement, but yet he's still opposed to LR127, the way it was in its original form. And I'm hoping that the executive branch will appreciate what we're trying to do here today. And I know there are members that are still a little bit concerned about creating more paperwork. But I have had conversations with Senator Ebke about how she will manage this. And she has an LR196, and hopefully, if she wants to, she can speak to it. But we're hoping that there will not be depletion of requests to the Department of Corrections. We hope that it's very clean. We hope that we do not inundate them with a lot of requests that they can't manage, because that was a majority of the concern that I had. So with that I would ask for your support on AM1417 and let's pass LR127. Thank you, Mr. President. [LR127 LR196]

SPEAKER SCHEER: Thank you, Senator Watermeier. Senator Larson. [LR127]

Floor Debate
May 18, 2017

SENATOR LARSON: Thank you, Mr. President. First of all, I'd like, under Rule 4, Section 5, request that this resolution require an affirmative vote of the majority of the elected members. [LR127]

SPEAKER SCHEER: Thank you, Senator Larson. As well, thank you for notifying the Chair in advance of the request so that we were able to document it, and as stated in Rule 4, Section 5, one member can call for the requirement of a majority vote. So therefore, this will require a majority of 25 in support rather than a majority of those voting. Senator Larson, you are recognized. [LR127]

SENATOR LARSON: Thank you, Mr. President. Colleagues, this did not come out of Executive Board unanimously. It was an interesting hearing, to say the least, a 6-3 vote to come out of the Exec Board. And we heard from both sides, those that were in support of this measure, as Senator Krist's original resolution, and, obviously, we heard from about an hour of questioning between Director Frakes and Senator Chambers. And we've had the special committees. We've had the oversight. Senator (sic--Director) Frakes gave the committee a very detailed action plan of what Department of Corrections is doing and how they are on track. They are doing what we have asked them to do. And sometimes it takes time to continue on that path. And I have faith in Director Frakes. I know that some on this floor do not have faith in Director Frakes, but he was very clear when he said that another one of these committees will just continue to take time and resources away from the Department of Corrections that could be used and should be used to fixing the issues that are there. So I do rise in opposition to AM1417 and LR127. We will be taking time and resources from the Department of Corrections that should be spent on implementing the things that we've already put in place and already told them they need to do. So, though I understand what Senator Krist is trying to do, I don't think it's necessary. My other problem, very specific problem, with the committee amendment, and I voiced this in committee, is...and I understand that to hire an outside counsel would require Exec Board approval, but we are providing them with a legal counsel already, but then saying they can also hire outside counsel. The last time we saw a hired outside counsel for one of these investigative committees, the outside counsel took it upon himself to do a significant amount of questioning of a number of people that came to the committee. And that is not the outside counsel's job. That outside counsel, who once was one of us, took it upon himself to score political points--I don't know if it was for his own political aspirations or what--to ask questions and score political points. Now I'm not saying that that outside counsel would do so again, or if the same outside counsel would be hired by the Exec Board, but the fact that there is even the possibility of that happening is something that I find disturbing, especially when LR127 and AM1417 already provide for legal counsel. So that is one very specific thing that I am troubled with, regardless of the overall fact that I think it would take time and resources away from what Department of Corrections is doing. Thank you, Mr. President. [LR127]

Floor Debate
May 18, 2017

SPEAKER SCHEER: Thank you, Senator Larson. (Visitors introduced.) Those waiting to speak: Senator Bolz, Schumacher, Pansing Brooks, Harr, and others. Senator Bolz, you're recognized. [LR127]

