

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

Floor Debate
February 02, 2018

[LB211 LB321 LB611 LB744 LB747 LB751 LB792 LB838 LB936 LB993 LB994 LB1127
LR310 LR311]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twentieth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Reverend Michael Davis of...retired from the United Methodist Church of the Great Plains in Gretna, Nebraska, which is Senator Murante's district. Would you please stand.

REVEREND DAVIS: (Prayer offered.)

SPEAKER SCHEER: Thank you, Reverend Davis. I call to order the twentieth day of the One Hundred Fifth Legislature, Second Session. Senators, would you please record your presence. It's roll call.

SENATOR LINDSTROM PRESIDING

SENATOR LINDSTROM: Mr. Clerk, please record.

ASSISTANT CLERK: There's a quorum present, Mr. President.

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

ASSISTANT CLERK: No corrections this morning.

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

ASSISTANT CLERK: There are, Mr. President. Your Committee on Health and Human Services reports LB838 to General File. I have an amendment from Senator Stinner to LB611 to be printed. In addition, a list of registered lobbyists for the current week, as well as an announcement that various agency reports have been filed electronically with the Legislature and are available through the Web site. That's all I have at this time. (Legislative Journal pages 503-504.) [LB838 LB611]

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

Floor Debate
February 02, 2018

SENATOR LINDSTROM: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda. Mr. Clerk. Excuse me. Speaker Scheer, for announcement.

SPEAKER SCHEER: Thank you, Mr. President. Colleagues, good Friday morning. Have a nice weekend if I don't say so when I'm finished. Just a road map for perhaps next week. We do have two priority bills at this time. There may be others. Exec brought one out this morning and so that probably will show up next week and it may compound some of the discussion on some of the other bills. But right now, we're looking at Senator Baker's priority LB710, and Performance Audit, LB936, will be on next week, probably Monday. I am still working on scheduling specifics. Sort of depends on where we get on today's schedule. We also have a couple carryovers of 17 priorities, too, that have some time left on General File, which is LB651, Senator Linehan, and LB158, which is Senator Pansing Brooks. We also have LB611 which is Senator Stinner's. That, however, is on Select File. So that one will probably take precedence over the other two that Select will be...I'm assuming fairly quick. I will try to be moving some of the Select that is on file right now sometime during the week so that we can stay current with that, and it would be my intent on Friday to do Final Reading. We have about 20 to 25 that are on Final Reading. I'd like to knock those out before we're done for the week and then we may have some catch-up that we could do after that. But, certainly on Thursday, I don't plan on staying any later than noon. So there won't be any delays in relationship to a long weekend. There has been a number of you that have been contacting my office in regards to the consent calendar. I haven't done anything on the consent calendar. Please do not bring us consent requests. I will let you know when I am accepting those. If you need to call my staff to see if something may or may not work on the consent calendar, that's fine. But to be quite honest, if it's still in committee, we have nothing to talk about. That's one of the major components of a consent calendar item. So you can certainly contact my office. We'll be glad to answer whatever you are. Don't submit anything. Don't bring us a letter. We don't want it yet. We're working on other things. So just so you know, that's coming, but that's a long way down the track, so let's work on what we need to do and again, I would encourage you to continue to think about priorities so that as we're moving, as I noted in the Chair this morning, today is day 20. We are a third of the way done and I'd like to start working more fervently on priorities so that everyone gets that opportunity...every bill that's prioritized gets that opportunity to be heard on the floor. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Speaker Scheer. Mr. Clerk, we will now proceed to General File, LB744. [LB744]

ASSISTANT CLERK: Mr. President, prior to that, I do have an announcement. The General Affairs will hold an Executive Session at 9:15 in Room 2022. That's General Affairs in 2022 at 9:15. Mr. President, LB744 was introduced by the Executive Board. (Read title.) The bill was introduced on January 3 of this year, referred to the Executive Board. The Executive Board placed the bill on General File with no committee amendments. [LB744]

Floor Debate
February 02, 2018

SENATOR LINDSTROM: Senator Watermeier, you're recognized to open on LB744. [LB744]

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska, on Friday morning. LB744 deals with the legislative election contests and qualifications challenges. It advanced from the Executive Board on a 8-0 vote with one member absent. As you are aware, last year the Executive Board created a special committee to consider an election challenge to the qualifications of Senator Chambers. As a special committee worked through the process, we identified instances where there was no precedent, statute, or rule to guide us. Once a final report was adopted, I asked the staff to work on the rule and statutory changes that addressed both procedural and legal issues and any other questions that, based on our experience last year, needed to be resolved. Along with LB744, I have introduced a companion rule change to Rule 10. Between the rule change and this bill, I believe we have addressed many of the areas of concern that the special committee ran into. By passing this legislation and adopting the rule change, we will assist a future Legislature in the event there is another challenge. For some background, election contest provisions in general were enacted in the 1960s. These provisions applied to elections proceedings for many different offices. Rule 10, which was originally adopted in 1994, laid out for the first time a process for dealing with a legislative qualifications challenges. Until now, with the introduction of LB744, there has never been an attempt to spell out in statute provisions applicable to qualifications challenges. Specifically, LB744 moves all provisions regarding legislative contests, whether they are election contests or qualification challenges into a newly created separate act, the Legislative Qualifications and Elections Contests Act. This act will apply only to members of the Legislature. Election contests provisions for other elected officials remain in Chapter 32 where general election statutes are found. LB744 attempts to provide harmony between the Legislature's rules and state statutes. Process and procedural provisions will be in Rule 10. Legal provisions, including those currently in Rule 10, are in the bill. I'll try to walk through some of these major provisions of LB744. First of all, the bill provides clearly that only a losing general election candidate has standing to challenge an election outcome or file a qualifications challenge. LB744 clarifies that the new Legislature decides on election contests or qualifications challenge, which is consistent with what we believed last year, but we wanted to do make it very clear. Current law is silent as to what the burden of proof is in the qualifications challenge. LB744 would clear up the issue by providing that the burden shall be clear and convincing evidence. This is an issue that the Executive Board discussed at length and we landed on this evidentiary higher standard because of the seriousness of this challenge. LB744 identifies filing and jurisdictional requirements. In addition, the bond requirement imposed on the petitioning party is raised from \$5,000 to \$10,000. As I mentioned earlier, the rule change covers the process and procedures that the Legislature will follow in an elections or a qualifications challenge. The how-to or the mechanics of working through this elections qualifications contest and challenge proceedings will be in the rule. For example, committee selection, the discovery, committee procedures which are all proposed in the rule changes. An election challenge is an

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

Floor Debate
February 02, 2018

extremely important issue. The Nebraska Constitution provides that the Legislature shall be the judge of the election, returns, and qualifications of its members. It is important that we take this responsibility seriously while carefully balancing the rights of all parties involved. LB744 in the proposed rule change accomplishes this goal and makes the process clear to the Legislature and for the challenger and a conditionally-seated senator as well. I'd like to thank the members of the Executive Board for advancing LB744. Also the Qualifications Challenge Committee, but a big thank-you needs to go out to the Clerk's Office. They did an enormous amount of work, and Patrick O'Donnell; my legal counsel, Janice Satra; and also Amara Meyer, who is now in Senator Albrecht's district, was a big help on this in getting the statute created and worked through the process. So with that, I'll ask for your green vote on this and get this moved on to Select File. Thank you, Mr. President. [LB744]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Thank you, Senator Watermeier. (Doctor of the day introduced.) Moving to debate on LB744, Senator McCollister, you're recognized. [LB744]

SENATOR MCCOLLISTER: Thank you, Mr. President. Good morning, colleagues. I support LB744. It's good legislation and it resolves some issues that we discovered here last year with the residency issue. I also want to commend Senator Watermeier for the way he conducted that issue last year. I thought he did a magnificent job and the ensuing change to our standards I think will be very helpful if this situation should ever arise again, which I understand is probably not likely. But I support this legislation. Vote green on LB744. Thank you, Mr. President. [LB744]

SPEAKER SCHEER: Thank you, Senator McCollister. Senator Chambers, you're recognized. [LB744]

SENATOR CHAMBERS: Thank you. Mr. President, and members of the Legislature, this is the first chance that I've had to talk about what happened with reference to my residency being challenged. First of all, I was highly offended at the fact that the Legislature, that committee didn't dismiss it right away. I presented, as I gave you in this little handout, decades of utility bills that had been paid at my current address. Copies of official mail sent to my current address. That includes insurance notices and so forth. I'm listed in the Omaha phone book, which I don't know how many senators are, at my current address. All kinds of concrete evidence. And yet they went on with a hearing. They had a kangaroo ex-judge. That thing should have been dismissed and had it been filed in court, it could not have survived a summary judgment motion. There was nothing. The person who brought it said he heard that I live in Bellevue with Cindy Grandberry. He heard. That's nothing. Rumor, gossip, speculation, hearsay, and were I white, that never would have gone that far. You would not have insulted, and sullied the reputation of a

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

Floor Debate
February 02, 2018

white woman as you did the reputation of the woman who has worked with me for decades. I am profoundly offended to this day, and with no evidence whatsoever, there was some senators in here who did not vote to accept the finding of that committee. They didn't vote that that thing should have been thrown out as that committee determined. They can carry their hostility toward me as far as they want to, but that's a documentation of it. This idiot had been...he's a nut case and a friend of Senator Lowe's. I'd like to ask Senator Lowe a question to make sure I've got the senator correct, that it's his buddy. [LB744]

SPEAKER SCHEER: Senator Lowe, would you please yield? [LB744]

SENATOR LOWE: Yes, I will. [LB744]

SENATOR CHAMBERS: Senator Lowe, do you go to a shooting club with this guy, or something like that? [LB744]

SENATOR LOWE: No, I don't. [LB744]

SENATOR CHAMBERS: Did you have contact with him? [LB744]

SENATOR LOWE: He had contacted me. [LB744]

SENATOR CHAMBERS: Okay. So he contacted you. [LB744]

SENATOR LOWE: Yeah. [LB744]

SENATOR CHAMBERS: And he told you some of the things that you spoke about at that committee hearing, correct? [LB744]

SENATOR LOWE: Yes, but as you recall, I did not speak... [LB744]

SENATOR CHAMBERS: Okay. [LB744]

SENATOR LOWE: ...at that committee hearing. [LB744]

SENATOR CHAMBERS: But he did talk to you? [LB744]

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

Floor Debate
February 02, 2018

SENATOR LOWE: He did talk to me. [LB744]

SENATOR CHAMBERS: Okay. Thank you. He is a...not Senator Lowe. He is a nut. He used to come up here in the balcony. I wasn't even aware of him. Senators told me, this guy is stalking you. I said, I wish he'd say something to me, I know how to deal with him. Then as the hearing went on, he acknowledged that he was stalking Cindy, parking outside her house. Somebody was going through her mail. It wound up on the ground. Neighbors would bring her mail that they picked up off the ground. I wish, I wish he would have put himself in my face. I wish he would have done that. These committee members were trying to do what they thought, under the rules of the Legislature, they should do. Had such a flimsy thing been brought on any of you all, I would have said, we're not going to waste the Legislature's time. This is nonsense. He hadn't seen anything. He...the nut cake I'm talking about had heard... [LB744]

SPEAKER SCHEER: One minute. [LB744]

SENATOR CHAMBERS: ...and it started with an article the World-Herald wrote years ago based on statehouse gossip, which means these gossips around here in the Legislature who said that I was living with Cindy. Acknowledged in the article it was based on statehouse gossip. I will wait until I'm recognized. [LB744]

SPEAKER SCHEER: You're next in the queue, Senator. You still have 35 seconds left and you'll have a five. [LB744]

SENATOR CHAMBERS: Thank you. And by the way, I support the bill. This has nothing to do with the bill. It was necessary that this bill be drafted. It's well done. I want to get myself under control. I can take things on me, but when that person, I think it may have been Paul Hammel, acknowledged in his article that he was passing on statehouse gossip without naming who the gossips were, they might have said, I'll tell you this, but don't use my name. Probably some of them have been grinning in my face when they had problems. That's the way things go around here. You think I don't know what goes on around here, but I treat you the way you treat me directly, even though I know what your attitude is. You're not my friends. We're not anything that could even be called acquaintances. But if people conduct themselves toward me as though they're going to be decent, they cannot treat me better than I will treat them. I like snakes, by the way, so I don't want to disparage them. But if I leave a snake alone, the snake is not going to bother me. The only time a snake will bite me is if I infringe on that snake's territory and the snake cannot get away and feels threatened. Snakes do not waste venom on dead or fleeing things. Nor do I. But when Paul Hammel wrote that article, there was an editor who makes decisions about such things, and he talked to me. He said, had I been in town, that article never would have run. It never would have run. There was no evidence whatsoever. Now, I couldn't

