

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

Floor Debate  
January 03, 2018

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PRESIDENT FOLEY PRESIDING

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

SENATOR WILLIAMS: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Williams. We'll now have the presentation of the colors from the Nebraska State Patrol Headquarters Troop Honor Guard.

PRESENTATION OF COLORS

PRESIDENT FOLEY: Pursuant to the provisions of Article III, Section 10 of the Constitution of Nebraska, the One Hundred Fifth Legislature, Second Session of the Legislature of Nebraska, assembled in the George W. Norris Legislative Chamber of the State Capitol at the hour of 10:00 a.m. on Wednesday, January 3, 2018, is now called to order. Senators, please record your presence. Roll call. Mr. Clerk, please record.

CLERK: (Roll read, Legislative Journal Page 85.) I have a quorum present, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Mr. Clerk, are there any resignation or appointment letters?

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CLERK: I have, Mr. President. I have a communication from former Senator Craighead announcing her resignation from the Legislature, effective September 8, 2017. Subsequent to that action, an appointment from the Governor appointing Ms. Theresa Thibodeau as a member for Legislative District 6 and the accompanying oath of office. That's all that I have, Mr. President. (Legislative Journal pages 86-88.)

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any other messages, reports, or announcements at this time?

CLERK: There are, Mr. President. Thank you. The official roster, as certified by Secretary of State John Gale regarding the membership of the One Hundred Fifth Legislature, Second Session. Items received since the Legislature adjourned sine die in May, Mr. President. A series of appointment letters from the Governor: appointments to Environmental Quality Council, to the Motor Vehicle Industry Licensing Board, to the Board of Educational Lands and Funds, the Beginning Farmer Board, the Nebraska Child Abuse Prevention Fund Board, the Foster Care Advisory Committee, the Crime Victims Reparations Committee, the Tax Equalization and Review Commission, the Nebraska Public Employees Retirement Systems, the Nebraska Tourism Commission, the Crime Victims Reparations Committee, the Commission for the Deaf and Hard of Hearing, for the Nebraska Environmental Trust Board, for the Nebraska Ethanol Board, to the Nebraska Board of Parole, an appointment to Superintendent of the Nebraska State Patrol, the Foster Care Advisory Committee, the Nebraska Environmental Trust Board, the Coordinating Commission for Postsecondary Education; the State Personnel Board, the Board of Educational Lands and Funds, the Nebraska Arts Council, the Nebraska Electric Board, the Nebraska Department of Economic Development, the State Highway Commission, Nebraska Accountability and Disclosure Commission, the Nebraska Arts Council, the Nebraska Game and Parks Commission, the Nebraska Child Abuse Prevention Fund Board, the Nebraska Ethanol Board, Director of Nebraska Department of Agriculture, the Oil and Gas Conservation Commission, the Board of Public Roads Classifications and Standards, the State Emergency Response Commission, the Nebraska Investment Council, the Nebraska State Fair Board, to the Commission for the Blind and Visually Impaired, for the Tax Equalization and Review Commission, to the Nebraska Power Review Board, to the State Racing Commission. I also have an appointment from the Chief Medical Officer involving the appointment to the Stem Cell Research Advisory Committee, as authorized by statute. A series of reports, Mr. President, have been filed and received in the Clerk of Legislature's Office. Those reports are available on the legislative Web site. I also have a series of communications, Mr. President, from the state of Arizona...a series of communications from the state of Arizona; a resolution from the state of Missouri. And finally, Mr. President, a communication from the...regarding the appointment...reappointments of committee...filling of committee vacancies as a result of Senator Craighead's resignation. And finally, an appointment pursuant to appointments to the

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Legislative Performance Audit Committee on behalf of the Revenue Committee, as designated. That's all that I had, Mr. President. Thank you. (Legislative Journal pages 88-111.)

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Doctor of the day introduced.) Thank you. The Chair recognizes Senator Hilgers for a motion.

SENATOR HILGERS: Thank you, Mr. President. Good morning, colleagues. I moved that the rules as now in our possession be adopted until such time as the permanent rules are adopted, pursuant to Rule 2, Section 1, provided that the temporary rules shall not continue after the tenth legislative day.

