

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

Floor Debate  
April 11, 2018

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[LB258 LB350 LB439A LB439 LB497 LB596 LB629 LB682 LB701 LB708 LB714 LB717  
LB732 LB733 LB738A LB738 LB742 LB744 LB745 LB749 LB751 LB766 LB776 LB786  
LB799 LB803 LB812 LB815 LB827 LB840 LB841 LB847 LB848 LB859 LB861 LB865  
LB885 LB889 LB901 LB902 LB906 LB923 LB947 LB982 LB983 LB990A LB990 LB994A  
LB994 LB1000 LB1003 LB1009 LB1012 LB1030 LB1036 LB1038 LB1040 LB1052 LB1070  
LB1081 LB1081A LB1089 LB1090A LB1090 LB1093 LB1098 LB1110 LB1119 LB1121  
LB1121A LB1132 LR266 LR296 LR471 LR472 LR473 LR474 LR475 LR476]

PRESIDENT FOLEY PRESIDING

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

SENATOR WISHART: (Prayer offered.)

PRESIDENT FOLEY: Thank you. I call to order the fifty-ninth day of the One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT FOLEY: Thank you, Mr. Clerk. Any corrections for the Journal?

CLERK: No corrections.

PRESIDENT FOLEY: Thank you, sir. Any messages, reports, or announcements?

CLERK: Mr. President, a communication from the Clerk to the Secretary of State regarding the transmittal of LB350. Bills read on Final Reading last evening were presented to the Governor at 7:25 p.m. (re LB497, LB629, LB682, LB701, LB708, LB717, LB732, LB733, LB742, LB749, LB766, LB786, LB799, LB812, LB815, LB840, LB847, LB848, LB859, LB885, and LB889). The lobby report as required by state law and an acknowledgment of receipt of agency reports available to members on the legislative Web site. That's all that I have, Mr. President. (Legislative Journal pages 1563-1564.) [LB350 LB497 LB629 LB682 LB701 LB708 LB717 LB732 LB733 LB742 LB749 LB766 LB786 LB799 LB812 LB815 LB840 LB847 LB848 LB859 LB885 LB889]

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following six legislative resolutions: LR471, LR472, LR473, LR474, LR475, and LR476. (Doctor of the day introduced.) Members, if you could move to your desk, we're going to move right into Final Reading. Members, we'll now proceed with Final Reading. First bill, LB982. [LR471 LR472 LR473 LR474 LR475 LR476 LB982]

ASSISTANT CLERK: (Read LB982 on Final Reading.) [LB982]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB982 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB982]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1564-1565.) Vote is 41 ayes, 0 nays, 2 present and not voting, 6 excused and not voting, Mr. President. [LB982]

PRESIDENT FOLEY: Thank you. LB982 passes. Proceeding now to LB983. [LB982 LB983]

ASSISTANT CLERK: (Read LB983 on Final Reading.) [LB983]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB983 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB983]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1565.) Vote is 44 ayes, 0 nays, 5 excused and not voting, Mr. President. [LB983]

PRESIDENT FOLEY: LB983 passes. Proceeding now to LB1000E. [LB983 LB1000]

ASSISTANT CLERK: (Read LB1000 on Final Reading.) [LB1000]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB1000E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please. [LB1000]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1566.) Vote is 46 ayes, 0 nays, 3 excused and not voting. [LB1000]

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: LB1000E passes with the emergency clause attached. Next bill is LB1003. [LB1000 LB1003]

ASSISTANT CLERK: (Read LB1003 on Final Reading.) [LB1003]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB1003 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB1003]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1566-1567.) Vote is 46 ayes, 0 nays, 3 excused and not voting. [LB1003]

PRESIDENT FOLEY: LB1003 passes. We'll proceed to LB1012. [LB1003 LB1012]

ASSISTANT CLERK: (Read LB1012 on Final Reading.) [LB1012]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB1012 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1012]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1567-1568.) Vote is 45 ayes, 0 nays, 2 present and not voting, 2 excused and not voting, Mr. President. [LB1012]

PRESIDENT FOLEY: LB1012 passes. We'll proceed to LB1030. [LB1012 LB1030]

ASSISTANT CLERK: (Read LB1030 on Final Reading.) [LB1030]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB1030 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1030]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1568.) Vote is 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB1030]

PRESIDENT FOLEY: LB1030 passes. We'll proceed to LB1036. [LB1030 LB1036]

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

Floor Debate  
April 11, 2018

---

ASSISTANT CLERK: (Read LB1036 on Final Reading.) [LB1036]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB1036 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1036]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1568-1569.) Vote is 40 ayes, 4 nays, 4 present and not voting, 1 excused and not voting, Mr. President. [LB1036]