Floor Debate
February 02, 2018

stand up here and make veiled statements about a judge or somebody and they write an article about it. But white people take care of white people and have no respect for black people. The World-Herald asked me, would I let them send a guy to interview me. I said, send him on. So we were talking and while we were talking...and, oh, he had gone through the neighborhood. They got to check me out. After all that documentation and the lady across the street said, well, yeah, he lives here. He and my husband help each other. He has a snowblower and sometimes he'll run it down my walk. When I saw his wife out there clearing snow from the driveway, I help do that. That's the kind of things that I do. Talked to other people in the neighborhood and they gave me a glowing report, the kind that people usually only get when they're stretched out in a box. So then when the article was being prepared in that way, I happened to look in my backyard and I saw one of my little friends. You all call them squirrels. I said hey, man, watch this. And I went back to my car and the squirrel sat there and I opened that back door, hatchback, reached in and got some crackers and the little squirrel just sat there. Then when I reached it out, he came over and I tossed it to him. He picked it up and stood there and ate it. I said, now, if these squirrels know me like that, you think I don't live here? So they wrote an article and the headliner, or subheadline, even the squirrels in north Omaha know Senator Chambers. Which of you all are put through that? This article I handed out about Senator Larson. You know why that was put out? Because a lot of people were talking about that. There were court papers that they resorted to. [LB744]

SPEAKER SCHEER: One minute. [LB744]

SENATOR CHAMBERS: There had been at least one occasion where a card from the Election Commissioner had been sent to where he alleged that he lived and it came back. They didn't know how to find him. They sent a letter. Suppose that had been against me? They couldn't find that I had voted without break for decades. I never gave a basement as my address. I was never in this city, that city, dealing with this woman, having a child out of wedlock, or any of these other things. So what could they bring against me? What they always have to bring, a lie. Gossip. Tell me to my face and we'll handle it in that fashion. People told me about Senator Larson. [LB744]

SPEAKER SCHEER: Time, Senator, but you're next in the queue and this is your third time at the mike. [LB744]

SENATOR CHAMBERS: I'm not going to make any motions on the bill unless I don't get through. I told them if what Senator Larson is doing with his life bothers you so much, complain against it. Senator Larson did not sit with the committee. And people ran to me and said, you know why he doesn't want to be a part? I said, well, he doesn't like me. They said no, that's not it. I knew what they were getting at. I was going to make them say it. They said because he's got a problem worse than yours, and it would look so bad. I said, well, it doesn't make me any

Floor Debate
February 02, 2018

difference, I don't follow him home. If he's got a woman that he's supposed to care about, let her worry about that. And if you care so much, you do something about it. So why would I include it this morning? Because a lengthy article was written and nobody thought anything should be done with reference to him. And if they thought I was going to carry the ball, they found out quickly that that's not the kind of thing that I do. But I have to document for you all that white people are treated differently from the way black people are, and you know it because that's your attitude. But you like to play dumb. So I bring it to you and put it in your face. You all are not going to be able to handle me and you're not going to be able to put me in the place that you think is my place as a black man. And I'm going to say this in open. I'm offended at the way some of you all have tricked Senator Brewer. I've had people make negative statements about him because they say he's a Native-American and he's running around with these white people. I say, go talk to Senator Brewer and find out why he does what he does. But Senator Brewer is not the first freshman senator who has been tricked by these other senators into doing something they didn't want to do themselves so they give it to a freshman. Some of you had that happen to you and you wound up with these bad bills. I've never tricked anybody around here. I've never tried to get somebody to carry water for me. And I'm so upset. I'm going to emphasize again, you all dragged a woman's reputation through the mud, which no white woman on this floor would want to have happen to her and it would not happen, and if somebody tried to make it happen, you know who would have defended her? A black man. I would have said, you're not going to do it. But not you all. And you get praised for the way you came back. There were senators here who told me because I was going after Kintner, Ernie, can you kind of hold it down because they're in a position to put you out of the Legislature. I said, I wish they would. I said, but if I backed off from what I believe and the way you're suggesting, you wouldn't have any respect for me. And that person subsequently acknowledged such was the case. And I think I'm going to have to make a motion because I'm not going to finish here on the time. How much time do I have, Mr. President? [LB744]

SPEAKER SCHEER: You have 2:00. [LB744]

SENATOR CHAMBERS: Two minutes. I can write my motion because if you look at the agenda, you will see that you might have a chance to listen to me for a while. Oh, okay. I don't have to make a motion. Somebody is going to give me some time. Remember, I have nothing against the bill. And if somebody had done something to me, the only way I would go through it like this is to call that person out. But what else...what can I do other than what I'm doing to protect and defend a woman's reputation, her dignity, her integrity, when she's worked with me for so many years? I bet there are white women who wish they had somebody like me who would stick up for them in the way I stick up for women. [LB744]

SPEAKER SCHEER: One minute. [LB744]

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

Floor Debate
February 02, 2018

SENATOR CHAMBERS: It never should have happened. And I'm not saying you should have given me consideration because I'm a member of the Legislature, I can handle my own affairs, but she had to testify. She got a subpoena to come to that kangaroo activity. The subpoena should not have even been allowed. She was not on trial, I was. Somebody who is probably purer than anybody in here. I don't chase women or men. I don't chase girls or boys. And there are some people who wish that I would chase them. But that's not the way that I operate. I don't know whether these women around here hate Cindy because she works for me, hate her because she's black, or hate her because I stand up for her and will not let her be insulted. [LB744]

SPEAKER SCHEER: Time, Senator. [LB744]

SENATOR CHAMBERS: Thank you, Mr. President. [LB744]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Krist, you're recognized. [LB744]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. Senator Chambers, I absolutely enjoy the company of your legislative assistant and have enjoyed every conversation I've ever had with her and respect her deeply, and I apologize to her personally for what she had to go through, and I want to put that on the record. If I had remained the Chairman of the Exec Board, I would have taken precisely the actions that Senator Watermeier and his Vice Chairman, Senator Kuehn, are taking in putting this bill forward. It was clumsy. It was disjointed. We had to look at different sections of law and the Clerk and I spent some long time together, expecting that I was going to come back, in how we would handle it. Senator Chambers, you were put in a very bad position by a gentleman who admitted that one of the reasons that he ran, and knew that he was probably going to lose, was so that he could file this complaint. He did it in the paper. He did it in person and I think that's despicable. So for that, I am sorry for what happened with you. For the other actions that were noted, with Kintner, if you all will remember, that first week I was the one that put the amendment...or the motion on the board that pushed him to resign. And I take great pleasure in knowing that that was an action that we could take. And I will note that Senator Kuehn has a bill that I will support that looks at some kind of ethics in terms of being able to handle some of these problems, like the Kintner issue. I will also say that I was a bit discouraged from taking effort to make a public announcement based upon Senator Larson's activity. And I looked for an opportunity to bring that to light and there really wasn't any way except for me to talk to Senator Larson. I wanted to put those things on the record. I want to compliment the Exec Board for the bill that's up here. I'm hoping that the companion rule, once this is passed, can accompany it because it is so important that the rule is changed and that this legislation, this statute change goes into place. And with that, I will yield the balance of my time to Senator Chambers. [LB744]

Floor Debate
February 02, 2018

SPEAKER SCHEER: Senator Chambers, 2:20. [LB744]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Krist. And Senator Krist and I had talked about the Kintner matter and Senator Krist had handled that as well as anybody could. He was Chairperson of the Exec Board at that time. The point that I was going to make, he may have modified it a bit, but I will tell you all this. I did talk to Senator Larson about what people were telling me, and I told him the same thing. Maybe they tell me because they think I'll go after you, but if somebody goes after you, it's not going to be me. I don't care what you do. But you need to be careful because of the kind of things that they're alleging and I'm not going to tell you all of them because I'm not a tale bearer or a gossip, but some of them can put you in a ticklish situation. So I did talk directly to him. But I talked to him to give him a warning. And some of you might wonder why then he has the negative attitude toward me that he has. Well, Senator Larson, he's here. He's not the sharpest knife in the drawer. He's not the highest card in the deck. And he probably wishes I wouldn't say as many things directly to him. [LB744]

SPEAKER SCHEER: One minute. [LB744]

SENATOR CHAMBERS: But I don't talk behind anybody's back. And if I had a complaint to file against Senator Larson, I would do it. But I bring it up about him in the context of what you are not going to do and nobody else toward a white man, but all the insulting things that were done to a black woman, who hasn't offended anybody around her except by maintaining her dignity, doing her job well, and working for a senator who because of the way she was treated, got some changes that benefited every woman in this Legislature who was here then and who has come here subsequently, from equipment to the way you're treated, to the way senators can hire their own staff. There was a woman who used to assign staff to senators and I said, you're not going to assign anybody to me. [LB744]

SPEAKER SCHEER: Time, Senator. [LB744]

SENATOR CHAMBERS: Thank you, Mr. President. [LB744]

SPEAKER SCHEER: Thank you, Senator Krist and Senator Chambers. Senator Watermeier, you're recognized. [LB744]

SENATOR WATERMEIER: Thank you, Mr. President. In the spirit of not having any amendments or motions offered to my bill, I'm going to go ahead and yield some more time to Senator Chambers. [LB744]

Floor Debate
February 02, 2018

SPEAKER SCHEER: Senator Chambers, 4:50. [LB744]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Watermeier, and I'm winding down now. How much dignity was shown in those proceedings when that nut cake started asking how many times I used the toilet? Huh? How dignified was that? How many times do I bathe? How dignified is that? And that's what my white colleagues sat up there and listened to with a kangaroo judge sitting next to them. Not a shred of what you could call evidence was presented. He hadn't seen anything. He didn't know anything. A racist, white, nut cake. And he dragged this Legislature down to his level. And I was not apologetic. I was not fearful. And contrary to what some people think, because the way the rules of the Legislature work and the way they interwove their terms with court decisions and the impact they would have on procedure, the door could have very well been open to challenge whatever they did in court by virtue of the rules that they wrote because their rules govern what the Legislature does. The Constitution gave that authority to the Legislature. And if a rule is written in such a way that it opens the doors to the courthouse, then the courthouse is behaving in accord with the Legislature's own rules. So I had no worry whatsoever. And I will not be cowed. I will not be intimidated. People in my own community know that. And that was one of the reasons they continued to send me here. They had seen so many black men start out doing the right thing, then because they needed a job or they needed money, would begin to change and suddenly they were speaking like a white man in black face. Suddenly, they didn't really understand why black people were so upset. Suddenly, they were suggesting that maybe if we just kind of tone it down a bit and not offend so many white people, it might be better. But that's not how they started. They start out because they know what is going on with the community. But they can be bought off in the same way some of you all can be bought off, and they sell out our community and our people. Everybody, every group, every military has been more hostile toward its traitors than toward the enemy. You expect the enemy, even if you don't want an enemy, once there is one, you expect the enemy to do everything to hurt you and yours. But when one of your own kind does it, then you come down harder on that one because he or she understands full well what we're dealing with and when he or she goes over to the enemy, there is more hostility. If a person is a member of this military designated A, and somebody else is a member of military B... [LB744]

SPEAKER SCHEER: One minute. [LB744]

SENATOR CHAMBERS: ...and they're fighting each other on the battlefield shooting to kill each other, if A captures one of the combatants in army B, under the laws of war, A cannot execute that prisoner. That prisoner cannot be tortured. But if one of A's soldiers is a traitor, A can execute A's own soldiers because the traitor is one worthy of an especial amount of contempt. I'm not saying even a traitor should be executed. I'm trying to make a point. But because I've never sold out my community, they're blood of my blood, bone of my bone, flesh of

Floor Debate
February 02, 2018

my flesh, my blood is in that community. That community's blood is in me. I will never betray it and I will never brook anybody who would try. And because somebody went after... [LB744]

SPEAKER SCHEER: Time, Senator. [LB744]

SENATOR CHAMBERS: Thank you, Mr. President. [LB744]

SPEAKER SCHEER: Thank you, Senator Watermeier and Senator Chambers. (Visitors introduced.) Returning to debate. Senator Schumacher, you're recognized. [LB744]

SENATOR SCHUMACHER: Mr. Speaker, members of the body. I rise in support of LB744 and will support a companion measure in the Rules Committee. If he'd like it, I'd yield the rest of my time to Senator Chambers. [LB744]

SPEAKER SCHEER: Senator Chambers, 4:45. [LB744]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Schumacher. And this will wrap it up for me. Be glad that there is a bill like this that I support, that I can express myself on so that other people's legislation will not be impacted by something they had nothing to do with, something that the legislation may not even be related to. But how could I have any self-respect if I can watch, as I had to do, this black woman called to sit in a chair to be judged by white people on the word of a nut and a kangaroo judge being paid tens of thousands of dollars by this Legislature, sitting up there going along with the kangaroo process. Although they couldn't do anything to me, I envisioned what it must have been like for black men to be on, quote, trial, unquote. Because it was not pursuant to any law or any principle of justice in one of those racist southern courts and some of those racist northern courts where you're completely at the mercy of these people who if they had a shred of decency, would not have convened the kangaroo, the lynch mob activity in the first place. But had they found themselves in a setting such as that, they would have said, I will be no part of it. There was somebody who said about Jesus, I will have nothing to do with shedding the blood of this just man. Not so this Legislature. And some of you new people may have a better understanding and grasp of why I comport myself the way I do in here. You are never going to see me walk around with my head bowed. You are never going to see me crawling up and down the aisle. Never walking from senator to senator begging for anything. If anything, you will see me provoked and will behave in the way that one who has been provoked will be behaving and the way you have come to expect me to behave. What do I look for from this Legislature? Nothing. I was not made to believe that I was coming to a place where I'm to win friends. And if somebody had told me that, I'd tell them, well, you got the wrong man. I try to influence you, which I seldom succeed in doing, but because of the respect I have for myself, I try to rescue you from yourselves when you're