PRESIDENT FOLEY: Thank you, Senator Hilgers. The motion before you is the adoption of temporary rules. All those in favor say aye. Those opposed say nay. The motion is adopted. We'll now move to the election of permanent officers. The Chair recognizes Senator Watermeier for a motion.

SENATOR WATERMEIER: Good morning, Mr. President. Mr. President, I move that the following officer be elected to serve as the One Hundred Fifth Legislature, Second Section, for Sergeant at Arms, Jim Doggett.

PRESIDENT FOLEY: Members, the motion before you is the election of Chief Sergeant at Arms Jim Doggett. All those in favor say aye. My apology, Senator Chambers. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, he said I'm recognized. I'm the most recognizable person in this state, yet when I have my light on I'm ignored, so maybe for me that's given me an idea of the kind of session that I'm going to have. I didn't intend to say much, but I think I'll make a comment now. I have been shifted way to the east entrance of the building and it takes me a while to get here, but I listen so that I can keep my eyes on you all by way of the little television set, my ears open. And then I got distracted with some work and I heard something that made me think I was wafted, Senator Halloran, to Christmas past because I thought that Christmas was no longer here. But when I heard that discussion, I thought maybe Charles Dickens had a power that I was unaware of and he put me into his story to witness what was happening. Then what, to my wondering eyes, should appear but the image of a Senator: Senator...it's...what's his name? Senator Williams. And I ought to remember that because his name is the plural of my middle name. I have not told many people what my middle name is. When they ask me, I tell them it's "Walnut," without smiling. And they don't smile either, but they almost burst. I want to comment on what's before us right now. When the name of the candidate was presented to us at the Executive Board, I know him by sight, I know him by name,

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because he has been here not nearly as long as I have, but I have no hesitancy about voting for him. But in case there are some who don't know him as well as I do and would pass, keep this in mind. With a name like Doggett, he has to be good. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Seeing no further debate, the question before the body is the election of Jim Doggett as Chief Sergeant at Arms. All those in favor say aye. Those opposed say nay. The motion is adopted. I don't know that we still have family members on the floor or not. If we do, its been a pleasure having you with us. If any family members are still with us you're welcome to stay with us under the balconies, but at this time if you could reserve the floor only for members. Senator Brasch, you're recognized for a motion.

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

PRESIDENT FOLEY: Thank you, Senator Brasch. The motion before you, members, is to select a committee of five to escort the Chief Justice to administer the oath of office to the officer selected. All those in favor say aye. Those opposed say nay. The motion is adopted. I now appoint the following five members as the escort committee: Senator Ebke, Senator Pansing Brooks, Senator Schumacher, Senator Baker, and Senator Thibodeau. Will the committee of five please retire to the Chief Justice's Office to escort the Chief Justice to administer the oath. The Chair recognizes the Sergeant at Arms.

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

PRESIDENT FOLEY: I now recognize the Chief Justice of the Nebraska State Supreme Court. The Chair recognizes the Chief Justice of the Nebraska Supreme Court.

CHIEF JUSTICE HEAVICAN: Thank you, Mr. President, Mr. Speaker, members of the body. Would Jim Dogget come forward, please. Would you raise your right hand. Do you, Jim Doggett, solemnly swear or affirm that you will support the Constitution of the United States and the Constitution of the state of Nebraska and will faithfully discharge the duties of Sergeant at Arms according to the best of your ability? If so, please answer, either I so swear or I so affirm. Congratulations.

PRESIDENT FOLEY: Thank you, Mr. Chief Justice. Would the escort committee please assist the Chief Justice as he departs the Chamber?

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

SENATOR WILLIAMS: Thank you, Mr. President. I move to proceed to the election of the Chairperson of the Committee on Committees by secret ballot in accordance with Rule 1, Section 1.

PRESIDENT FOLEY: Thank you, Senator Williams. The motion before you is to proceed with the election of the Chair of Committee on Committees. All those in favor say aye. Those opposed say nay. The motion is adopted. Senator Halloran, you're recognized.