SENATOR BOLZ: Thank you, Mr. President. It was about this time in 2013 when a senior member of the body approached me and asked me if I might be interested in serving on a special committee related to justice and Corrections. And I said, yes, of course I'd be happy to serve. So in a lighthearted way, this is my warning to the first-year senators: beware, beware of what you're getting looped into by senior members. The committee ended up being a very time-intensive committee; and while I am very proud of the work that we have done, think twice when you are approached, my friends. That said, I want to stand in support of this legislative resolution and just talk a little bit about some of the positive impacts of previous committees. So much has happened over the last few years as we've been working on justice reform that I do think it's worth our time to take a step back and think about all the progress that has been made. Of course, there is conversation about LB605, which increased our use of probation and post-release supervision. We've expanded our capacity, both our physical capacity and our professional capacity, related to community corrections. We have brought in national experts to help us with programming and analysis. We have allowed...we have changed the Board of Parole to an independent board and a more evidence-based practice. And so all of these things...we have also improved the Administrative Procedures Act. All of these things are really positive outcomes of the work of the oversight and investigative committees that have been put forth by this body. And in an effort to describe where we might go next in terms of this oversight committee, I want to put that in context as well. The first committee was really a case study. It was a case study of the Nikko Jenkins case and it unwound and unraveled many of the challenges and problems that were facing our Corrections system, ranging from parole practices to staffing adequacy to even our furlough program and how procedures worked. The next committee was really an investigation of those challenges, ranging from work force adequacy to staffing ratios to even a financial audit which found some important changes that needed to be made, including everything from how inmates' resources are used to our pharmacy practices. So how does this most recent LR fit in? Well, what the real opportunity, I see, in this LR to be is to take a broader view, to put this in context of system and community, which is why the most exciting part about this LR to me is the integration of the Board of Parole, Probation, and the Crime Commission because I think we all know that the narrow focus on just the Department of Corrections ignores the context in which individuals end up being incarcerated, ranging from crime and gang activity in communities which are part of the purview of the Crime Commission, to successful reintegration which is related to the Board of Parole. So, colleagues, I see this as both a responsibility and an opportunity. Certainly there are still challenges that need to be addressed in the Department of Corrections, but I think we're missing an opportunity if we don't continue our progress, continue the drum beat, and continue to work with those community and departmental

Floor Debate
May 18, 2017

and oversight commissions that can add so much value to our long-term vision of Corrections reform. So with that, I stand in support of LR127. Thank you, Mr. President. [LR127]

SPEAKER SCHEER: Thank you, Senator Bolz. Senator Schumacher, you're recognized. [LR127]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. I rise in support of AM1417 and LR127. This deals with that God-awful mess that was uncovered at the penitentiary and with our...some of the other elements of our criminal justice system four years ago. And the more we dug into it, the more that we uncovered, the more that the media uncovered, and, well, you all know it's a mess. And we've been knocking off people out there at a pretty regular rate. We're probably going to end up in federal court over it. Certainly if the...what the ACLU has said is correct, we will be there. You know, how many times do you have to study something and come up with the conclusion that things are screwed up before you know they're really screwed up? And the answer is we probably studied enough, but this is a term-limited Legislature. We know things are screwed up. But that probably hasn't sunk in enough with enough particularities to affect the decision making of new people that come through the body, and it is a continuing process. I think that process has to continue. And there's another thing that makes me think that we're probably doing a good thing by continuing this, and I think Director Frakes is a pretty decent guy. I think he's got a lot of skills. I think he's confined by this financial mess that we find ourselves in. I think if he really wanted to say what is needed out there money-wise it would be multiples of what he has asked for. But I was listening to the radio the other day driving in, not the '60s channel, and there was a former Correction officer on there, and the underlying message I got from what he was saying in his interview was we just got to use solitary confinement more. We don't have any tools out there because they're taking solitary confinement away from us. And all the studies that we've come across indicate solitary confinement is a bad thing. It's only used in systems that have gone awry. And Director Frakes has got to, unfortunately, been put between a rock and a hard place. He's got pressure from that institutional momentum out there to go backwards. There's got to be knowledge on our part, support on our part, and encouragement on our part, maybe even pressure on our part, in order to assist him in what I believe he thinks is the right thing to do. These hearings do that. As far as the criticism of Senator Lathrop, when he acted as attorney, we asked him to do that because it saved our time and Director Frakes's time. He is an extremely effective questioner who is highly informed of the issue because he chaired the committee at the prior time. And so he was able to move through the questions a lot faster with a lot more precision and a lot more clarity and in a lot less time than we did, and we could have in the way that senators normally ask questions. So I rise in support of Senator Watermeier's thoughts on this. Senator Krist, unfortunately, will be leaving the body soon and leaving that committee, a vast amount of knowledge... [LR127]

SPEAKER SCHEER: One minute. [LR127]

Floor Debate
May 18, 2017

SENATOR SCHUMACHER: ...that's got to be transferred. And I think that Senator Ebke will be able to coordinate this effort with the resources that she has in Judiciary Committee. I think that the other committees that were working on this criminal justice problem will work well together here, and I would certainly encourage the body to keep this effort up. It's going to be a long haul. We're fighting institutional inertia and it's probably going to be expensive. Thank you. [LR127]

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Pansing Brooks, you're recognized. [LR127]