Floor Debate
February 02, 2018

bringing up idiotic legislation that is an embarrassment, and because I voluntarily became a member of the Legislature, the embarrassment would be mine. So I will continue to try to bring good legislation, support good legislation, stop bad legislation, or at least slow it down. But I don't know how I could have lived with myself if I had not taken this opportunity to speak in behalf of Cindy. [LB744]

SPEAKER SCHEER: One minute. [LB744]

SENATOR CHAMBERS: She has been loyal. I hate to use that word, it's almost like saying somebody owes me something, like Senator Brasch thinks I owe something to that rag up there, you all call the flag. It's not like that. It's where two people respect each other and maybe white people have not seen two people of the opposite sex respect each other in that way without there being something salacious and inappropriate going on. But if that's what you're looking for, you'd be sadly disappointed. You let a nut drag this Legislature down to the level of a nut. And for those who served on that committee, maybe you didn't know any better, but you ought to think long and hard. And if any of these challenges come up while I'm a member of the Legislature, it's going to be based on more than somebody saying, I heard A and B say that such and such about this person who won the election. You wouldn't get anywhere with it. [LB744]

SPEAKER SCHEER: Time, Senator. [LB744]

SENATOR CHAMBERS: True to my promise, thank you, Mr. President, I'm through. [LB744]

SPEAKER SCHEER: Thank you, Senator Schumacher and Senator Chambers. Senator Watermeier, you're recognized. [LB744]

SENATOR WATERMEIER: Thank you, Mr. President. I had my light on for one more time just in case Senator Chambers wanted to change his mind. Are you going to bow out? Senator Chambers, you're done? [LB744]

SENATOR CHAMBERS: I'm through. [LB744]

SENATOR WATERMEIER: All right. I'm going to waive my closing then. [LB744]

SPEAKER SCHEER: Senator Watermeier waives closing on LB744. The question before us is the advancement of LB744 to E&R Initial. All those in favor please vote aye; all those opposed vote nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB744]

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

Floor Debate
February 02, 2018

ASSISTANT CLERK: 38 ayes, 0 nays on the motion to advance the bill, Mr. President. [LB744]

SPEAKER SCHEER: LB744 does advance to E&R Initial. Next item, Mr. Clerk. [LB744]

ASSISTANT CLERK: Mr. President, moving to confirmation reports, the first report from Natural Resources Committee is for the appointments of John Dilsaver and Alden Zuhlke to the Environmental Quality Council. (Legislative Journal page 449.)

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Hughes, as Chairman of the Natural Resources Committee, you're welcome to open.

SENATOR HUGHES: Thank you, Mr. President. Good morning, colleagues. I present for your approval the reappointments of Alden Zuhlke and John Dilsaver to the Environmental Quality Council. Both Alden and John came before the Natural Resources Committee on January 24th. The Environmental Quality Council was created by the Legislature in 1971 as a public body that adopts rules and regulations for the Department of Environmental Quality to administer. The council consists of 17 members who are appointed by the Governor to serve staggered four-year terms. Mr. Zuhlke is a farmer from Plainview and has served three terms on the council. He is filling the livestock industry position on the council. Mr. Dilsaver is from Omaha, Nebraska, and he is the COO of Western Oil and is also president of Leak Specialists, Inc. In addition to serving on the Environmental Quality Council, he is also the president of the Nebraska Petroleum Marketers. He fills the auto petroleum industry position on the council. The Nebraska Legislature has delegated authority to the council to adopt regulations on a broad range of environmental subjects to carry out the intent of the Legislature and the purpose of specific legislative acts. The council has, for example, adopted standards applicable to air, water, and land quality to protect public health and welfare. In addition the council has adopted regulations that govern various environmental programs, practices and procedures related to permitting sources that have the potential to discharge or emit pollutants into the environment. The committee advanced both Mr. Zuhlke's appointment and Mr. Dilsaver's appointment by an 8-0 vote. I ask for your confirmation of Alden Zuhlke and John Dilsaver to the Environmental Quality Council. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Hughes. Seeing no one wishing to speak, Senator Hughes, you're welcome to close. He waives closing. The question for us is the approval of the confirmation report from Natural Resources. 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 505.) 36 ayes, 0 nays on the adoption of the first report, Mr. President.

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

Floor Debate
February 02, 2018

SPEAKER SCHEER: The report is adopted. Senator Hughes for additional report. (Legislative Journal page 449.)

SENATOR HUGHES: Thank you, Mr. President. Members of the Legislature, I present for your approval a new appointment of Bradley Bird to the Nebraska Ethanol Board. Mr. Bird came before the Natural Resources Committee for confirmation hearing on January 25. Mr. Bird is from Blair, Nebraska, and works as a business manager for the Steamfitters and Plumbers Local Union 464. The Nebraska Ethanol Board is comprised of seven members all appointed by the Governor. Each member represents a specific area of interest related to Nebraska's ethanol industry. Mr. Bird is filling the labor position on the Ethanol Board. The Ethanol Board is a state agency created in 1971 by the Nebraska Legislature, the first and only state agency in the United States devoted solely to the development of ethanol industry. The board focuses on four key issues, ethanol production and industry support, market development, research and technology issues, and public policy development. The committee advanced Mr. Bird's appointment by an 8-0 vote. I ask for your confirmation of Bradley Bird to the Nebraska Ethanol Board. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Hughes. Seeing no one wishing to speak, Senator Hughes, you're welcome to close. Senator Hughes waives closing. The question before us is the adoption of the Natural Resources 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 505-506.) 35 ayes, 0 nays on the adoption of the report, Mr. President.

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

ASSISTANT CLERK: Mr. President, the next report offered by the Judiciary Committee is two appointments to the Crime Victim's Reparations Committee. (Legislative Journal page 468.)

SPEAKER SCHEER: Senator Ebke, as Chairman of the Judiciary Committee, you're welcome to open.

SENATOR EBKE: Thank you, Mr. President. The Judiciary Committee held a public hearing on the appointment of Mr. G. Randall Hansen and Mr. Thomas Parker to the Crime Victim's Reparation Committee on January 19, 2018. I will read them both at this point. Mr. Hansen has served as a member of the Crime Victim's Reparations Committee since 2009, serves as the vice chair of the committee. Mr. Hansen is employed as a CPA and has over 30 years of public

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

Floor Debate
February 02, 2018

accounting experience. He's a graduate of the University of Nebraska-Lincoln and he currently serves on the Nebraska Society of CPA's Professional Ethics Committee. He has previously served as president of the Administrative Management Society and as a member of the Board of Advisers of the Grande Olde Players and as a member of the Curatorial Committee of the Western Heritage Museum. He's a treasurer of the board of directors of the Kiwanis Club of southwest Omaha and volunteers his time as a speaker for the pre-business workshop hosted by SCORE, the nonprofit hub of the small business administration. He already serves on the committee. Mr. Parker, on the other hand, is currently retired, but he works as an insurance adjustor for State Farm Insurance. He retired from a career as a state trooper for the Nebraska State Patrol after serving the patrol for 37 years. During his time as a trooper, Mr. Parker supervised road operations and criminal and drug investigations. He spent ten years while on the force as troop area commander. The Judiciary Committee recommended both confirmations of Mr. Hansen and Mr. Parker's appointment on a vote of 7-0, with one absent. Considering these two individuals impressive resumes and their history of service, on behalf of the Judiciary, I ask for your green vote on both confirmation reports.

SPEAKER SCHEER: Thank you, Senator Ebke. Seeing no one wishing to speak, Senator Ebke you're welcome to close. Senator Ebke waives closing. The question before us is the adoption of the Judiciary 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 506-507.) 38 ayes, 0 nays on the adoption of the Judiciary Committee report.

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

ASSISTANT CLERK: Mr. President, the Nebraska Retirement Systems Committee reports on John Conley to the Nebraska Investment Council. (Legislative Journal page 483.)

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Kolterman, you're welcome to open as Chairman of the Retirement Committee.

SENATOR KOLTERMAN: Thank you, Mr. President. Good morning, members. The Nebraska Retirement Systems Committee held a confirmation hearing on January 26 for John Conley. Mr. Conley has been reappointed by the Governor to serve another five-year term on the Nebraska Investment Council. Nebraska Investment Council manages the investments of 30 different entities for the state, including our pension funds and endowment funds. Mr. Conley is currently senior vice president and financial adviser for the D. A. Davidson and Company. He has over 44 years of extensive portfolio management, securities analysis, and marketing experience. Mr.

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

Floor Debate
February 02, 2018

Conley will continue to bring serious, real-world business and investment experience to Nebraska Investment Council, and is well-qualified to make the decisions regarding the investments of the public funds. The Retirement Committee unanimously voted to move Mr. Conley's appointment to the Legislature for confirmation. I would ask for your support in confirming this appointment to the Nebraska Investment Council. Thank you.

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

ASSISTANT CLERK: (Record vote, Legislative Journal page 507.) 38 ayes, 0 nays on the adoption of Retirement Systems Committee report.

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

ASSISTANT CLERK: Mr. President, the Health and Human Services Committee would report on two appointments to the Foster Care Advisory Committee. (Legislative Journal page 484.)

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Riepe, as Chair of the Health and Human Services Committee, you're welcome to open on the report.

SENATOR RIEPE: Good morning, Mr. President and colleagues. I rise to present two appointments to the Foster Care Review Committee. This is an advisory committee and the two individuals is Dr. Michele Marsh and Ms. Peggy Snurr. The Foster Care Advisory Committee was established by LB998 in 2012. The committee consists of five members appointed by the Governor, and serve a term of three years. The duties tasked to the member of the Foster Care Advisory Committee are to, one, hire and fire an executive director for the Foster Care Review Office, and two, support and facilitate the work of the office. Dr. Marsh serves as the child and adolescent psychiatrist at CHI Health in Omaha. Ms. Snurr is a special education teacher with the Lincoln Public Schools. Both individuals were advanced from the Health and Human Services Committee on a 7-0 vote. With that, I ask for your green vote. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Riepe. Seeing no one wishing to speak, Senator Riepe, you're welcome to close. Senator Riepe waives closing. The question before us is the adoption of the confirmation report from Health and Human Services. All those in favor please vote aye; all those opposed vote nay. Have you all voted that wish to? Please record.

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

Floor Debate
February 02, 2018

ASSISTANT CLERK: (Record vote, Legislative Journal pages 507-508.) 34 ayes, 0 nays on the adoption of the report.

SPEAKER SCHEER: Health and Human Services report is adopted. Next item, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the final report this morning from Government, Military and Veterans Affairs is to the Superintendent position for the Nebraska State Patrol. (Legislative Journal page 480.)

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Murante, as Chair of the Government Committee, you're welcome to open on the report.

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I rise today to support the confirmation of Colonel John Bolduc to the...as the Superintendent of the Nebraska State Patrol. Colonel Bolduc has over 30 years of experience in law enforcement, he is a graduate of the FBI National Academy, and holds a master's degree in organizational leadership. Among other experiences, Colonel Bolduc previously served as the chair of the Minnesota POST Board. As the chair of the POST Board he was responsible for developing, training, hiring, and retention standards of Minnesota's 10,000-plus peace officers. Most recently, Colonel Bolduc served as the chief of police and vice president of public safety for the Port of San Diego. We, the members of the Government, Military and Veterans Affairs Committee conducted a public hearing for him that lasted...it was very lengthy. And following that the Government Committee unanimously approved his appointment, and I would encourage you to do the same. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Murante. Senator Harr, you're recognized.