SENATOR HALLORAN: Self-nominations are an awkward thing for me, but that's the process we do and so that's what I am asking for, is for the body to recognize my nomination for Committee on Committees Chair. It's obviously a very important committee. Its primary mission is to make sure that there's fair geographic representation when choosing committee members. And one might ask, what experience would you have, Senator Halloran, that would lend itself towards being a chair of this committee? I would ask my urban friends to discount the fact that a little bit of my history that I'm going to tell you is involved with agriculture, involved with a farm organization. The experience I'm going to tell you about that is as a past president of National Farmers organization and CEO. I was responsible for representing producers in 35 states. We had 45 board members, almost the same number as this body. And part of my role as the president and CEO was to bring these people together as diverse as they were as farmers can be, but they were diverse in what they produced and it was important to have fair representation within that board on the various committees and the various departments that operated within National Farmers organization. So that's the role I played when I was the president. I would bring that experience to this as well and do my best. And with that, I would ask you for your vote for Chairman of Committee on Committees. Thank you.

PRESIDENT FOLEY: Thank you, Senator Halloran. Senator Hilkemann, you're recognized.

SENATOR HILKEMANN: Thank you, Mr. President. Colleagues and friends, I rise to place my name in nomination for Chairperson for the Committee on Committees. Well over a year ago as I was looking ahead to the election of leadership for this 105th legislative body I considered where I could put my time and talents and to serve. And one of those committees that I thought would fit me well would be that of the Committee on Committees. It appealed to me because it's such an integral part of how we shape our body, and the good work that comes from this is dependent upon putting together good committees. We prepared our letter, and we were just getting it sent off at the same day I received a letter from my good friend, Joni Craighead, that she was running for the Committee on Committee Chair. I chose not to run against my friend. I am now a current member of the Committee on Committees. I have seen how important our work is and how the

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values of integrity, honesty, transparency, and fairness are imperative. This summer I had the privilege of being selected by the Council of State Governments for The Henry Toll Fellowship program on leadership. I have been a leader in my profession. I've been a leader in my community and in my church. Since I've been here I was Vice Chair of Appropriations and I led the LR601 special committee. These have given me wonderful insight in what it takes to bring together a diverse set of group of people to work for the common good. I want the opportunity to put my leadership skills to work for you and for the people of the state of Nebraska, so today I ask that you vote...give me the opportunity to lead the Committee on Committees. I will do so with integrity, honesty, transparency, and fairness. Thank you.

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Are there any further nominations? The Chair declares the nominations are closed. We'll now proceed to a vote. Senators you'll find pieces of paper on your desk that you can use to write the name of the individual you're voting for. The Clerk and the Assistant Clerk will collect the ballots. I would also like to appoint the following three Senators to serve us as tellers: Senator Hilgers, Senator Blood, and Senator Clements. When those three senators have completed voting, if they could come forward and serve us as tellers. Thank you. The results of the balloting are as follow: Senator Hilkemann, 25 votes; Senator Halloran, 24 votes. Senator Hilkemann is declared the winner. Congratulations, Senator Hilkemann. Speaker Scheer, you are recognized.

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Congratulations, Robert, on your election. Later this morning I'll be handing out a memo that outlines some of the key dates for this coming session. Up until January 17, we will be convening at 10:00 each morning other than Wednesday, October (sic: January) 10. On that day we will convene at 9:30 to accommodate the Governor's State of the State address at 10:00. The first three days this week we will stay in session until around noon or when bills introduced have been processed by the Clerk. Next week we will work full days. We will recess at noon and then reconvene at 1:30, with adjournment some time between 4:00 and 5:00 in the afternoon. Next Monday, January 8, we will begin debate on our permanent rules. Once the body adopts those rules, we'll begin debate on carry-over legislation, which will include any 2018 priority bills designated early, and any 2017 priority bills not yet debated or they are ready to be continued to debate. On Thursday, January 11, the last day of the second week, we will adjourn by noon for the long holiday weekend. I intend to continue my practice of updating you each Friday with what we think will be happening the following week. As everyone knows, things are conditional, so my projections sometimes will be altered. I will be wrong as I was last year on some occasions, but I will do my best to give you a clear picture of what to expect for the next week. Public hearings will begin on Tuesday, January 16, at 1:30, with floor debate continuing on the mornings only then. Our first full date of debate will be on Wednesday, February 28. Beginning January 17 continuing every day of the week, unless otherwise announced, we will be convening at 9:00 in the morning. This includes the first day of the week as we did last year. Chief Heavican's State of the Judiciary will