SENATOR PANSING BROOKS: Thank you, Mr. President. I rise in support of AM1417 and LR127. As the LR34 Chair, I'm proud of the work that we did on LR34 and the report that we released in December. It was a ton of work. Senator Watermeier is right. We spent a lot of time. We had a lot of staff members working. Senator Lathrop was integral to helping us walk through the legal minefields. And so I'm really grateful for everybody who put so much time into it and worked. We do have the responsibility of oversight of Corrections. And this is not about having faith in Director Frakes. I have a lot of faith in Director Frakes. But this is about...I do not have the faith that we have the resources necessary to help him do his job. So there were recommendations in the LR34 report, and there have been numerous issues since that report was released. Again, I will continue to remind everybody about the vicious circle, about the continuing overcrowding which we are facing, which leads to understaffing and the continuing inability that we have in Corrections to hire people and sufficient people to make it safe for staff members, which then leads to a lack of support staff and room for programming, which includes the drug and the violence mitigation classes, which leads then to a parole backup because inmates are not prepared for release, which then leads to jamming out without the classes, which leads to recidivism because they haven't had the courses to make them safer members entering our society, which then again leads to their arrest and to increasing the overcrowding issue. So I want to say that this is an important issue. We've heard grumblings about the state being sued. We have got responsibility to go forward and continue to keep our eyes focused on what's happening, keeping our society safe, keeping our staff members safe, and our responsibility to keeping inmates safe. And I am pleased to hear that Senator Ebke is willing to lead this, this next effort. I have a lot of faith in Senator Ebke. She's done an excellent job as Chair of Judiciary this year. And I know that she will lead this investigation and this oversight in a very positive and fair manner. So with that, thank you, Mr. President. [LR127]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. Senator Harr, you're recognized. [LR127]

SENATOR HARR: Thank you, Mr. President, members of the body. I rise in support of this bill...or resolution, but I honestly don't know the answer to this question, and I'm going to ask

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

Floor Debate
May 18, 2017

Senator Watermeier a question, but I see he's on his phone, so when he's off I'll talk about it. But, folks, this does a good thing. This isn't about not having or not having faith in our prison system. It's about oversight. And so with that I would ask Senator Watermeier a question if he would yield. [LR127]

SPEAKER SCHEER: Senator Watermeier, would you please yield? [LR127]

SENATOR WATERMEIER: Yes. [LR127]

SENATOR HARR: Thank you, Senator Watermeier. I see the amendment requires...or changes it from an oversight...from an investigative committee to an oversight committee. Can you explain the difference for the record? [LR127]

SENATOR WATERMEIER: It's hard to do, but for me investigative committee would have dealt with subpoena powers, maybe really digging into...you could almost look at it in more of a proactive look that they would be actively looking for issues. Where the oversight, I don't want to say they're not going to be proactive, but they're going to be more reactionary on what may happen. But they're going to be active, they're going to be ready, and they'll be available at the same time, I think. It just tones it down a little bit. [LR127]

SENATOR HARR: Okay. And you support, if this amendment comes on, you support the underlying LR? [LR127]

SENATOR WATERMEIER: Yes. [LR127]

SENATOR HARR: Okay. Thank you. That's all I have. [LR127]

SPEAKER SCHEER: Thank you, Senator Watermeier, Senator Harr. Senator Ebke, you're recognized. [LR127]

SENATOR EBKE: Thank you, Mr. President. I thought I might just say a few words, sort of, about my views on this committee and where I see it going, if it is passed. If you'd asked me three or four months ago whether I thought that we ought to continue on with an investigative committee, I would have said no. In fact, some people asked me, as recently as early April, whether I thought we ought to do it and I was still sort of agnostic about it. But as we've looked at some things further and as we've seen that our prison population numbers continue to rise rather than decrease, I think it's important for us to have sort of a separate body, aside from the Judiciary Committee, that has the opportunity to look in detail at some of these things, a smaller

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

Floor Debate
May 18, 2017

committee that has kind of a laser-like focus on the Correction system in particular. When Senator Watermeier asked me about staffing and asked whether I would be willing to serve on this, I took a deep breath and said, yes. I've got great confidence in our legal counsel in the Judiciary Committee, and I think that they will do a great job of helping us out with this. I think that by using myself and the legal staff in the Judiciary Committee is sort of the hubs. I am hopeful that we are able to avoid imposing on the Corrections Department in any great detail that we don't have to duplicate our efforts in terms of questions. My LR196 does some of the same things as an interim study as this particular oversight committee might do, so we can share information between the Judiciary Committee and the oversight committee, I think. I appreciate Senator Krist bringing this. I appreciate his efforts the last four years, three or four years, on the various committees. I do think that it's important for us to have this. And with that, I yield the balance of my time. Thank you. [LR127 LR196]