SENATOR HARR: Thank you, Mr. President and members of the body. I'm not sure where I stand on this one yet and I'm going to be very interested to hear what's going on, because there are a lot of questions out there about what in the world is going on in the State Patrol. And I don't know who the black hats are and I don't know who the white hats are. And I try to dig and figure out what in the world is going on. What I can tell you I do know is public information. In late June an investigation was started. As a result of that investigation, the Governor fired Brad Rice, the previous colonel. Why? Why did the Governor fire Brad Rice? Nobody knows. Nobody knows. An investigation was started in late June. This colonel comes in in October. December, December, he issues in the middle of December a report. And at that time he said, after a 15-week investigation. Wait a second, 15 weeks? I am by no means the brightest guy in this room, but I know there are more than 15 weeks between June and December. Explain to me how it's a 15-week investigation?. Who knew what, when, where and why? We don't know. We did learn in

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

Floor Debate
February 02, 2018

the middle of December, certain people were allowed to retire, certain people were reprimanded. Why? It's a personnel issue. Okay. Why was Brad Rice fired? That's not a personnel issue. We don't know. We don't know. How can we know that things are being cleaned up if we don't know what the problem is? That investigation revolved around whether there was a TVI. What do we know? Well, we know that this occurred, that an individual...a police pursuit occurred. An officer, a trooper asked for permission to conduct a TVI. Afterwards, he said, I conducted a TVI. The next morning at 7:00 a.m. an e-mail went out. That trooper had not been interviewed by the authorities, we know that because they're allowed to rest. And an e-mail went out from a captain to Deb Collins, who was the head of PR at that time. And he says that it's supposedly a first person--and I use quotes for the record--account of the Flick incident. Flick hadn't been interviewed. No formal interview had occurred. How did this e-mail occur? And then there are police reports. Police reports are not consistent with what was said in the audio and it's not consistent...

SPEAKER SCHEER: One minute.

SENATOR HARR: One minute?

SPEAKER SCHEER: Yes, sir.

SENATOR HARR: Thank you...with what the colonel said in December, Colonel Bolduc, that's up now. Folks, there's false reporting. It appears there's either false reporting or obstruction of justice, something. We don't know. And then when I hit my light another time, I'm going to get into some of my concerns with our Attorney General's Office regarding this incident, because I listened to Jason Jackson earlier this week in Judiciary and some of his comments about these incidents and then I listened to what the Attorney General said about my bill and it's not consistent. I don't know what's going on. How do we know we can fix things if we don't know what the problem is? And nobody will tell us and they hide behind this being a personnel issue. And I'll get into why this is bigger than a personnel issue. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Harr. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I was going to rise and kind of comment on some of the same issues as Senator Harr referenced. I believe he referenced my conversation or potentially one of my conversations with Mr. Jackson in Judiciary the other day. We did have a bill dealing with the State Patrol and State Troopers overall and it's been one of my perpetual things is to figure out, in the wake of all that's happened with the State Patrol both in terms of the high speed chase and use of force incidents as well as sexual discrimination and potential sexual assaults and things of those nature is, who is actually looking into it, who has

Floor Debate
February 02, 2018

that authority, and who is going forward. It was something that was really alarming to me to see when the administration came out and said they had referred some things to the FBI. Colleagues, you do not call the FBI unless there is something that really, really alarms you. And it's been unclear what's been referred to the FBI. As came up in Judiciary it's very clear that the conversations with the FBI only go in one direction. We can feed them information, but they're not necessarily coming back and telling us whether or not that's an active investigation, whether or not that's something they have a high priority, whether or not that's even something that's truly in their jurisdiction. So that's something that I want to get out there and make sure we have time and make sure people are aware of on the record that it is still a little unclear who is actually investigating what in terms...and also in terms of who is conflicted in terms of the Attorney General's Office and the State Patrol to actually provide some sort of independent investigation. And with that, I would yield the rest of my time to Senator Harr because I think he was on the same train of thought.

SPEAKER SCHEER: Thank you. Senator Harr, 3:15.

SENATOR HARR: Thank you. We have other problems here. So we hide behind this is a personnel issue and we don't address what's really happening. There was a grand jury. I tried to get that transcript and they said, hey, it's going to cost you. We have an oversight role, ladies and gentlemen. I have a bill regarding that, because they charged us. And I don't have that kind of money, nor should I have to pay for that in our oversight role. But it's a way of preventing us from finding out information and how can we do oversight when they're charging us for copies of a grand jury? That's wrong. That's wrong and that's why I brought a bill, for that reason. I asked for some records, and I will freely admit State Patrol gave me a lot of them. How thorough it was, I don't know, because there would be e-mails and then attachments weren't with it. But I'll also tell you I asked for Dennis Leonard's e-mail who is in charge of internal affairs. They were deleted. Do you guys know what's going on in the federal level? Text messages were deleted with the FBI and we're screaming from the mountain tops about how terrible that is, text messages...internal affairs e-mails. What does internal affairs do? They conduct investigations of police officers. Deleted. Folks, that's a scandal. That's wrong. Why were they deleted? And what is the colonel going to do about that? Now, they tried to reconstruct some of them based on the fact that those e-mails went to another party. But the fact of the matter is, why is this department not preserving their e-mails, and most importantly, internal affairs around an issue that is highly controversial? This is a real problem...

SPEAKER SCHEER: One minute.

SENATOR HARR: Thank you...that we are not addressing, that the State Patrol...I have yet to hear come out and say they're addressing. They're saying, it's a...pat us on the back, don't worry,

Floor Debate
February 02, 2018

nothing to see here. A typical police line, right? Please move on, nothing to see. I have my light on, I have some further issues with this. But folks, we don't have the answers. And we deserve it. The taxpayers deserve it. We're dragging officers...troopers' names through the mud and saying they didn't do the proper things, that they did stuff that were improper. Then tell us. If they're so improper that you think you can go after them on a personnel issue, stand up, go after them criminally. Why aren't they? Ask yourself that. Thank you.

SPEAKER SCHEER: Thank you, Senator Hansen and Senator Harr. Senator Schumacher, you're recognized.

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. I rise to underscore the importance of this issue that Senator Harr has raised this morning. And I have supported Senator Harr in his efforts to try to get to the bottom of it. And the reason that I am supportive and the reason that I think we have a problem here is because of the incredible importance of the State Patrol in criminal proceedings in this state, particularly outside of the metro area. If we ever get to a point where the Patrol's integrity, trustworthiness--and not the Patrol's in general, but individual patrolmen, even--is questioned, we lose a lot. In my experience as county attorney, when that patrolman or patrol investigator got on that witness stand and raised his or her hand, you could look in the jury's eye and see complete confidence that there was absolute truth, absolute integrity and discipline that was testifying to them. And that not only was a tremendous vehicle of justice, but of judicial efficiency, because when a defendant, a guilty defendant knew that the testimony from a Patrol investigator or Patrolman was going to be given against them in court, it increased the probability of an efficient guilty plea far, far higher. Now, some things happened when you fire the head of the Patrol, when e-mails are same place that Hillary's are, when that level of integrity is questioned. And this entire thing is troublesome, because the primary responsibility at the executive level for discipline of law enforcement and administration of law enforcement lies in the Attorney General's Office. And clearly, the Attorney General said he had a conflict of interest that arose out of a statute which I hope we're going to be dealing with in clearing up, where the Patrol...in proceedings involving the Patrol, the Attorney General appeared to have to play both sides of the fence. Now, the Attorney General distinctly, almost irrationally, refused to do the common sense thing and go to the district court and say, judge, appoint somebody to take over my role in this case because it looks like I've got a conflict. That is routinely done when county attorneys find themselves in a situation of a potential conflict. The Attorney General said, well, there's a statute that allows county attorneys to do that. I don't find one that allows me to do that. Didn't even ask the district court. And it would have been a pretty good wager that had he asked the courts, the courts would have appointed a special prosecutor and the Supreme Court would have upheld the appointment of a Special Attorney General in that particular case. Really didn't pass the smell test. And as a Legislature, individual efforts like Senator Harr undertook are very, very difficult because our individual offices are not equipped to deal...

Floor Debate
February 02, 2018

SPEAKER SCHEER: One minute.

SENATOR SCHUMACHER: ..with such investigations that come our way. And I think Senator Harr is doing the right thing today in calling this to your attention because unless this situation is fixed, unless it is clear to the public that there are no skeletons in this closet, it will be something that will haunt you long after Senator Harr and I are gone from this body. And that's why we raise these issues today. Thank you for your attention.

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

SENATOR HARR: Thank you, Mr. President. There are so many tangents on this that it's hard for me to focus on what I'm most concerned about. I stood up here and said I had problems with Colonel Rice. I didn't vote for him. I didn't vote against him, but I didn't vote for him and I'm somewhat sorry, because it appears that this is a department that had run amuck. A lot of things were going on that shouldn't have been going on. There are things we know, there are things the Governor knows that I don't. The Governor knew enough to fire Colonel Brad Rice, but doesn't respect us enough to tell us why he fired Colonel Brad Rice. We don't know. What was so terrible that when Senator Chambers first said we have a problem, Taylor Gage, the Governor's spokesperson at the time, scoffed at it and said there's nothing wrong. A week later, an investigator is appointed. A week later, two weeks from when Senator Chambers brought the issue, a week after Taylor Gage said not an issue, it was a big enough issue for the Governor to fire, terminate immediately, Colonel Brad Rice. If somebody knows, hit their button and tell me because I don't. And then we wait six months or by our State Patrol's math, 15 weeks, to find the solution of this investigation, which is, this is a personnel issue. We have a right to know what happened. What happened? We have Trooper Flick, a man who served over 20 years for this state, a man who was shot protecting us, who now had been reprimanded. I have what I think are inconsistent statements. I think I have something here that rises to the level of obstruction of justice. I think I have enough that probably rises to the level of false reporting. Why wasn't there criminal actions brought? Obviously, something bad happened if you're going after these individuals; obviously. And our Attorney General, our wonderful Attorney General, Jason Jackson testified earlier this week he realized there was a problem. He started this investigation and he went to the Attorney General's Office and the Attorney General rightly said, I have a conflict, we represented these officers. Having a conflict and knowing there was probably something wrong, what did the Attorney General do? Sat on his hands. Nothing. Attorney General, under our statutes, has all the authority of a county attorney. They run the Department of Justice. County attorneys have the authority when there is a conflict to go see a judge and ask a judge to appoint conflict counsel. Ergo, state Attorney General, you acting as a county attorney, can go when you have a conflict to a judge and ask for the appointment of conflict counsel.

Floor Debate
February 02, 2018

SPEAKER SCHEER: One minute.

SENATOR HARR: Chose not to. Have the courts ever appointed a conflict counsel when there is a conflict within the Attorney General's Office? Supreme Court did. Appointed two lawyers to go after who? The Attorney General himself, Paul Douglas. It's been done. Not only has it been blessed by courts, it was blessed by the highest court in Nebraska, the highest court that interprets our statutes, our state Supreme Court. They can do it. No one challenged to say you couldn't, but the courts did it and the courts didn't take exception to it. You can do it. The court did it themselves. If they didn't think you could do it, they wouldn't have done it. But they did.

SPEAKER SCHEER: Time, Senator. Time, Senator.

SENATOR HARR: Thank you.

SPEAKER SCHEER: Thank you, Senator Harr. Senator Bolz, you're recognized.

SENATOR BOLZ: Thank you, Mr. President. I rise somewhat disappointed that we are having this conversation, because last time around when we appointed Mr. Rice I rose with concern about making that appointment and frankly, it's cold comfort to be right. I would much have preferred that we would have appointed someone who could do the job with due diligence and that we would have made that better discernment and those better decisions on this floor. And so it's a good reminder of the due diligence that we all need to do when we in our committees and as a body approve these appointments through our legislative process. I do have the transcript, and at the time we asked some questions about Mr. Rice's history and his experience with some issues related to inequality. And some accusations that turned out to be founded, that he did not always act with the utmost integrity. And so under that umbrella, under that concept of doing due diligence, I'd like Senator Murante, if you would, to yield to a question or two.

SPEAKER SCHEER: Senator Murante, would you please yield?

SENATOR MURANTE: I would.

SENATOR BOLZ: Thank you, Senator. As I mentioned last time, some of the concerns about culture in the State Patrol, respect for gender differences, respect for equality, all of those things have come up as issues of concern. They came up under Mr. Rice and, of course, have come up over the past couple of years. Did you ask Mr. Bolduc questions about his intentions and how he would manage the State Patrol to ensure that justice and equality and fairness were all part of the State Patrol culture?

Floor Debate
February 02, 2018

SENATOR MURANTE: I personally did not. Senator Wayne did. And the discussion of both when we're talking about female leadership and the racial inequalities that currently exist in the State Patrol was thoroughly discussed. But also the discussion that there is a culture problem there and the acknowledgement that he stated in the public hearing was he acknowledges the problems exist. When asked questions like, is the problem systemic such that you need new policies or is it more that policies exist and they're not being followed, it seemed to be a combination of both, that he understands that those challenges exist, he understands that actions have to be taken and some of those actions will be adhering to the policies that are already in place. So I think that...if that answers your question, I think that's what was discussed in the public hearing.

SENATOR BOLZ: I really appreciate that that vetting was done. Would you be able to say just a little bit more about his intentions to ensure that those policies are implemented as they should be?

SENATOR MURANTE: Sure. Well, what...I have the testimony in front of me. So what may be more helpful to do is if you just give me a minute to review exactly what he said and I won't put words in his mouth and could just say verbatim what he said. If that works, I'll put my light on and then answer your question that way.