PRESIDENT FOLEY: LB1036 passes. Proceeding now to LB1038E. [LB1036 LB1038]

ASSISTANT CLERK: (Read LB1038 on Final Reading.) [LB1038]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB1038E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1038]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1569-1570.) Vote is 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB1038]

PRESIDENT FOLEY: LB1038E passes with the emergency clause attached. Next bill is LB1052. [LB1038 LB1052]

CLERK: (Read LB1052 on Final Reading.) [LB1052]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB1052 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1052]

CLERK: (Record vote read, Legislative Journal page 1570.) 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President. [LB1052]

PRESIDENT FOLEY: LB1052 passes. (Visitors introduced.) Our next bill is LB1070. [LB1052 LB1070]

CLERK: (Read LB1070 on Final Reading.) [LB1070]

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB1070 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB1070]

CLERK: (Record vote read, Legislative Journal page 1571.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB1070]

PRESIDENT FOLEY: LB1070 passes. Our next bill is LB1110. [LB1070 LB1110]

CLERK: (Read LB1110 on Final Reading.) [LB1110]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB1110 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1110]

CLERK: (Record vote read, Legislative Journal pages 1571-1572.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB1110]

PRESIDENT FOLEY: LB1110 passes. Speaker Scheer. [LB1110]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, I just wanted to take a chance to catch you before we get too far into the day. As reported, there has been a request for a Special Session signed by 13 members, so I'm trying to do my due diligence to provide you with whatever information might be pertinent. And we've been doing this sort of on the run and I just have information, so I'm going to apologize because I'm going to be reading the information as presented to me so that everyone has a understanding. And don't take this to the bank. And, no, I'm not a banker, Senator Erdman, so I'm not sure, but we think this is fairly accurate information. The Secretary of State...we've been in contact with the Secretary of State and wanted to let everyone know the process to follow pursuant to the request by 13 members for a Special Session. Today the Secretary of State will be placing in the mail a certified letter to the other 36 members of the body inquiring for their support for a Special Session. The letters will be mailed to your Capitol offices, and because of the certified mail process, the original letters will need to be picked up in person or by a member of your staff at the State Office Building Post Office once you receive the certification notice receipt in the Capitol mailbox. However, the Clerk of the Legislature will have copies of the letters and one will be placed in your Capitol mailbox later today or tomorrow. The letter from the Secretary of State will include a form for a member to return with his or her signature indicating support for the Special Session. If you do not support the call of the Special Session for the purpose of adopting legislation to reduce

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

Floor Debate  
April 11, 2018

---

property taxes, that is the specific term, you are under no obligation to return the form. Because the last day for a senator to respond falls on a Saturday, April 21, the Secretary of State has determined the cutoff receipt will be...require 20 additional senators indicating support for the Special Session will be Monday, April 23 at 5:00 p.m. If 20 senators return the form indicating the support for a Special Session prior to the 23, the Secretary of State will notify the Governor of the Legislature's request for a Special Session when he has the required 33 signatures. I will be passing out the statute outlining the process with members of the legislature to request a Special Session. As noted in Statute 50-125, once the Governor is notified by the Secretary of State that 33 members or more of the Legislature request the session, the Governor has five days to issue the proclamation. I will tell you that I believe, as others, that it is somewhat unclear, but it would appear to me that we...it says in the statute you shall convene in five days. And I could be incorrect, and if I am I will stand corrected. But based on this process, if it falls on the 23 and if the...and this would be the outside, from my perspective. If it falls on the 23 and the Secretary of State would notify the Governor on the 23, we would technically, by that, would have to convene within five days, which would be somewhere around April 28 or 29. This is about a two-week turnaround and so I just wanted to make sure everyone was somewhat aware of the process and how those forms will be mailed to you so that you can respond accordingly. If you have any questions, please don't hesitate to contact me. I feel obligated because of my position, I will tell you that because many of you have asked me, I will not be returning this. This is well-intentioned from my perspective, but I don't believe it allows us anywhere near the time and the preparation in order to facilitate any type of solution that may be available to us. But each of you, that's my opinion, so please don't let that infringe upon your thought process, but many of you have asked and I felt obliged to tell the body. You have elected me as your Speaker, so I'm telling you, I'm speaking to you of what my intentions would be. So you can take that for what it's worth. You didn't pay me anything, so it's not worth anything. So thank you, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Mr. Speaker. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills: LB982, LB983, LB1000E, LB1003, LB1012, LB1030, LB1036, LB1038E, LB1052, LB1070, and LB1110. Proceeding now with additional Final Reading, LB258. Mr. Clerk. [LB982 LB983 LB1000 LB1003 LB1012 LB1030 LB1036 LB1038 LB1052 LB1070 LB1110 LB258]