SPEAKER SCHEER: Thank you, Senator Ebke. Senator Wishart, you're recognized. [LR127]

SENATOR WISHART: Thank you, Mr. President. I rise in support of LR127 and AM1417. I have both the penitentiary and the community corrections center in District 27, and have a lot of Corrections staff members in the district as well. And when I knocked on their door and spoke with them, they asked me to be engaged in making sure that we are improving our Corrections system in the state. And I remember in an Appropriations Committee hearing, in discussion, Senator Kuehn bringing up and talking about how there was a feeling that he was getting from Corrections staff members that the Legislature was, maybe, not as engaged and we didn't have their back as much as we needed to. And I wanted to turn your attention, the Office of Inspector General of Corrections, Doug Koebernick, he sent out a survey to our offices on May 5th. Approximately 600 staff members responded to this survey. And one of the key points that he pointed out was, from that survey, about 6.7 percent of those who responded either agreed or strongly agreed that the Legislature is concerned about the employees of the department. And 75.7 percent either disagreed or strongly disagreed with that statement. So I do think it is crucial that we show our support for the staff members of the Department of Corrections and for public safety by being engaged in solutions, and that's why I support this resolution. Thank you. [LR127]

SPEAKER SCHEER: Thank you, Senator Wishart. Senator McCollister, you're recognized. [LR127]

SENATOR MCCOLLISTER: Thank you, Mr. Speaker. Colleagues, it's important for us to pass this legislative resolution. And I sincerely thank Senator Krist for his many years of involvement in this issue. We've made a difference. The accountability that the Legislature has undertaken with Corrections has, in fact, made a big difference. And I also want to thank Senator

Floor Debate
May 18, 2017

Watermeier for his participation in this effort. The fact that we went to an oversight investigative committee rather than a...we went to an oversight committee as opposed to an investigative committee was a big, big difference. And as Senator Harr and Senator Watermeier discussed, an oversight committee is a lighter touch, so I think that's an improvement. I want to thank everybody and encourage you to vote green on this legislative resolution, LR127, and the amendment, AM1417. [LR127]

SPEAKER SCHEER: Thank you, Senator McCollister. Seeing none left in the queue, Senator Watermeier, you're welcomed to close on your amendment. [LR127]

SENATOR WATERMEIER: Thank you, Mr. President. I really didn't intend to close other than a little bit of the comments I heard from Senator Larson about a special counsel. Can I ask a question of Senator Ebke on the record on my closing? [LR127]

SPEAKER SCHEER: Senator Ebke, would you please yield? [LR127]

SENATOR EBKE: Yes. [LR127]

SENATOR WATERMEIER: Senator Ebke, would it be your intention to be able to...or want to hire outside counsel for your work on this? [LR127]

SENATOR EBKE: I can't imagine any reason why we would do that at this point. [LR127]

SENATOR WATERMEIER: Thank you. The boilerplate language that's in the bill, basically, is on every legislative resolution that is creating a committee like this. So I wouldn't be so concerned in the fact that that's out there. It still has to come through the Executive Board. It's another reason for my amendment. Without the amendment, the committee would have that power, that jurisdiction to do it and to subpoena. With my amendment, it takes the subpoena power out. It takes, really, the ability to hire outside counsel out unless the Executive Board approves it or, in absence of the...being in session, the Chairman. So just keep in mind that there's lots of restraints on this. I have a lot of faith that Senator Ebke will be able to manage the paperwork load that will be asked of the Department of Corrections, and whoever they make requests for. Because that was really the pushback from Director Frakes, and even the executive branch, is that we're going to be getting all these requests and it's just going to inundate it. And I have seen the paperwork of requests that have been asked for from the department. And it is an enormous job, and it is a distraction from what they're trying to do. But I believe by doing what we're going to do with this amendment, this will help that workload. So with that, I would ask

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

Floor Debate
May 18, 2017

for your green vote on AM1417 and your green vote on LR127. Thank you, Mr. President.
[LR127]

SPEAKER SCHEER: Thank you, Senator Watermeier. The question before us is adoption of AM1417 to LR127. All those in favor please vote aye; all those opposed vote nay. Senator Krist for...sorry. There's been a request for a call of the house. The question is, shall the house go under call? All those in favor please vote aye; all those opposed vote nay. Record, Mr. Clerk.
[LR127]