SENATOR BOLZ: Sure. I appreciate that, Senator Murante. I want to make sure that we have adequate dialogue on the floor to illustrate the due diligence that we need to do to ensure that we're not only electing leadership that will be serious about culture change and will do that follow through, but that we also create that record on the floor that it is our intention to hold him accountable to follow through with those promises that he's making to the committee and to the body as a whole. And so between Chairman Murante and myself, I'm sure that we can get that information discussed and established moving forward. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Bolz and Senator Murante. Senator Wayne, you're recognized.

SENATOR WAYNE: Thank you, Mr. Speaker. I rise in support of this nomination. I understand the concerns with the culture. I know Senator Brewer did a great job grilling him during the committee, but I also met with him individually and I also asked questions publicly around equality, equity, and particularly making sure that the State Patrol looks like the people they are to serve and protect, both from a minority standpoint but also from a gender equality standpoint. And the reason for that is right now we have no minority in high ranking officer positions or they're called officer positions--I don't know the exact structure--and we only have one woman and he made a commitment. Now he did qualify that by saying he cannot guarantee results, nor

Floor Debate
February 02, 2018

do I expect him to, but he made a commitment to finding more candidates, promoting not just from within, but finding people on the outside to bring more diverse backgrounds into the State Patrol. He was very blunt about we have a culture problem, we have issues, and we're going to fix that. And because of that bluntness, because of our conversations individually and publicly, I have confidence in him to get this job done and clean up in the area that needs to be cleaned up. But I just want to put on the record that my issues were the lack of diversity and the lack of promotion of diverse candidates. And I was adequately satisfied with his answers and his plan. He is crafting out a plan, simple things as not only sending things to me, but sending things to people in Omaha about recruitment of the next class. That was never done before, at least for me and other people who got the e-mail saying we're hiring. And I think those simple things can make a huge impact, but it's a start and it's the right start and that's why I'll be voting green on this. Thank you.

SPEAKER SCHEER: Thank you, Senator Wayne. Senator Brewer, you're recognized.

SENATOR BREWER: Thank you, Mr. President. I'd like to echo what Senator Wayne has said, but I do that with some hesitation. I have probably been more involved in researching the incidents because, keep in mind, the incidents in Sioux County and the incident in Sheridan County, I knew personally the troopers involved. I've had a chance to interview Tim Flick, who was involved in the incident north of Gordon, where the PIT maneuver was conducted, and also a chance to meet with Kevin Waugh from Chadron, who was his supervisor. Both of those individuals are no longer with the State Patrol. As you peel back the layers and try and understand why it happened, it's all hidden in that eye investigation area. And the problem is you've got to take people's word because you can't see it. And that's wrong and we're going to figure out a way to fix that, but the issue at hand is the appointment of a new colonel, someone who I've interviewed a number of times. I believe he's a good man with a good heart, but I believe he's being put into a horrible position right now within the Patrol. The issue, much like what we're seeing with the FBI, is not with the line officers. I think we're blessed with great State Patrolmen. The problem is I think there is a element of a bad seed within the headquarters. And my concern has been it's garbage in, garbage out. If you take a good man and you put him in the middle of all of that and all he receives is a tainted view of what's going on and the well is poisoned and that's what he sees, then that's what he's going to be reacting to. And so as we look at the nomination, I do it cautiously in hopes that he is able to overcome that...what I call an inbred society within the State Patrol and are able to bring that fresh look that they need. And that is exactly what he should be allowed to do, is to bring in new ideas, fresh perspectives on what is healthy for the State Patrol. But he also has a hurdle to get through, because the morale at the trooper level is busted, it's busted because they no longer feel like their six is being covered. If we could get out in the open what really happened and why Tim Flick was terminated and why others were forced into retirement, then that would go a long ways toward giving peace of mind to Nebraska State Troopers. We do not have that now. So that's the burden he has on his

Floor Debate
February 02, 2018

shoulders. The almost hour of grueling that mostly I gave him in the Government Committee, he made a lot of promises, it's on record. We're going to hold him to it. I'm going to rise in support of him because I trust that he's going to attempt to do that. But he does not need influence from those above him. He needs to be his own man, he needs to make his own decisions and that's going to be hard. So again, I rise in support of him, but we're going to keep a very cautious eye and we're going to trust but verify. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Brewer. (Visitors introduced.) Going back to discussion, Senator Krist, you're recognized.

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska, and welcome to all my fellow veterans. I take confirmation hearings and appointments and our confirmation process very seriously. In the ten years that I've been here, I've been a part of questioning several of the nominations that have been put before this Legislature. I was one of those that had great concern about Colonel Rice, Mr. Rice now, and as my colleague, Senator Bolz brought up, I do that heavy hearted, because I hate to be someone who said I told you so. But I personally told the Governor it was a bad choice and gave him the reasons why. He did it anyway. He has a habit of doing that, not listening to the input that people will give him. I believe that if you don't take that input in and you don't vet the person that you're appointing, you'll get what you paid for. And in many cases, including one I think that has just happened recently in terms of appointments, once again, the Governor hasn't listened, he hasn't taken everything into accord. It's apropos that I should follow Senator Brewer because I think one of the axioms in the military service that I served was, if you take care of your people, they'll take care of you, and pick people wisely who will be your operations officers, your first sergeant, and all the way down the line. And then you have to get out of their way and let them do their job. I used to tell my guys, don't make me the last person that hears that we have a problem, make me the first so we can take the necessary action. But to Senator Wayne's point and Senator Brewer's point about vetting this individual and making sure that he is qualified to lead our State Patrol, I will say this. There are several bills in several committees that Mr. Jackson and the Governor have put there that are manipulating the structure in the State Patrol. They have decided to take the sergeants out of the collective bargaining line. They have decided that they're going to come to us and institutionalize a culture. You don't institutionalize a culture of safety or of productivity. It has to be a culture that's built from within. So I would absolutely ask Senator Albrecht and Senator Ebke not to put those bills out on this floor until this man has the opportunity to lead this organization and instill the culture that I hear today that he is ready to do. Let him take control...command of this organization and structure it in a way that changes culture and imbeds the kind of integrity that we want our State Patrol to have. And I also will agree with comments that have been made, the line item State Patrol is doing their job admirably. It is someplace in the leadership structure. So even more reason not to put those bills on the floor

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

Floor Debate
February 02, 2018

this year and allow him to take control of his organization, be the commander he wants to be, be the commander we want him to be, and change the culture. Thank you, Mr. President.

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

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. Senator Bolz in her previous time on the microphone had asked questions regarding Colonel Bolduc's position on the policies of the State Patrol and I will just read verbatim, this was the question that I asked to him, Senator Bolz, if this is helpful. I asked him the question, and you stated in your remarks that...I'll just quote you, it's your view that those events are not only behind us, but they are the exception. I'm wondering what policies are currently in place or you think would be important policies to create to ensure that events of the past don't happen again. And this was his response: Thank you for the question. When you do an evaluation of an incident, you do kind of a postmortem on any incident, you usually find that you have good policies that aren't followed. That certainly is part of the case with respect to these incidents. But there are also opportunities to evaluate the policies we have to see if they're still keeping pace with the industry to see if there are ways that we can make them better. And there have been several recommendations regarding policy changes that have already been implemented. And that's not a point that you ever arrive at. We always have to constantly look at our policies and our procedures to make sure they're keeping pace with the expectations of the community, with the inputs that are given by the Legislature, by the courts, and that's a continuing process improvement. And that was the end of that particular line of inquiry. So that, I hope, addresses the question that was asked of me. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Murante. Senator Bolz, you're recognized.

SENATOR BOLZ: Thank you, Mr. President. And thank you, Senator Murante, for thoughtfully and accurately responding to the question. I'm honestly at this point withholding judgment yet because frankly that's not a concrete answer. I hear reference to keeping updated, in terms of industry standards, and the needs of constituents but I heard nothing concrete or action oriented about how specifically I can count on this leader to change the culture in the way that the culture needs to be changed. So I hope that whatever decision others make on the floor today is based on their own judgment and based on the facts in front of them. But until I understand more fully what the plan of the State Patrol is to make sure that we are running our law enforcement in a way that is fair and equitable and that the past is not just the past, but it is prologue to the future and the future that is more fair and more reasonable and better implemented, I'm going to withhold my support. So thank you, Mr. President.

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

Floor Debate
February 02, 2018

SPEAKER SCHEER: Thank you, Senator Bolz. (Visitors introduced.) Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I don't vote for people to be confirmed just to be voting for them. I do not vote against them simply because they were appointed by somebody who has declared political war upon me even before he got into office. This Governor had said, when he was running for office...now, I have to bring in some other people, Kay Orr who had been a Governor supported him and called him a man of faith, talking about Mr. Ricketts. Mr. Ricketts is a rich man, he's a grown man. And Elvis Presley without knowing him sang a song to him and it's called "Laughing Elvis". Now, I can't sing, as some of you all know, but I put forth an effort. It was "Are You Lonesome Tonight." He sang, (singing) Is the chair in your parlor so empty and bare? Do you gaze at your bald head and wish you had hair? Then he starts laughing. And you can find that on the Web. And the first one I thought of when I heard that was the Governor. And here's a dead man saying in song what needs to be said. He may have been offended at me, because although my hair is white, I do have hair on my head. And for a man who had never met me, had never seen me, to condemn the way I comport myself in the Legislature and to say publicly he is going to put together a coalition in the Legislature to stop me. And he has tried to do that. And as I've said, I call those people "Ricketts' crickets." And they're not going to stand against the Governor, and I know that. But despite what he said against me, I'm not going to hold that against this man whose nomination is being considered by us today. I'm going to be not voting. I don't know enough about him to affirmatively endorse him. I don't know whether he has the ability to do what a commander of the State Patrol should do. And if he has the ability, I don't know if he has the heart to carry through on it. A lot of people start out with good intentions, then they have that squeezed out of them once they see how the political process operates. That orange man in the White House said he's going to run the government like a business and he's ruining it like he ruined some of his businesses, several of which went into bankruptcy. But I'm glad that he's there. He's going to create constitutional crises. But it's all involving white people. My plight as a black man has not been made worse by Trump. He makes racist statements, but that's been going on before him. What's different? He's in there and he says it publicly. He used an obscenity to describe the continent and by extension the people who are part of me. I know what he thinks of us, which is nothing. But he's just like white Americans everywhere and that's why he does it. He feels that he's speaking for his people, and I think he is. But that doesn't make me any difference. If he undermines the FBI, what do I care? They're the one who put a thick file together on me, spying on me.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: And they didn't have to spy. If they wanted to know my opinion, ask me. But I'm the only one in history that I've ever read in official documents where the agents were informed not to confront me directly because I would embarrass the FBI, I would

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

Floor Debate
February 02, 2018

embarrass "the Bureau." President Kennedy couldn't say that, he was afraid of J. Edgar Hoover. Robert Kennedy, who was Attorney General, couldn't say it. People in the Senate and the House couldn't say it because he had dirt. J. Edgar Hoover had dirt on all of them. There's nothing anybody can say about me except that I'm dull, and around here that should put me in good stead. But around those who are duller, I shine pretty brightly, so maybe I should be happy to be here. But I said all that to say this, that man did come into a very, very bad situation,...

SPEAKER SCHEER: Time, Senator.

SENATOR CHAMBERS: ...the one you are you will considering. You said, time?

SPEAKER SCHEER: Yes, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

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

SENATOR HARR: Thank you, Mr. President. We had a bad situation here, there's no if, ands, or buts about it. We have to have trust in our State Patrol. Senator Schumacher brought it up earlier. When an officer takes the stand, we have to know that what they say is the truth. And when somebody lies, we have to know about that. We don't know if there's a lie or a truth. Nobody knows. We don't even know why Brad Rice was fired. So how are we supposed to know if this colonel is coming in to fix a problem, if we don't know what the problem is. I heard, I read the transcript. FBI is conducting an investigation. FBI is conducting an investigation, but they can only investigate violations of federal law. Now, if they happen to see something that's a violation of state law, they may say something if they know about it. Why aren't we taking care of ourselves and investigating this. Why, when internal affairs says there's a problem, are all those e-mails deleted? What's going on. You know, I hear on a national level about a bias within the FBI and how terrible and what they've done is terrible. So why are we turning to them here? I personally think the FBI is good. They're made up of humans, they're not above reproach, but I think generally their officers are good. I don't know of a time they haven't been. And I think our State Patrol is generally good, with my experience working with them as a former prosecutor. But it's hard for me to put someone on the stand if I don't know that they're truthful. And it's hard for me to put a person on the stand and say, that defendant said it didn't happen, this officer said it did. Those officers have to be above reproach. And what have we created here? We've created a haze of mystery that no one will say what happened. Again, I am asking the Governor to come forward and say why he fired the previous guy. Then maybe that will help solve some of the issues of what happened below. Maybe it won't. We had all kinds of problems within the State

Floor Debate
February 02, 2018

Patrol. What those problems were, I don't know. But you know what the solution is? The solution, according to our Governor, is to not allow sergeants to negotiate with troopers. That will solve the problem. Wait, what? That will solve the problem. If only our sergeants didn't negotiate and were treated as officers, problem solved. That makes zero sense, because I don't know what the problem is, but I sure as heck can tell you that doesn't seem like a logical solution. And if it is, I'll be excited to hear how that is a logical solution to the problem. The problem here is truth. What is the truth? What happened, what didn't happen? Now, there may be some gray area of what did or didn't happen, but at least let me know what the two sides are saying. I don't even know what the two sides are. The Governor listened to both sides and decided to fire this guy. All right, Governor, what did you do, what did you hear, to make that decision? We have his conclusion. Fire, terminate. Why? I don't know. Maybe I want to know the facts that he used to make his determination. How do we know this has been cleaned up going forward if we don't know what the mess is? This new colonel coming in has been put in a difficult situation. How are we supposed to support him?