CLERK: (Read LB258 on Final Reading.) [LB258]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB258 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB258]

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

Floor Debate  
April 11, 2018

---

CLERK: (Record vote read, Legislative Journal pages 1572-1573.) 44 ayes, 0 nays...excuse me, 44 ayes, 1 nay, 3 present and not voting, 1 excused and not voting, Mr. President. [LB258]

PRESIDENT FOLEY: LB258 passes. Our next bill is LB439. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please. [LB258 LB439]

CLERK: 36 ayes, 3 nays to dispense with the at-large reading. [LB439]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB439]

CLERK: (Read title of LB439.) [LB439]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB439 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB439]

CLERK: (Record vote read, Legislative Journal pages 1573-1574.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB439]

PRESIDENT FOLEY: LB439 passes. Proceeding now to LB439A. [LB439 LB439A]

CLERK: (Read LB439A on Final Reading.) [LB439A]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB439A pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB439A]

CLERK: (Record vote read, Legislative Journal pages 1574-1575.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB439A]

PRESIDENT FOLEY: LB439A passes. Proceeding now to LB596. [LB439A LB596]

CLERK: (Read LB596 on Final Reading.) [LB596]

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB596 pass? Those in favor...a roll call vote has been requested. A roll call vote has been requested. [LB596]

CLERK: (Roll call vote taken, Legislative Journal page 1575.) 45 ayes, 1 nay, 2 present...Senator Lowe, you want to vote? Changing from no to yes. 46 ayes, 0 nays, 2 present and not voting, 1 excused and not voting. [LB596]

PRESIDENT FOLEY: LB596 passes. (Visitors introduced.) Next bill is LB714. [LB596 LB714]

CLERK: (Read LB714 on Final Reading.) [LB714]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB714 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB714]

CLERK: (Record vote read, Legislative Journal page 1576.) 45 ayes, 1 nay, 2 present and not voting, 1 excused and not voting, Mr. President. [LB714]

PRESIDENT FOLEY: LB714 passes. Our next bill is LB745. [LB714 LB745]

CLERK: (Read LB745 on Final Reading.) [LB745]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB745 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB745]

CLERK: (Record vote read, Legislative Journal pages 1576-1577.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB745]

PRESIDENT FOLEY: LB745 passes. We'll proceed now to LB803. [LB745 LB803]

CLERK: (Read LB803 on Final Reading.) [LB803]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB803 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB803]



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

Floor Debate  
April 11, 2018

---

CLERK: (Record vote read, Legislative Journal pages 1577-1578.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting. [LB803]

PRESIDENT FOLEY: LB803 passes. (Visitors introduced.) Our next bill is LB827. [LB803 LB827]

CLERK: (Read LB827 on Final Reading.) [LB827]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB827 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB827]

CLERK: (Record vote read, Legislative Journal page 1578.) 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting. [LB827]

PRESIDENT FOLEY: LB827 passes. We'll proceed to LB865. [LB827 LB865]

CLERK: (Read LB865 on Final Reading.) [LB865]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB865 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB865]

CLERK: (Record vote read, Legislative Journal page 1579.) 48 ayes, 0 nays, 1 excused and not voting. [LB865]

PRESIDENT FOLEY: LB865 passes. Our next bill is LB901. [LB865 LB901]

CLERK: (Read LB901 on Final Reading.) [LB901]

PRESIDENT FOLEY: All provisions of the law relative to procedure having been complied with, the question is, shall LB901 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB901]

CLERK: (Record vote read, Legislative Journal pages 1579-1580.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB901]

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: LB901 passes. Our next bill is LB906. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please. [LB901 LB906]

CLERK: 39 ayes, 2 nays...excuse me. 40 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB906]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB906]

CLERK: (Read title of LB906.) [LB906]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB906 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB906]

CLERK: (Record vote read, Legislative Journal pages 1580-1581.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting. [LB906]

PRESIDENT FOLEY: LB906 passes. Our next bill is LB923. [LB906 LB923]

CLERK: (Read LB923 on Final Reading.) [LB923]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB923 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB923]

CLERK: (Record vote read, Legislative Journal pages 1581-1582.) 44 ayes, 1 nay, 3 present and not voting, 1 excused and not voting. [LB923]

PRESIDENT FOLEY: LB923 passes. Our next bill is LB990. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please. [LB923 LB990]

CLERK: 36 ayes, 3 nays to dispense with the at-large reading, Mr. President. [LB990]

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB990]