ASSISTANT CLERK: 35 ayes, 3 nays to go under call, Mr. President. [LR127]

SPEAKER SCHEER: 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. Senator Hilgers, would you check in. Senator Morfeld, Senator Groene, Senator Linehan, would you check in. We're all accounted for. Call-ins are accepted. [LR127]

ASSISTANT CLERK: Senator Chambers voting yes. Senator Morfeld voting yes. [LR127]

SPEAKER SCHEER: Please record. [LR127]

ASSISTANT CLERK: 26 ayes, 7 nays on the adoption of the amendment. [LR127]

SPEAKER SCHEER: AM1417 is adopted. Seeing no others in the queue, Senator Krist, you're welcome to close on LR127. [LR127]

SENATOR KRIST: Thank you, Mr. President. Thank you, Senator Watermeier, for the amendment and the Exec Board members for voting it out. There were some disparaging words said about Senator Lathrop on the mike, so let me just be clear about his involvement over the past...same amount of time that I've been involved, since 2013. As special counsel to LR34, and Senator Pansing Brooks can back me up, he spent over 700 hours helping us with LR34, 700 hours. I was the Chair of the Exec Board and I would have received a voucher or an invoice. Guess how much he charged the state of Nebraska? Zero. Nada. Zip. Nothing. He did it because he cared about the subject matter. At some point when you get up and say things, they should be factual and they should be courteous to a professional who has given in service his time and his energy to us in the state of Nebraska. That's not about this, though. LR127 will be the continuation of an oversight committee. We have not been without a Corrections oversight committee since 2013. We have not solved or fixed the problems inside Corrections since 2013.

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

Floor Debate
May 18, 2017

In fact, we still see them putting people in jail cells together that should never even pass in the night. We still see deaths. We still see issues. This won't be a burdensome issue for Senator Ebke because every day that she is the Chair of the Judiciary Committee she's dealing with these same issues. The data is available. Senator McCollister and I signed a letter telling the...asking the director to make that data available in a more timely manner and more conducive to his schedule. And for the record, I just want to say, I have no interest in continuing on this committee. In fact, I had a wonderful conversation with Senator Hughes, and I think he's interested, and I think a few of you rural senators should jump to the chance of looking to see what happens within the Corrections facilities. The strength of LR127 is that it takes members from all of our jurisdictions--somebody from Health and Human Services, somebody from Judiciary, because you'll have to speak to these issues. And spreading out that knowledge and sharing that knowledge is critical to making decisions in Appropriations of how you're going to fund things, in Judiciary in terms of how the laws are written, the sentencing parameters that exist. So I ask for your green vote for LR127. Thank you. [LR127]

SPEAKER SCHEER: Thank you, Senator Krist. The question before us is adoption of LR127. Per requirement, this will take a vote of 25. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? There's been a request for a record vote. Mr. Clerk. [LR127]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1619-1620.) Vote is 28 ayes, 11 nays, Mr. President, on the resolution. [LR127]

SPEAKER SCHEER: LR127 is adopted. Next item, Mr. Clerk. I raise the call. [LR127]

ASSISTANT CLERK: Mr. President, next resolution is LR98, resolution which was introduced by Senator Wayne. It does call for the recognition of the My Brother's Keeper initiative. The resolution was referred to the Education Committee, reported back to the Legislature for its consideration. [LR98]

SPEAKER SCHEER: Senator Vargas, on behalf of Senator Wayne, you're welcome to open. [LR98]

SENATOR VARGAS: Thank you very much, President. Good afternoon, colleagues. Senator Wayne is unable to be here to introduce LR98 today. Since I am a cointroducer, along with a few others, I will be opening on it in his place. LR98 was introduced to formally add the Nebraska Legislature's support of the national My Brother's Keeper initiative. My Brother's Keeper was launched in 2014 to address persistent opportunity gaps faced by boys and young men of color. Through this initiative over the last three years, the federal government has partnered with