SPEAKER SCHEER: One minute.

SENATOR HARR: How are we supposed to hold him accountable if we don't know what the problem was. Tell us, Governor. What is the problem? You appointed this person. You stood behind him. We had concerns. He said women couldn't be patrol officers, that they weren't physically capable. We had concerns. We have to be careful and we have to oversight, but give us the information, Governor. We have concerns, we continue to have concerns, we have an important oversight role. Give us the information so we can do that role. Thank you.

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

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, picking up where I left off, this man is being put into a very bad situation, whoever is hired. If Jesus was coming down here and put on a uniform we don't know what he'd do. He'd probably be hanging up there on the wall again with the help of these senators who pray to him every day but they really hate him, because when we talk about the disabled, the mentally ill, the poor, the hungry, those who need an education, the Legislature does nothing. So if Jesus can't straighten it out, then why should I expect this man to straighten it out. He is being appointed by a politician, a politician for whom I have no respect whatsoever. Not only as a politician, I have no respect for him as a man. When a man will let somebody insult his mama in public, then wind up licking that man's spit, I don't respect him as a man. Donald Trump insulted Ricketts' mama and daddy and now Ricketts has turned around saying how wonderful it is to work with Trump. And Trump jumped on Ricketts' mama because she was a part of a group raising large amounts money to oppose Trump's nomination. All Trump said was what you can say to almost any politician or

Floor Debate
February 02, 2018

big shot, the Ricketts better be careful because they've got a lot to hide. All of a sudden no longer were the Rickettses opposed to Trump. In fact, Joe Ricketts, the daddy, gave tens of thousands of dollars to Trump. And mama Ricketts got quiet as a mouse, too. I'm going to watch all this by big shot white people who are supposed to be setting the standard and have respect for them? This Governor is not going to appoint anybody who will go contrary to what he wants, to what he is. So all that we need to look for is more of Ricketts wearing a State Patrol uniform. I was in the army. But I don't talk about being a veteran or...I don't have any war stories to tell, I didn't shoot at anybody, nobody shot at me, didn't go overseas, didn't want to go overseas, got in and got out so I could go to school without being drafted. Didn't like the flag then, don't like it now, and I'm not going to play that game that they want black men to play. This is a racist, discriminating country and the police are on the front line. They're like occupying forces in the black community. They don't serve us and protect us. If we call the police, the one who called the police is subject to be treated worse by the police when they arrive than the one who may have perpetrated something that led to the police being called in the first place. I don't have a reason to vote against this man. I had reasons to vote against Rice, and I stated those reasons. I spoke against this confirmation, I voted against it, and I think I heard Senator Harr mention that I said after some things happened, the Governor should fire Rice. And the Governor's response publicly, what Chambers said is ridiculous. Then a few days later he fired him. Never said Chambers was right after all. But I don't look for him to do that. He told me before he got in office, Chambers, you have here an enemy. So I said, as you wish, Governor. But I've always had white enemies, have them now, always will have them. But what somebody else says or does is not going to influence what I do. So I'm going to let you all talk about this man. And I simply am not going to be voting. He did take some actions. They were problematic and left questions as to why he cut this stalk down and let this one just like it remain standing. And I'd stated publicly that I wanted to have a conversation with him to get an explanation.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: But there was no need in me talking to him were he not to become the colonel or the commander of the State Patrol. You all are going to confirm him as you confirm everybody that the Governor sends over here. So I knew he would be confirmed. He'll be the superintendent and when he's got all of that authority, I'm going to talk to him. He doesn't have to talk to me if he doesn't want to, but it might be his loss and a mistake not to. But from what I've heard, he'll be willing to talk. I don't know if he'll listen. But until I have that conversation with him, I don't know anything that would make me vote against his confirmation. I don't know anything that will make me vote for it, so I'll be not voting on that. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers, and you are next in the queue. This is your third time at the mike.

Floor Debate
February 02, 2018

SENATOR CHAMBERS: And now, now shift to a different gear. People are talking about this gentleman who is going to be head of the State Patrol. But I haven't heard anybody on the floor, other than me, even hint about a recently appointed judge to the Nebraska Supreme Court who retired suddenly, and nobody wants to say anything about it. Now, when this man had been a district judge, from what I read, all I know--I'm like Will Rogers--is what I've read in the newspapers. And I haven't read anything in the newspaper of consequence about why this judge retired. But he had to seek that position on the state Supreme Court. For a judge, he was relatively young. He had some good years in front of him, get a good salary, and would have a good retirement. He knew what was involved in being a judge. He knew what was entailed in being a member of the state Supreme Court. Did the Governor not vet him properly? Did this man lie to the Governor? Did people who supported him lie about his credentials or did they know something that they thought would never come to light? Or was there something that could come to light but they didn't know about it? So he takes his seat on the bench. And if I read the paper correctly and remember what they wrote, he may have been there two years and a half, but a very short period of time. Then suddenly, bam, all the lights go out and he's gone. He doesn't say anything. The court doesn't say anything. When somebody in a top position like that leaves suddenly, it might be because of a serious illness or impending, overhanging scandal. Nobody suggested that this man has anything in the way of an illness. He's got to say something and the Chief Justice should say something. So I'm saying it here. I'm going to write the Chief Justice a letter and I'm going to say, Chief, you can hide the fire but what you going to do with the smoke? And when there's so much smoke attending the departure of this judge, it doesn't just affect him, it infects the integrity of the Nebraska Supreme Court. When all of you people who talk about so many things--and I'll remind him that he came here and gave a long speech about the state of the judiciary. He's been opposed to certain funds being touched that would be used to help provide representation for juveniles in this state. Said, you're not going to touch that, and it has to do with technology or something like that, elevated above the welfare of children. He can talk about that. I'm going to ask, why does the cat have your tongue when it comes to talking about why this judge left? So may I speculate? But maybe I won't speculate. But I'm having information brought to me, and I'm like a broken refrigerator. I can't keep anything. So I want the Chief Justice to know and that judge who quit all of a sudden and won't talk about it, that I'm on his trail. Those of you all who know how to look up literature, look up a poem called "The Hound of Heaven" and you'll find out how I'm going to dog that judge's trail. And when I find things on judges, I don't sit on it, I file charges. Not charges, complaints that have resulted in leaving the bench of judges. One had been hugging women, putting his hands on them. And I'm the one who filed the complaint about it. I call him the "Randy Robed Rogue from Richardson County."

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: And if he didn't quit, I'd seek impeachment. There was another one out in western Nebraska, and he was improperly dealing with women. And nothing could be

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

Floor Debate
February 02, 2018

done with him until I got involved. Then he quit because he didn't want to fight or tangle with Senator Chambers. Now, when you have somebody who hunts, that one hunts and knows how to detect odors and know what animal is emitting that odor. I'm beginning to detect an odor that unfortunately smells very familiar and it has to do with what is making other judges quit and made a judge on the Ninth Circuit, U.S. Circuit quit. He was mistreating women. Now the Chief Justice, since he knows about circumstantial evidence, will know the direction that I'm going. And I'm going to write him that letter and when I write it, I'm going to release it. And he can ignore it.

SPEAKER SCHEER: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no one in the queue, Senator Murante, you're welcome to close on your report.

SENATOR MURANTE: Thank you, Mr. President; and, members, good morning. I think we've had good dialogue about the status of the Nebraska State Patrol. I think that's a necessary and appropriate role of the Legislature to take when talking about the activity of one of its state agencies. The matter before us is the confirmation of John Bolduc and undoubtedly there will be ongoing conversations about what reform ought to take place within the Nebraska State Patrol. Most of those discussions will happen in the Judiciary Committee and I'm sure that they will forward matters before us. However, I don't believe anyone has questioned the qualifications of the man who has been appointed to serve in this position. He is a person who I believe by any measure meets the standards of qualifications to serve as colonel of the Nebraska State Patrol. He is a person who was unanimously supported by the Government Committee for his confirmation, and I would encourage you to do so as well. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Murante. You've heard the closing to the confirmation report by the Government Committee. The question before us is the approval of the confirmation report of the Government Committee. All those in favor please vote aye; all those opposed vote nay. Have all those voted that wish to? Please record, Mr. Clerk.

ASSISTANT CLERK: (Record vote, Legislative Journal page 508.) 37 ayes, 0 nays on the adoption of the report, Mr. President.

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

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

Floor Debate
February 02, 2018

ASSISTANT CLERK: Mr. President. Moving to Select File, LB321. There are no E&R amendments. I do have other amendments. [LB321]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Lowe, would you give us a two-minute review? [LB321]

SENATOR LOWE: Thank you, Mr. President. We are back to LB321. This bill was designed to allow university or college firearm teams to potentially store, train, and compete with their respective firearms if approved by the university or college administrations. On General File it was pointed out that the original language of the bill was too vague and could cause a potential issue for our universities and colleges. Senator Schumacher added an amendment to ensure the bill applies only to the university and college firearm teams. This was a quality start to fixing the problems with LB321, but I believe these could be further improved. There is now an amendment pending that would further clarify the term "firearm teams" to include rifle, shotgun, and pistol disciplines. I believe this amendment addresses the concerns originally brought up by Senator Harr, Senator Chambers, and others while still keeping Senator Schumacher's first amendment to LB321 in the bill. Thank you, Mr. President. [LB321]

SPEAKER SCHEER: Thank you, Senator Lowe. Mr. Clerk, there is an amendment? [LB321]

ASSISTANT CLERK: Mr. President, the first amendment I have from Senator Bostelman, AM1522. Senator, I have a note you wish to withdraw that one? Mr. President, Senator Bostelman would then offer AM1655. (Legislative Journal page 509.) [LB321]

SPEAKER SCHEER: Senator Bostelman, you're welcome to open on your amendment. [LB321]

SENATOR BOSTELMAN: Thank you, Mr. Speaker. And good morning, colleagues and Nebraska. I introduce AM1655 and request your support for this amendment. This speaks specifically to...on page 2, line 18, after the comma to insert "to include rifle, pistol, and shotgun disciplines." I think that speaks specifically to the three disciplines that we see in our colleges and universities in Nebraska and across the country. Each of those disciplines, I have been...I have not been involved in all three of them. The shotgun disciplines I have over the years through 4-H and others and I can tell you that the individuals, the student athletes--and they are student athletes--that come, there are scholarships that are offered to these student athletes that come to do these. These are firearms, pistols, or rifles or shotguns that are highly specialized. They're firearms that are not inexpensive, I guess you would say, and they are very unique in that how they are designed and built and they're very sensitive because our shooting sports, which include these three disciplines is highly competitive. It's highly competitive at the college level, it's highly competitive even at the junior high and high school level. I've been to national shoots

Floor Debate
February 02, 2018

in 4-H to see the discipline of those students who shoot, those 4-Hers, those college students and adults that shoot in these disciplines. I have known of an individual engineer, here in Nebraska in my district, whose son in grade school was shooting in the pistol competition of 4-H and he redesigned actually the pistol for accuracy and use in that program specifically to better their ability to be better marksmen and better control and safety of that pistol. So part of what I'm saying also as we talked about this amendment and Senator Lowe's bill--and I thank Senator Lowe for bringing this--is that those we see in the colleges and the universities are typically competing in this have been doing so for a number of years. And they've competed, they've gone through hunter safety courses, they've gone through other safety courses, and they're very well aware of how to handle their firearms, whatever it might be. They're very well in being respectful and very careful with all of those because there is a lot that goes into those firearms. There's a lot of practice that they put into it and they care about that. And I think it's very good that our universities and colleges offer this opportunity in a safe and secure environment. This allows them to not violate the law, especially with our shotguns and our pistol shooters because without this, if they would have just rode or travelled in a university van or college van to a shooting event, they would have been in violation. Most of these and if not all of these shooting events I believe occur off campus. So like at Lincoln Trap, I believe may, or Ike's here in Lincoln (sic-- Lincoln Ike's in Bennett) may be a trap a place where...and one place that shotgun discipline of sporting clay, skeet, and five-stand is taken up by students, student athletes. So it's a very competitive, it's very safe, it's a very good opportunity for student athletes to perform well, to provide them that opportunity to share that discipline to younger ones, younger students, younger people coming up through 4-H or other programs that teach them how to properly handle that firearm, to be safe with that firearm, and to compete with that firearm on a local and even a national level. The state of Nebraska has the largest high school shooting event in the nation. That's every May. That's in trap. We've been to the national, international shooting event in...at Sparta and that has adult and youth competitors from around the world that shoot over a two-week program. Again, very safe, very secure, very respectful, and I think this is a very good opportunity that we have for our student athletes and I support Senator Lowe in this bill and the opportunity we have to afford our student athletes here in Nebraska. And I urge your green vote on AM1655 and on LB321. Thank you, Mr. Speaker. [LB321]