CLERK: (Read title of LB990.) [LB990]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB990 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB990]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1582-1583.) Vote is 41 ayes, 0 nays, 6 present and not voting, 2 excused and not voting, Mr. President. [LB990]

PRESIDENT FOLEY: LB990 passes. (Visitors introduced.) Our next bill is LB990A. [LB990 LB990A]

ASSISTANT CLERK: (Read LB990A on Final Reading.) [LB990A]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB990A pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB990A]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1583-1584.) Vote is 41 ayes, 0 nays, 6 present and not voting, 2 excused and not voting, Mr. President. [LB990A]

PRESIDENT FOLEY: LB990A passes. Our next bill is LB1098. Excuse me, Mr. Clerk, my error. The next bill is LB1009. [LB990A LB1009]

ASSISTANT CLERK: (Read LB1009 on Final Reading.) [LB1009]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB1009 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB1009]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1584.) Vote is 44 ayes, 1 nay, 2 present and not voting, 2 excused and not voting, Mr. President. [LB1009]

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: Did we get Senator Krist's vote on that? LB1009 passes. The next bill is LB1090. Mr. Clerk. [LB1009 LB1090]

ASSISTANT CLERK: Mr. President, as relates to LB1090, there are motions pending on the bill. Senator Smith would move to return the bill to Select File for a specific amendment, AM1705. [LB1090]

PRESIDENT FOLEY: Senator Smith, you're recognized to open on your motion. [LB1090]

SENATOR SMITH: I wish to withdraw that amendment, please. [LB1090]

PRESIDENT FOLEY: It's withdrawn. [LB1090]

ASSISTANT CLERK: Mr. President, Senator Krist would move to return the bill to Select File for a specific amendment, that being to strike the enacting clause. [LB1090]

PRESIDENT FOLEY: Senator Krist, you're recognized to open on your motion. [LB1090]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. So that I don't waste your time, I've prepared my comments and I intend to read them into the record, at which time at the end I intend to pull my motion or ask for my motion to be pulled. Governor Ricketts has indicated that LB1090 is about looking to avoid an estimated \$220 million state revenue windfall that would take place if Nebraska doesn't adjust its tax system to account for the new federal tax law changes. However, the Department of Revenue's numbers only take into account the known changes on the personal income tax side. They have admitted they don't know what the impact will be on the corporate side. Folks, LB1090 could create additional budget problems in the future that you will have to deal with. Depending upon the accuracy of the Department of Revenue's estimates, LB1090 may or may not be revenue neutral. We could very well compound the \$200 million shortfall we already have due, and the consequences of the tax cuts and the JOBS Act. The Rockefeller Institute notes that the recent trend of fiscal uncertainty for states may be exacerbated by the federal tax changes. In its preliminary review estimates released in January, the Department of Revenue noted that the corporate tax changes and especially forced repatriation of foreign income since 1986 are highly unpredictable in their revenue impact on the state. It's also important to note the Department of Revenue's February 7 report on the effects of the federal tax cuts on Nebraska receipts do not include all of the changes to the Internal Revenue Code, only those deemed most impactful for our state tax code by the department. According to the Brookings, there will likely be a shift in the S corp and the LLCs to C corps. Such a behavior shift would undoubtedly impact state

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

Floor Debate  
April 11, 2018

---

revenue. I wholeheartedly agree that we need to put our low- and middle-class families first, and the amendment I filed on General File did just that. But this time and time again, this administration puts the wealthiest taxpayers first. Take into account LB947 in its original form, for example. Why on earth would we cut the tax...the state's top corporate income tax rate when they just received a huge windfall on the federal tax cuts? Ladies and gentlemen, instead of giving all of the personal exemptions credits in LB1090, we should be giving them back to the low- and middle-income families that need them and using the remaining income, if there is any, to replenish our cash revenue...Cash Reserve, our rainy day fund. If we don't do this and revenues continue to be a problem in the next biennium, who will be hurt? The answer, as usual, is low- and middle-income families who rely on tax services like healthcare, education, and public safety. The previous administration, as well as the current one, have prioritized wealthiest individuals and corporations over Nebraska families time and time again. It's up to us to start putting Nebraska families first. Those are my prepared statements. I had the pleasure of attending on Saturday night the Cuming County Feeders Banquet. And I heard the president of the Nebraska Cattlemen very clear: Don't give me a tax refund, don't give me my taxes back; I want tax reform so that I can continue to hand my ranch down and my farm down to the people that I love--my family. I think that was the emphasis of his speech. With that, and making the point that I have, thank you for listening. Thank you, Nebraska, for listening. And I'd like to pull my amendment. [LB1090 LB947]