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be at 10:00 on Tuesday, January 18. The memo will also identify the deadlines for priority bill designation. I will begin accepting priority designation by senators and/or committee priority designations effective today, immediately. If you are designating a '17 carry-over bill on General File as your 2018 priority bill, it may be your advantage to select the bill early as designated bills will be debated immediately. If you plan to choose a 2018 bill as your 2018 priority, I encourage you to please let the committee chairman of wherever that bill is referenced, let them know. They cannot read your mind. Hopefully, they will "expediate" that hearing so that we will get those bills on the floor in an expedited way so that we are working on priority bills so that we get those done as we move along because it is, again, a short session. It really is more of a 50-day session than a 60-day session. And finally, I will be providing late night schedules sometime in early March. However, as a preliminary measure I'll be asking you to block off the evenings of the session beginning on March 12, so please don't make plans after March 12 for evenings. We very well may be using some of those for long days. I will let you know in advance at least the week before if we will be, but as far as making calendar adjustments right now, please hold those days in the future for potential late night dates. I appreciate everyone's confidence. I welcome everyone back. It is nice to start on a positive note. I am looking forward to great things. I may be more optimistic than most. I think we'll have a great session. I think we'll accomplish much. Not everybody will win everything, not everybody will lose everything, but we'll do the people's work and we'll be glad of it. Thank you.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Members, we will now produce to the introduction of new bills. If you have bills that are prepared and ready for introduction, you may bring them forward. Mr. Clerk, at your leisure, you may read those bills into the record.

CLERK: Mr. President, new bills. (Read LB668-731 by title for the first time. Legislative Journal pages 112-123.) That's that I have at this time...point in time, Mr. President. Thanks. [LB668 LB669 LB670 LB671 LB672 LB673 LB674 LB675 LB676 LB677 LB678 LB679 LB680 LB681 LB682 LB683 LB684 LB685 LB686 LB687 L6688 LB689 LB690 LB691 LB692 LB693 LB694 LB695 LB696 LB697 LB698 LB699 LB700 LB701 LB702 LB703 LB704 LB705 LB706 LB707 LB708 LB709 LB710 LB711 LB712 LB713 LB714 LB715 LB716 LB717 LB718 LB719 LB720 LB721 LB722 LB723 LB724 LB725 LB726 LB727 LB728 LB729 LB730 LB731]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Additional bills for the record. Mr. Clerk.

CLERK: Mr. President, new bills. (Read LB732-769 by title for the first time. Legislative Journal pages 123-130.) [LB732 LB733 LB734 LB735 LB736 LB737 LB738 LB739 LB740 LB741 LB742 LB743 LB744 LB745 LB746 LB747 LB748 LB749 LB750 LB751 LB752

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PRESIDENT FOLEY: Additional bills for the record. Mr. Clerk.

ASSISTANT CLERK: Mr. President, new bills. (Read LB770-786 by title for the first time. Legislative Journal pages 130-133.) [LB770 LB771 LB772 LB773 LB774 LB775 LB776 LB777 LB778 LB779 LB780 LB781 LB782 LB783 LB784 LB785 LB786]

PRESIDENT FOLEY: Additional items for the record. Mr. Clerk.

ASSISTANT CLERK: Mr. President, new resolutions: LR261 and LR262, introduced by Senator Albrecht; LR263, introduced by Senator Scheer and others; LR264, by Senator Scheer; LR265, by Senator Riepe; LR266, by Senator Hughes; LR267, by Senator Harr. In addition to that, Mr. President, amendments to be printed to LB482 from Senator Wayne; to LB290, by Senator Vargas. Priority bill designation for LB368 by Senator Krist. A series of name adds: Senator Erdman to LB17; Senator Brewer to LB218 and LB295; Senator Murante and Senator Thibodeau to LB345; and Senator Brewer to LB611. [LR261 LR262 LR263 LR264 LR265 LR266 LR267 LB482 LB290 LB368 LB17 LB218 LB295 LB345 LB611]

Finally, Mr. President. A priority motion. Senator Scheer would move to adjourn until Thursday, January 4, 2018, at 10:00 a.m.

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