SPEAKER SCHEER: Thank you, Senator Bostelman. Senator Chambers, you're recognized. [LB321]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'd like to ask Senator Bostelman a question or two, if he would respond. [LB321]

SPEAKER SCHEER: Senator Bostelman, would you please yield? [LB321]

Floor Debate
February 02, 2018

SENATOR BOSTELMAN: Certainly. [LB321]

SENATOR CHAMBERS: Senator Bostelman, your amendment was very brief, so would you state it again, because I think you mentioned three types of implements that shoot off more or less. [LB321]

SENATOR BOSTELMAN: Sure. It specifically is to include rifle, pistol, and shotgun disciplines; rifle, pistol and shotgun. [LB321]

SENATOR CHAMBERS: Why didn't you include the debate team? [LB321]

SENATOR BOSTELMAN: Because they don't handle firearms. [LB321]

SENATOR CHAMBERS: But don't they shoot off their mouths? [LB321]

SENATOR BOSTELMAN: Well, they probably...yeah, sometimes, yep. [LB321]

SENATOR CHAMBERS: Okay, that's all. I just asked you three implements that shoot off. That's the way I phrased the question. Senator Bostelman, I don't see anything in your amendment that goes against what this bill originally set out to do. I'd like to ask now Senator Lowe a question or two, since this is his bill. [LB321]

SPEAKER SCHEER: Senator Lowe, would you please yield? [LB321]

SENATOR LOWE: Yes, I will. [LB321]

SENATOR CHAMBERS: Senator Lowe, it wouldn't take much time to read Senator Bostelman's amendment. You stated, if I heard you correctly, that everything you wanted the bill to do, all of the issues if there were issues that are involved would be taken care of with his amendment, if it were adopted. [LB321]

SENATOR LOWE: Yes, and any issues that I would see forthcoming through the universities or the colleges would be taken care of by this amendment. [LB321]

SENATOR CHAMBERS: So based on what you said, his amendment is the basket into which you're willing to put all of your eggs on this bill. [LB321]

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

Floor Debate
February 02, 2018

SENATOR LOWE: I would be glad to join my basket with his basket, yes. [LB321]

SENATOR CHAMBERS: Does his amendment replace any language that currently is in the bill? [LB321]

SENATOR LOWE: Not currently in the bill. [LB321]

SENATOR CHAMBERS: So it simply adds additional words that explain... [LB321]

SENATOR LOWE: It simply adds to clarify, yes. [LB321]

SENATOR CHAMBERS: Senator, look up at the clock on the wall. Can you read for the record what time it says? [LB321]

SENATOR LOWE: It doesn't have a mouth, so it doesn't say anything. [LB321]

SENATOR CHAMBERS: Can you read the time which is displayed? You're catching on. [LB321]

SENATOR LOWE: Yes, I can read the time. [LB321]

SENATOR CHAMBERS: And what is the time displayed? [LB321]

SENATOR LOWE: It displays 11:15. [LB321]

SENATOR CHAMBERS: And what time do you think we will probably recess or adjourn for the day? [LB321]

SENATOR LOWE: We will probably adjourn for the day someplace close to 12:00. [LB321]

SENATOR CHAMBERS: Do you think I could find a way to monopolize the floor, and others might join me, until we have to adjourn for the day? [LB321]

SENATOR LOWE: Senator Chambers, do you have something to say today? [LB321]

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

Floor Debate
February 02, 2018

SENATOR CHAMBERS: That's not the...you're not answering the question. You're answering the question with a question which is not responsive to mine, so I won't answer yours. [LB321]

SENATOR LOWE: I was just going to yield you time if you had something to say. [LB321]

SENATOR CHAMBERS: I don't need your help, Senator. [LB321]

SENATOR LOWE: Okay. [LB321]

SENATOR CHAMBERS: But do you think I could take the time that would take us beyond noon today? [LB321]

SENATOR LOWE: Senator, I know you could take up all the time you need. [LB321]

SENATOR CHAMBERS: And if that happened, what would become of your bill? [LB321]

SENATOR LOWE: We would probably have to carry it on until Monday. [LB321]

SENATOR CHAMBERS: And the only thing that would probably keep that from happening is if the world came to an end or something like that, but if everything goes as it should, we will meet here Monday and this bill will be somewhere on the agenda. Would you agree? [LB321]

SENATOR LOWE: I would probably agree with that, yes. [LB321]

SENATOR CHAMBERS: And you could anticipate that I might take some time on this bill, couldn't you? [LB321]

SENATOR LOWE: Yes, I could anticipate that. [LB321]

SENATOR CHAMBERS: If we took that time and gave you time over the weekend to rest up and think about it, you'd be ready Monday morning to continue the discussion? [LB321]

SPEAKER SCHEER: Time or one minute, Senator. One minute. [LB321]

SENATOR LOWE: That is correct. [LB321]

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

Floor Debate
February 02, 2018

SENATOR CHAMBERS: Well, I got to put my light on because I've run out this time. Thank you, Senator. [LB321]

SENATOR LOWE: Thank you. [LB321]

SPEAKER SCHEER: Thank you, Senator Chambers and Senator Lowe. Senator Chambers, you are recognized. [LB321]

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Lowe has shown respect for me. There was one day he did something that I thought was noteworthy and I mentioned it at the time. And I talked about a rhyme that Rudyard Kipling had written called "The Ballad of East and West." I'm not going to go through that whole thing, because at my age I wouldn't remember it all. But the first stanza and the last one, both of which are the same, will contain words that people are familiar with. "Oh, East is East, and West is West, and never the twain shall meet, Till Earth and Sky stand presently at God's great Judgment Seat; But there is neither East nor West, Border nor Breed, nor Birth, When two strong men stand face to face, tho' they come from the ends of the earth!" And the poem goes on to talk about a man described as a border thief. He was indigenous to the country--it was in the Middle East--and he had stolen a mare that belonged to the colonel. And the colonel's son was upset as people might be and he was going to reclaim his father's mare, and the other people who had been in that part of the country for some time and they were members of the queen's guard, mentioned this border thief by name. And he was well known and he had a lot of territory under his control. So they told him that if you want to catch him, this is where you can go. But you better catch him before he reaches a certain location or you'll be in trouble, for there is not a rock for 20 miles. There is not a clump of tree, but rest the man of his own men with his rifle cocked on his knee. But the young man being headstrong took an animal and went after this guy. And the guy expected it so when he looked back and saw the horse pursuing him, he let him get...the guy get close enough to try to take a shot at him. So the young guy drew his pistol and he fired once, he fired twice, but the whistling ball went wide. You shoot like a soldier, Kamal said, show now if you can ride. So then they ran. Then the horse that the young man was riding fell at a water course. In a woeful heap fell he. And Kamal has turned the red mare back and pulled the rider free. He has knocked the pistol out of his hand, small room was there to strive. 'Twas only by favor of mine, quoth he, that you rode so long alive. If I had raised my bridle hand, as I have I kept it low--you were mentioned--as I have kept it low, the little jackals that flee so fast were feasting all in a row. If I had lowered my bridle hand as I have kept it high, the kite that whistles above us now were gorged till she could not fly. Then lightly spoke the colonel's son: Do good to bird and beast, but count who come for the broken meats before thou makest a feast. They will feed their men on the garnered grain. And then he went on to tell what all they would do. He said, but if thou thinkest the price is high in steer and gear and stack, give me my father's mare again and I'll fight my own way back. [LB321]

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

Floor Debate
February 02, 2018

SPEAKER SCHEER: One minute. [LB321]

SENATOR CHAMBERS: But if I thou thinkest the price be fair, thy brethren wait to sup, the hound is kin to the jackal spawn, howl, dog, and called them up. Kamal has gripped him by the hand and set him up on his feet. No talk shall be of dogs, said he, when wolf and gray wolf meet. I've got to turn on my light, but before I get to that last point--because I don't want to go through a whole rhyme--the colonel's son was kind of surprised that this was the reception he got from this border thief. I'll turn on my light. [LB321]

SPEAKER SCHEER: Thank you, Senator Lowe and Senator Chambers. Senator Lowe, you're recognized. [LB321]

SENATOR LOWE: Thank you, Mr. President. I am in favor of Senator Bostelman's AM1655 to join with my bill. And if Senator Chambers would like to continue on, I'd like to yield him my time. [LB321]

SPEAKER SCHEER: 4:40, Senator Chambers. [LB321]

SENATOR CHAMBERS: Thank you, "Sir Lowe." So the colonel's son, his pistol drew and held it muzzle-end. You have taken the one from a foe, said he, will you take the mate from a friend? Kamal has looked between the eye and there he found no fault. They have taken the oath of brother and blood on leavened bread and salt. Well, too long to go through all that. But at any rate, the colonel's son had given the pistol to Kamal. So this is where you come in. A gift for a gift, spoke Kamal straight. A limb for the risk of a limb. Thy father has sent his son to me, I will send my son to him. With that, he whistled his only son who dropped from a mountain crest. He trod the ling like a buck in spring and he looked like a lance at rest. Here is thy master, Kamal said, who leads a troop of the Guides, and thou shalt ride at his left side as shield on shoulder rides. And thou must eat the White Queen's meat and all her foes are thine and thou must harry thy father's hold for the peace of the borderline. Then it goes through a little exchange that Kamal had with his son. Then the colonel's son, he rides the mare, Kamal's boy the dun. And two have come back to Fort Bukloh where there went forth but one. Have done, have done, spoke the colonel's son. Put up your steel at your sides, for there was not a man of all his men who didn't have a grudge against this man who was coming back. So he said, last night you struck at a border thief. Tonight 'tis a man of the Guides. It took me all of that to tell you a gift for a gift. You probably will not even remember doing what it is that I am referring to, but I say this. A gift for a gift. And I'm through talking about your bill. [LB321]

SPEAKER SCHEER: Thank you, Senator Lowe, Senator Chambers. Senator McCollister.
[LB321]

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

Floor Debate
February 02, 2018

SENATOR McCOLLISTER: Thank you, Mr. President. Most of you don't realize today is February 2. And we would be negligent if we didn't realize or know this is Ground Hog Day. And Punxsutawney Phil saw his shadow in York, Pennsylvania. So I can tell you we only have six more weeks of winter, and that's a good thing. As I drove to Lincoln this morning, it was 11 degrees, so I'm ready for a short winter. Thank you, Mr. Chairman. [LB321]

SPEAKER SCHEER: Thank you, Senator McCollister. Seeing no one in the queue, Senator Bostelman, you are welcome to close on AM1655. [LB321]

SENATOR BOSTELMAN: Thank you, Mr. Speaker. And I ask for your "Lowe-ly" support of AM1655. Please vote green. Thank you. [LB321]

SPEAKER SCHEER: Thank you, Senator Bostelman. The question before us is the adoption of AM1655 to LB321. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? I'm sorry, Senator, did you ask for a record vote? There's been a request for a record vote. Mr. Clerk. [LB321]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 509.) The vote is 28 ayes, 0 nays, on the adoption of the amendment. [LB321]

SPEAKER SCHEER: AM1655 is adopted to LB321. Mr. Clerk, LB321. [LB321]

ASSISTANT CLERK: Mr. President, I have nothing further on the bill. [LB321]

SPEAKER SCHEER: Senator Wishart, as Chairperson of E&R. [LB321]

SENATOR WISHART: Thank you, Mr. President. I move to advance LB321 to E&R for engrossing. [LB321]

SPEAKER SCHEER: There's been a request for a machine vote, record vote. The question before us is the advancement of LB321 to E&R engrossing. Mr. Clerk. All those in favor vote aye; all those opposed vote nay. Please record. [LB321]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 509-510.) The vote is 35 ayes, 0 nays on the advancement of the bill. [LB321]

SPEAKER SCHEER: LB321 is advanced. Mr. Clerk, for items. [LB321]

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

Floor Debate
February 02, 2018

ASSISTANT CLERK: Mr. President, your committee on the Executive Board reports LB751 and LB936 both to General File with no committee amendments. New resolutions: LR310 by Senator Kolowski; LR311 by Senator Kolterman; those will be laid over. Confirmation report from the Natural Resources Committee. That's all I have, Mr. President. (Legislative Journal pages 510-511.) [LB751 LB936 LR310 LR311]

SPEAKER SCHEER: Thank you, Mr. Clerk. Next item.