PRESIDENT FOLEY: Thank you, Senator Krist. The motion is withdrawn. Mr. Clerk, please read the bill. [LB1090]

ASSISTANT CLERK: Senator Krist, in addition, I had AM2754, but a note to withdraw that as well. [LB1090]

SENATOR KRIST: That's correct. [LB1090]

PRESIDENT FOLEY: Amendment is withdrawn. [LB1090]

ASSISTANT CLERK: (Read LB1090 on Final Reading.) [LB1090]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB1090 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1090]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1585-1586.) Vote is 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President. [LB1090]

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: LB1090 passes. Proceeding now to LB1090A. [LB1090 LB1090A]

ASSISTANT CLERK: (Read LB1090A on Final Reading.) [LB1090A]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall 1090A pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB1090A]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1586.) Vote is 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President. [LB1090A]

PRESIDENT FOLEY: LB1090A passes. Proceeding now to LB1098. [LB1090A LB1098]

ASSISTANT CLERK: (Read LB1098 on Final Reading.) [LB1098]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB1098 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB1098]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 1587.) Vote is 48 ayes, 0 nays, 1 excused and not voting. [LB1098]

PRESIDENT FOLEY: LB1098 passes. Our next bill is LB1119. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please. [LB1098 LB1119]

ASSISTANT CLERK: 38 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB1119]

PRESIDENT FOLEY: The at-large reading is dispensed with. Please read the title. [LB1119]

ASSISTANT CLERK: (Read title of LB1119.) [LB1119]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB1119 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB1119]

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

Floor Debate  
April 11, 2018

---

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1587-1588.) Vote is 42 ayes, 2 nays, 4 present and not voting, 1 excused and not voting, Mr. President. [LB1119]

PRESIDENT FOLEY: LB1119 passes. Proceed now to LB1132. Mr. Clerk, the first vote is to dispense with at-large reading. Those in favor of dispensing with the reading vote aye; those opposed vote nay. Record, please. [LB1119 LB1132]

ASSISTANT CLERK: 36 ayes, 3 nays to dispense with the at-large reading, Mr. President. [LB1132]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1132]

ASSISTANT CLERK: (Read title of LB1132.) [LB1132]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB1132 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB1132]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 1588-1589.) Vote is 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting, Mr. President. [LB1132]

PRESIDENT FOLEY: LB1132 passes. We'll proceed to LB738. [LB1132 LB738]

CLERK: (Read LB738 on Final Reading.) [LB738]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB738 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB738]

CLERK: (Record vote read, Legislative Journal pages 1589-1590.) 44 ayes, 2 nays, 2 present and not voting, 1 excused and not voting. [LB738]

PRESIDENT FOLEY: LB738 passes. We'll proceed to LB738A. [LB738 LB738A]

CLERK: (Read LB738A on Final Reading.) [LB738A]

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB738A pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB738A]

CLERK: (Record vote read, Legislative Journal page 1590.) 45 ayes, 1 nay, 2 present and not voting, 1 excused and not voting. [LB738A]

PRESIDENT FOLEY: LB738A passes. We'll proceed now to LB776. [LB738A LB776]

CLERK: (Read LB776 on Final Reading.) [LB776]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB776 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB776]

CLERK: (Record vote read, Legislative Journal page 1591.) 38 ayes, 8 nays, 2 present and not voting, 1 excused and not voting, Mr. President. [LB776]

PRESIDENT FOLEY: LB776 passes. Our next bill is LB841. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please. [LB776 LB841]

CLERK: 34 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB841]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB841]

CLERK: (Read title of LB841.) [LB841]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB841 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB841]

CLERK: (Record vote read, Legislative Journal page 1592.) 42 ayes, 1 nay, 5 present and not voting, 1 excused and not voting, Mr. President. [LB841]

PRESIDENT FOLEY: LB841 passes. Next bill is LB902. [LB841 LB902]



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

Floor Debate  
April 11, 2018

---

CLERK: (Read LB902 on Final Reading.) [LB902]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB902 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB902]

CLERK: (Record vote read, Legislative Journal pages 1593.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting. [LB902]

PRESIDENT FOLEY: LB902 passes. Our next bill is LB1040. [LB902 LB1040]

CLERK: (Read LB1040 on Final Reading.) [LB1040]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB1040 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB1040]

CLERK: (Record vote read, Legislative Journal pages 1593-1594.) 44 ayes, 1 nay, 3 present and not voting, 1 excused and not voting. [LB1040]

PRESIDENT FOLEY: LB1040 passes. Proceeding now to LB751. [LB1040 LB751]