Floor Debate
May 18, 2017

academic institutions, private sector businesses, and philanthropic organizations to help hundreds of thousands of youth all over the country reach their full potential. More than 250 communities in all 50 states have signed on to this initiative, targeting more than a billion dollars of private sector and philanthropic funds to create and support local school and community programs that have helped reach the six goals set out by the My Brother's Keeper community challenge. Those six goals are: entering school ready to learn; and this will be good to Senator Linehan--reading at grade level; three, graduating from high school, ready for college and career; four, completing postsecondary education or training; five, successfully entering the work force; and six, reducing violence and providing a second chance to justice-involved youth. These goals are consistent with our state's goals of growing economic prosperity in our communities, and it is an opportunity for us to respond proactively to our changing demographics and make our growing diversity our strength. My Brother's Keeper has had a tremendous, positive impact for boys and young men of color who historically and statistically are disproportionately at risk for poverty, crime, violence, and incarceration. LR98 asks the Legislature to recognize the success of the My Brother's Keeper initiative and add our great state to their formal list of supporters. On behalf of Senator Wayne, myself, the other cosponsors and all young men of color in the communities all over Nebraska, I ask that you vote green on LR98. Thank you very much. [LR98]

SPEAKER SCHEER: Thank you, Senator Vargas. Seeing no one wishing to speak, Senator Vargas, you're welcome to close. He waives the closing on LR98. The question before us is adoption of LR98. All those in favor please vote aye: all those opposed vote nay. Have you all voted that wish to? Please record. [LR98]

ASSISTANT CLERK: 42 ayes, 0 nays on the adoption of the resolution, Mr. President. [LR98]

SPEAKER SCHEER: LR98 is adopted. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR151, LR95, and LR98. Senator Halloran, what purpose do you rise? [LR151 LR95 LR98]

SENATOR HALLORAN: Thank you, Mr. Speaker. I rise for a point of personal privilege.

SPEAKER SCHEER: Please proceed.

SENATOR HALLORAN: Well, we're just about to the end of a wonderful experience together, and I have been trying to, this whole session, to come up with a song. I cannot match Senator Chambers' repertoire of songs. If I was ever on a contest show and had to call a friend about a song, I would call Senator Chambers. But I have tried...(voting bell sounds) Excuse me? (Laughter)

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

Floor Debate
May 18, 2017

SPEAKER SCHEER: Just wanted to get everybody's attention for you, Senator.

SENATOR HALLORAN: (Laugh) I can take a hint. It was "The Gong Show," yes. Okay. (Laughter) So I have come up with a song, and it's from a very, very unreliable source that this is what Senator Chambers sings in his car coming and going to Omaha. It's a song by Mack Davis, 1974. Some of you folks may hardly have been born then, but nevertheless it's a song that I think in a good gesture, goodwill tends to describe our beloved Senator Chambers. (Laughter) (Singing) Oh, Lord, it's hard to be humble when you're perfect in every way. I can't wait to look in the mirror because I get better looking each day. To know me is to love me, I must be a hell of a man. Oh, Lord, it's hard to be humble but I'm doing the best that I can. I used to have a girlfriend but I guess she just couldn't compete with all these love-starved women who keep clamoring at my feet. Well, I probably could find me another but I guess they're all in awe of me. Who cares? I never get lonesome because I treasure my own company. Oh, Lord, it's hard to be humble--you can sing with me--when you're perfect in every way. I can't wait to look in the mirror because I get better looking each day. To know me is to love me, I must be a hell of a man. Oh, Lord, it's hard to be a humble, but I'm doing the best that I can. One more verse. I guess you could say I'm a loner, a cowboy, outlaw, tough, and proud. Well, I could have lots of friends if I wanted, but then I wouldn't stand out in the crowd. Some folks say that I'm egotistical. Hell, I don't even know what that means. I guess it has something to do with the way that I fill out my skin-tight blue jeans. (Laugh) I won't sing the refrain again, but thank you, Senator Chambers.

SPEAKER SCHEER: Why, thank you, Senator Halloran. Mr. Clerk for announcements.

ASSISTANT CLERK: Mr. President, the bills that were read on Final Reading this morning were presented to the Governor (re LB72, LB333, LB415, LB415A, and LB644). Amendments to LB295 from Senator Smith to be printed in the Journal. New resolution: LR260 by Senator Scheer; that will be laid over. An announcement: The Planning Committee will meet in Room 1003 upon adjournment. [LB72 LB333 LB415 LB415A LB644 LB295 LR260]

And finally, Mr. President, priority motion: Senator Groene would move to adjourn until Tuesday, May 23, 2017, at 1:00 p.m.

SPEAKER SCHEER: Colleagues, if you'll please note, the start time for next Tuesday is 1:00. It's not the normal 1:30. It is 1:00. Having heard that motion, all those in favor please say aye. Any opposed say nothing. The ayes have it.