ASSISTANT CLERK: Mr. President. Moving to General File. LB211, introduced by Senator Hansen. (Read title.) The bill was read on January 10, 2017. It was referred to the Business and Labor Committee. That committee placed the bill on General File with no committee amendments. [LB211]

SPEAKER SCHEER: Senator Hansen, you're welcome to open. [LB211]

SENATOR HANSEN: Thank you, Mr. President. And good morning, colleagues. I rise today to introduce LB211. The bill would increase the minimum wage a person is compensated by way of gratuities, commonly referred to as the tipped minimum wage. Our state's minimum wage, which is currently at \$2.13 an hour has not changed since 1991 when the federal tip minimum wage was uncoupled from the standard minimum wage. At that point in 1991, the federal minimum wage was \$4.25 so that \$2.13 represented 50 percent of the prevailing minimum wage. LB211, along with AM1604, which I have filed, would increase the tipped minimum wage from the current \$2.13 an hour to an indexed rate of the standard minimum wage. This would be 40 percent or \$3.60 of the current \$9 minimum wage starting on January 1, 2019, and 50 percent or \$4.50 starting on January 1, 2020. Indexing the tipped minimum wage to 50 percent of the standard minimum wage would put it back to where it has historically been. This is good public policy and will put us in line with some of the states around Nebraska: Iowa pays tipped employees \$4.35 an hour; Colorado, \$6.28; Missouri \$3.85 an hour. Overall, 33 states have a higher tipped minimum wage than Nebraska with seven states having no separate tipped minimum wage at all and paying all tipped employees minimum wage. Further, the voters of Nebraska overwhelmingly supported a traditional minimum wage increase as recently as 2014, demonstrating that the public understands the hardships low-wage earners endure. According to the Restaurant Opportunities Centers United, the restaurant industry includes seven of the lowest ten paying jobs in the country. In fact, people who work in the industry are twice as likely to need food stamps as the rest of the U.S. work force and three times as likely to live in poverty. Passing LB211 would lead to a slight increase in guaranteed wages, provided some relief from this problem, although not as much as a full minimum wage guarantee. Although employers are legally required to top off to pay a person who works for tips if they don't add up to minimum wage, enforcement is lax and disorganized, resulting in many instances in allegations of wage

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

Floor Debate
February 02, 2018

theft. We've heard examples in committee testimony of servers being pressured to not report shortages when their tips fail to hit minimum wage because of their fear of retribution from employers. This problem could soon be exacerbated by the fact that and the federal Department of Labor recently proposed rolling back existing rules that tips belong to the worker and not the employer, leaving even more room for wage theft and low pay if the workers are not guaranteed a living wage. Colleagues, the vast majority of servers and others relying on tips are hardworking individuals just trying to make ends meet. In no other industry do we rely on the customer to ensure a fair wage. The bill presents a measured, common sense method of making sure workers are compensated fairly by being tied, once again, to the state minimum wage rather than stuck in an arbitrary \$2.13 per hour. Note that the amendment simply updates the effective dates and I guess I will introduce that in a moment. With that, colleagues, I will ask you for your green vote on LB211 to raise the tipped minimum wage. Thank you, Mr. President. [LB211]

SPEAKER SCHEER: Thank you, Senator Hansen. Mr. Clerk. [LB211]

ASSISTANT CLERK: Mr. President, Senator Hansen would move to amend with AM1604. (Legislative Journal page 397.) [LB211]

SPEAKER SCHEER: Senator Hansen, you're welcome to open on your amendment, AM1604. [LB211]

SENATOR HANSEN: Thank you, Mr. President. I referenced AM1604 in my opening. This is something we've seen common in the second year of a session, but this moves the enactment date back a year, so we are going from 2017 to 2018 for the 40 percent of the minimum wage and from 2018 to 2020 on the other hand. That's just being the second year of the session, we'd already missed the first enactment date I originally had in the bill of August 2017 and this amendment would update that. So with that, I'd ask for your green vote on AM1604 and LB211. [LB211]

SPEAKER SCHEER: Thank you, Senator Hansen. Going to discussion on AM1604, Senator Halloran, you're recognized. [LB211]

SENATOR HALLORAN: Thank you, Mr. Speaker, colleagues, fellow Nebraskans. In the restaurant business--and so I have some firsthand experience with employing individuals who are tipped--and as you pointed out, Senator Hansen, it's a requirement of the federal law that if a tipped employee at the end of a shift, they declare their tips and if those tips do not aggregate to a minimum wage, then the employer has to make up the difference. And you also pointed out that there were alleged instances where employees felt pressured to fraudulently express what their tips were. I'm not sure this bill would address that. I'm confident it wouldn't address that.

Floor Debate
February 02, 2018

This bill...and let me remind people that a tip is not an acronym. It's a word, but over time sometimes words...people will apply an acronym to words, t-i-p. So over time some very creative individual wordsmith such as Senator Chambers maybe, came up with an acronym for tip and it is "to insure performance." When we go to a restaurant, we go to any place that we have the opportunity to tip somebody, part of their performance, part of their desire as an employee is to get more tips. And so it heightens their and incents their desire to perform well at whatever job they're asked to perform. And we've all experienced tipping people or in some cases not tipping people based upon their performance. And adding \$1.47 to the minimum wage for these individuals that receive tips, most of the employees that I have that are servers who directly get tips based upon their performance at the end of the shifts on average, they'll make \$30, \$40 an hour. Now, if they're making below minimum wage, which again we have to make up if that's the fact, if they are making below minimum wage in their performance as a server--and I say this is probably true of every restaurant--then the manager and that server will sit down and discuss the performance level of that server. They're quite inadequate if they're not receiving tips above minimum wage. And this bill is really going to add just nothing more than \$1.47 to the cost of the employer which, guess what, that employer is going to pass it on to the consumer. That's the way it works in every business. And so I would urge the body to consider that this is not going to cure a problem, not going to raise people up to minimum wage. They get that now. And any employer that does not subscribe to the federal law on that...I know they have to get caught, but if they get caught, it's not pretty. Okay? And so I would say that this is a bill that's a solution in search of a problem, and I would ask Senator Hansen to yield to a question if he would, please. [LB211]

SPEAKER SCHEER: Senator Hansen, would you please yield? [LB211]

SENATOR HANSEN: Yes. [LB211]

SENATOR HALLORAN: Thank you, sir. It's a common question to ask here, and justifiably so, who asked you to propose this bill, if I may? [LB211]

SENATOR HANSEN: No one asked me to propose this bill. [LB211]

SENATOR HALLORAN: Okay. Do you feel then, that servers that currently receive tip credit wages, which at the surface appear to be very low, but, in fact, who receive large per hour wage based upon their performance, do you think that there's a... [LB211]

SPEAKER SCHEER: One minute. [LB211]

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

Floor Debate
February 02, 2018

SENATOR HALLORAN: ...hark and call for people to say that they're not adequately being compensated? Is that the conclusion there? [LB211]

SENATOR HANSEN: If I understand your question, I've certainly heard from many servers that feel they are not adequately and fairly being paid, yes. [LB211]

SENATOR HALLORAN: But you tip them well, I'm sure. [LB211]

SENATOR HANSEN: Of course. [LB211]

SENATOR HALLORAN: Okay. If you tip them well, I am saying to folks that we will all tip people well. Not everybody does. I understand. There are turkeys that don't tip well, but the majority of people appreciate the fact that good service deserves a tip and they know that bad service does not. And so if a server is not getting good tips, then guess what, they're not performing well. Thank you, Mr. Speaker. [LB211]

SPEAKER SCHEER: Thank you, Senator Halloran and Senator Hansen. Senator Quick, you're recognized. [LB211]

SENATOR QUICK: Thank you, Mr. Speaker. And I rise in support of both the amendment and LB211. I know a lot of these people that work in this industry, they are working families, too, and they're trying to provide for their families. And I feel like it's very important that they receive at least a minimum wage that is reasonable, and I think \$2.13 an hour is really far below what they deserve. I actually believe they should be...minimum wage should be \$9 an hour the way it is right now for everyone. You have people in...well, you have your taxi drivers that you tip. You have your...I know when we go to a hotel, we tip our maids and they're making at least \$9 an hour or better in a wage. And if they clean your room and they're doing a good job, you're going to tip them well too. I don't think that people who serve in this industry should receive less of a minimum wage than anyone else. And I know it's based on...I hear that people are basing this on performance. And there are some issues with that where most people in every other job, when you are based on performance it's not that they're going to take any wages away from you or bring you up to a higher wage if you're doing a good job. You either get a raise or you are brought into the office and reprimanded and maybe you're held back a raise because you don't do a job. But to say that if you aren't performing well and what's happening to them is they are just not receiving the amount of pay that they need to provide for their families based on the fact that they just didn't do a good job that day. My daughter actually worked as a...while she was going to college she worked as a waitress. The other thing that happens is that they have to share their tips. She worked in a sports bar. She had to...at the end of the day, she would have to figure up...they'd have the bar tab and they would have the meal tab and then she would have to make

Floor Debate
February 02, 2018

sure she took some of her tips and give back to the bartender. So that happens to them as well, so they lose some of their tips. There are other places where all the tips are put into a jar and then they all share the tips at the end of the day. So really then they are not based on performance because everybody shares the tips across the board. So my big issue is that I feel like that it's with the amendment, it takes it to up to half the minimum wage by 2020. And to be honest with you, I think it should be \$9 an hour, but that's just my own personal opinion. I think these people do a good job. Two dollars and thirteen cents an hour just really to me that would be an insult to someone working in an industry. And I can tell you in Grand Island it's not just...we're not a big college town, so some of the people working in Grand Island have families. That's another job for them to support their families. And the more we can do to help them provide for their families, I think it reduces our costs at the state level as well by getting them off of maybe services that they would need by providing them more of an income to make sure they can take care of their families. So I do support this bill and I feel very strongly about it. I think it would help our working families. And with that, thank you. [LB211]

SPEAKER SCHEER: Thank you, Senator Quick. Senator Crawford, you're recognized. [LB211]

SENATOR CRAWFORD: Thank you, Mr. President. And I rise in support of LB211 and AM1604. Senator Hansen has done a great job of outlining some of the key issues that were raised in our hearing about this bill and I was happy to be a part of voting it out of committee, and I urge your support. And in addition to the stories that we heard, the testimony that we heard, very telling testimony by many people who work in these positions, about the difficulties of paying their bills and taking care of their family and the challenges that come in tipped wage positions. These are hardworking positions. I also just want to urge you, colleagues, to recognize that the bills we pass really say something about our values and currently the tipped wage is very low. And even if there are mechanisms to bring that up, it still says that that minimum rate is \$2.13 an hour. And colleagues, again, the whole idea of having a tipped wage be less than the regular minimum wage from its inception was to have it be half of the minimum wage with a recognition that there was a mechanism to make up that difference to the minimum wage. But colleagues, that has not kept up and so this LB211 simply restores back to that intent of making sure that our tipped minimum wage is keeping up with our minimum wage. And again, as Senator Hansen noted, the voters have spoken and talked about and have spoken in terms of the importance of maintaining a minimum wage, a higher minimum wage. With LB211 we simply take that decision by the voters to make sure that we are increasing our minimum wage to take better care of our working families and make sure that those who work hard are able to take care of their families and apply that to our tipped workers to make sure that they have at least half of that minimum wage as their base wage. Again, wanting to make sure that we're being attentive and vigilant to make sure that all laws are followed, to make sure that they at least earn up to the minimum wage. But it's still critical to have this base wage be half of the minimum wage to make sure that we are laying that base rate that is important for these hardworking men and

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

Floor Debate
February 02, 2018

women. And so I urge your support of AM1604 and I urge your support of LB211. This is really critical in laying the foundation to say what we think are the important standards in our state for these people, hardworking men and women, and to ensure that there's at least a minimum wage rate for these men and women that's at half of our accepted minimum wage is critical. Obviously, these men and women need to make even more to meet many of the needs of their families, but this is an important step in the right direction to say that we care about establishing a base rate that is tied to our minimum wage and will continue to move as the minimum wage moves so that we can be attentive to the needs of these hardworking men and women. Thank you, Mr. President. [LB211]

SPEAKER SCHEER: Thank you, Senator Crawford. Colleagues, there are ten Senators waiting in the queue. It's obvious we will not dispense of this bill this morning. Mr. Clerk. [LB211]

ASSISTANT CLERK: Mr. President, items. Name adds: Senator Halloran to LB747; Senator Chambers to LB792; Senator Wayne to LB993 and LB994; Senator Chambers to LB1127. (Legislative Journal page 512.) [LB747 LB792 LB993 LB994 LB1127]

Mr. President, priority motion. Senator Watermeier would move to adjourn until Monday, February 5, 2018, at 9:00 a.m.

SPEAKER SCHEER: There's been a request for a machine vote on adjournment. The question before us is, shall we adjourn? All those in favor please vote aye; all those opposed vote nay. Please record.

ASSISTANT CLERK: 23 ayes, 7 nays, Mr. President, on the motion to adjourn.

SPEAKER SCHEER: We are adjourned.