CLERK: (Read LB751 on Final Reading.) [LB751]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB751 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB751]

CLERK: (Record vote read, Legislative Journal pages 1594-1595.) 48 ayes, 0 nays, 1 excused and not voting. [LB751]

PRESIDENT FOLEY: LB751 passes. LB861. [LB751 LB861]

CLERK: (Read LB861 on Final Reading.) [LB861]

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB861 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB861]

CLERK: (Record vote read, Legislative Journal page 1595.) 44 ayes, 0 nays, 4 present and not voting, 1 excused and not voting, Mr. President. [LB861]

PRESIDENT FOLEY: LB861 passes. Next bill is LB994E. [LB861 LB994]

CLERK: (Read LB994 on Final Reading.) [LB994]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB994E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please. [LB994]

CLERK: (Record vote read, Legislative Journal page 1596.) 48 ayes, 0 nays, 1 excused and not voting. [LB994]

PRESIDENT FOLEY: LB994E passes with the emergency clause attached. Our next bill is LB994A. [LB994 LB994A]

CLERK: (Read LB994A on Final Reading.) [LB994A]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB994A pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB994A]

CLERK: (Record vote read, Legislative Journal pages 1596-1597.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting. [LB994A]

PRESIDENT FOLEY: LB994A passes. (Visitors introduced.) Our next bill is LB1081. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please. [LB994A LB1081]

CLERK: 34 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB1081]

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1081]

CLERK: (Read title of LB1081.) [LB1081]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB1081 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB1081]

CLERK: (Record vote read, Legislative Journal page 1598.) 46 ayes, 1 nay, 1 present and not voting, 1 excused and not voting, Mr. President. [LB1081]

PRESIDENT FOLEY: LB1081 passes. Proceeding now to LB1081A. [LB1081 LB1081A]

CLERK: (Read LB1081A on Final Reading.) [LB1081A]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB1081A pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB1081A]

CLERK: (Record vote read, Legislative Journal pages 1598-1599.) 49 ayes, 0 nays on the passage of the bill. [LB1081A]

PRESIDENT FOLEY: LB1081A passes. Next bill is LB1089E. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing of the reading vote aye; those opposed vote nay. Record, please. [LB1081A LB1089]

CLERK: 42 ayes, 2 nays to dispense with the at-large reading. [LB1089]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1089]

CLERK: (Read title of LB1089.) [LB1089]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB1089E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay. Record, please. [LB1089]

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

Floor Debate  
April 11, 2018

---

CLERK: (Record vote read, Legislative Journal pages 1599-1600.) 48 ayes, 0 nays, 1 present and not voting, Mr. President. [LB1089]

PRESIDENT FOLEY: LB1089E passes with the emergency clause attached. The next bill is LB1121. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor of dispensing the reading vote aye; those opposed vote nay. Record, please. [LB1089 LB1121]

CLERK: 33 ayes, 4 nays to dispense with the at-large reading. [LB1121]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB1121]

CLERK: (Read title of LB1121.) [LB1121]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB1121 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB1121]

CLERK: (Record vote read, Legislative Journal pages 1600-1601.) 41 ayes, 2 nays, 6 present and not voting on the final passage of LB1121. [LB1121]

PRESIDENT FOLEY: LB1121 passes. Our next bill is LB1121A. [LB1121 LB1121A]

CLERK: (Read LB1121A on Final Reading.) [LB1121A]

PRESIDENT FOLEY: All provisions of law relative to procedure have been complied with, the question is, shall LB1121A pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB1121A]

CLERK: (Record vote read, Legislative Journal pages 1601-1602.) 41 ayes, 2 nays, 6 present and not voting, Mr. President. [LB1121A]

PRESIDENT FOLEY: LB1121A passes. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills: LB258, LB439, LB439A, LB596, LB714, LB745, LB803, LB827, LB865, LB901, LB906, LB923, LB990, LB990A, LB1009, LB1090, LB1090A, LB1098, LB1119, LB1132, LB738, LB738A, LB776, LB841, LB902, LB1040, LB751, LB861, LB994E, LB994A, LB1081, LB1081A,

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

Floor Debate  
April 11, 2018

---

LB1089E, LB1121, and LB1121A. That will complete our Final Reading for the day. Mr. Clerk. [LB258 LB439 LB439A LB596 LB714 LB745 LB803 LB827 LB865 LB901 LB906 LB923 LB990 LB990A LB1009 LB1090 LB1090A LB1098 LB1119 LB1132 LB738 LB738A LB776 LB841 LB902 LB1040 LB751 LB861 LB994 LB994A LB1081 LB1081A LB1089 LB1121 LB1121A]

CLERK: Mr. President, Rules Committee, as chaired by Senator Hilgers, has two proposed rules changes to be presented to the body. Both changes...Senator Scheer offered a proposed change, as did Senator Watermeier.

PRESIDENT FOLEY: Senator Hilgers, why don't we recognize you first to give us the big picture here. Then we'll move to the specific changes. Senator Hilgers.

SENATOR HILGERS: Thank you, Mr. President. Good morning, colleagues. Earlier this year when we adopted our permanent rules, I mentioned on the floor that we were going...that Rules Committee intended to take up two specific changes to the permanent rules that we would like to bring forward to the body. That is today. The day that we thought would come is this morning. We're going to propose two rules changes. One, as mentioned by the Clerk, is a rules change to current Rule 2. The other one is a change to current Rule 10...or, I'm sorry, would include a new Rule 10 relating to qualifications and elections challenges. We'll talk about each one of those individually. I will say, when we amend our permanent rules, we can do so under Rule 2, Section 2. It does require an affirmative vote of 30 of us. It's not the typical 25-vote threshold. So with that, we will have a little bit of discussion on both of these potential rules changes. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Hilgers. Mr. Clerk.

CLERK: Mr. President, first proposed rules change is offered by the Speaker Scheer with respect to amending Rule 2, Section 1.

PRESIDENT FOLEY: Speaker Scheer, you're recognized to open on your proposed change.

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. My rule change is very simplistic. I think all of us assume that when you vote on the rules the first year of the biennium, they were going to cover the biennium. Our rules did state that we had to adopt rules every year. This simply changes our current rule to read that the rules would be adopted for the biennium rather than having to do it on each year. So I would ask your support and green vote on the change of Rule 2, Section 1. Thank you.

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: Thank you, Mr. Speaker. Debate is now open on the first proposed rules change. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, I agree with the rules changes, but since this is the last time that some of you, at least eight of you, will be here in the Legislature, I cannot let you get away without hearing one of my moralistic homilies. But instead of it being mine I'm going to read, it's probably an excerpt from The Washington Post reprinted in the World-Herald April 10. Headline: Pope's broad vision of holiness embraces the "saints next-door." Reading: To answer God's call to holiness, Christians must care for the poor, the sick, and the immigrant just as they care for preventing abortion, Pope Francis wrote Monday in his latest major guidance to the Catholic Church. The document titled in English, "Rejoice and Be Glad," that's Francis' third major publication in his five-year papacy, following works on the environment and the family that each made waves in the church. This apostolic exhortation takes up a broader theme, holiness, but some church scholars quickly read the new work as an implied response to the Pope's conservative critics. Francis writes of what it means to be holy in the modern world, with many specific examples: viewing a person sleeping on the street not as an obstacle or a political problem but as a human being; refraining from gossip in the grocery store and impatience with our children; reading the Bible even in a time of constant on-line distractions; avoiding being "caught up in networks of verbal violence through the Internet." Francis said the "saints next door" are more pleasing to God than religious elites who insist on perfect adherence to rules and doctrine. Digression: The "Bible" said that they teach for doctrines the commandments of men. Back to the article: Francis' vision of holiness is expansive, touching on the actions of everyday people in situations from family life to politics. Quote: It goes back to Genesis, which says all of us, all creation, all men and women are made in the image and likeness of God. What Pope Francis is trying to say is, do we really believe that? And that is a question I often pose to you all, you who quote the Bible, quote doctrine. Do you really believe it? The answer I have to give, based on our work on the floor of the Legislature, is that you do not. Anyway, that was a quote from Reverend William Graf, G-r-a-f, chair of religious studies at St. John Fisher College in New York. Some traditionalists in the church, in particular a small group of U.S. cardinals who have written about their concerns with Francis' 2016 apostolic exhortation that gestured toward a more forgiving stance on divorce and remarriage and other matters regarding families, they will not likely be appeased by the new document. Quote: It will not make liturgy traditionalists very happy, said the Rev. James Bretzke, B-r-e-t-z-k-e, a theologian at Boston College. Graf said Francis concludes that, quote, the great criterion on which we will be judged, unquote, is found at the conclusion of the Beatitudes. And he's stealing from me with this.

PRESIDENT FOLEY: Excuse me, Senator. Excuse me, Senator Chambers. Members, please come to order. Senator Chambers.

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

Floor Debate  
April 11, 2018

---

SENATOR CHAMBERS: That's the way they did Jesus. They shouted to drown him out, but the word will be heard. The bird is the word. You caught it. You paid attention to that, didn't you, because it's nonsense. But this is where the Pope and I and those construing the Pope's words are as one: the famous passage from the Beatitudes in Matthew that says the meek, the mourning, the merciful, the peacemakers, and the persecuted are blessed. I was hungry and you gave me food. I was thirsty and you gave me drink. I was a stranger and you welcomed me. I was naked and you clothed me. I was sick and you took care of me. I was in prison and you visited me, unquote. Graf said that Francis seems to be positioning this famous line of scripture, with its emphasis on personal care for the physical needs of suffering people, as, quote, the ultimate...

PRESIDENT FOLEY: That's time, Senator.

SENATOR CHAMBERS: ...judgment on whether or not we're holy, unquote. Did you say time?

PRESIDENT FOLEY: That was time, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Is there any further discussion? Seeing none, Speaker Scheer, you're recognized to close on your...he waives close. The question before the body is the adoption of the proposed rule change from Speaker Scheer. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 44 ayes, 0 nays, Mr. President, on the adoption of the proposed rules change.

PRESIDENT FOLEY: The proposed change has been adopted. Mr. Clerk.

CLERK: Mr. President, Senator Watermeier would move to amend the provisions with respect to Rule 10.

PRESIDENT FOLEY: Senator Watermeier, you're recognized to open on your proposed rules change.

SENATOR WATERMEIER: Thank you, Mr. President, and good morning, Nebraska. I would like to thank Senator Hilgers and the members of the Rules Committee for sending this rules change to the full Legislature for discussion. Rule 10 deals with the elections contests and qualifications challenges. As you recall, last year the Executive Board created a special

Floor Debate  
April 11, 2018

---

committee to consider an elections challenge to the qualifications of Senator Chambers. As the special committee worked through this process, which was new to all of us, we identified instances where it would have been helpful to have greater clarification regarding both the procedural issues and the substantial legal issues. Once the following report was adopted, we worked on rule and statutory changes so that if there ever was a future elections or qualifications challenge, we will have made the process clearer for the challenger, the respondent, and the special committee. The rule change covers the process and the procedures that the Legislature will follow in an elections or qualifications challenge; for example, committee selection, discovery, committee proceedings are all in the rules. The companion bill, which was LB744, puts the substantive legal issue in the statutes, removing them from the rules. LB744 was passed by the Legislature earlier this year. In closing, I want to stress that this rule change is important so that our rules coordinate with LB744. I'm...try...I'd be happy to answer any questions, but I also wanted to say that there is an amendment coming from Senator Hilgers, from the Rules Committee. Thank you, Mr. President. [LB744]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Mr. Clerk.

CLERK: Mr. President, the Rules Committee has offered some modifications to the rule. I might indicate to the members there's a copy on your desk.

PRESIDENT FOLEY: Senator Hilgers, you're recognized to open on your amendment.

SENATOR HILGERS: Thank you, Mr. President. I want to thank Senator Watermeier and the Clerk and their respective staffs for the great work that they did putting together Rule 10. When the rule came to us, the committee had a few changes. I worked very closely with Senator Harr. I want to thank him for his help and assistance. We had a couple of cleanup procedural changes, as Senator Watermeier noted. Rule 10 sets out a procedure, an internal procedure through which we...these challenges can sort of run cleanly and through a clean process that will allow really two things: one, some due process for the petitioner and the respondent; but also an easier and, I should say, faster, quick, expedited resolution. And so in balancing those two goals, we, the Rules Committee, had a couple of changes that I'll just summarize in general, which is to say that a few changes were just some cleanup language. We also slightly tweaked the timing to expand slightly, just by a couple of days, the time in which the respondent and the petitioner had to respond to the briefing and also provide the chairperson of the special committee a little bit more discretion in case good cause is shown to expand some of the timing with respect to discovery. So these changes are minor, in my view, although they're important to ensure that the petitioner and respondent have due process and that those two goals, which are to ensure due process is met but also that these are resolved in an expeditious manner, are--both of those



Floor Debate  
April 11, 2018

---

goals--are met. So with that, I would ask for your vote on Rule 10 and the amendment from the Rules Committee which passed unanimously. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Hilgers. Debate is now open on the proposed changes. Senator Krist.

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I'm going to speak to this as a matter of continuity and consistency and fairness to its members, to the members of this body. I initially dealt with this when I was still the Chair of the Exec Board and I have to tell you, and I'm not saying it was right, wrong, or indifferent, but my plan was different than the way that the Exec Board handled it under the leadership of Senator Watermeier. Again, not judging right, wrong, or indifferent, I'm just saying it was different than the way that I would have proceeded. So leaving it up to an individual to move forward on something as serious as this matter in the ambiguity of what we had in place prior to a rule change now and a piece of legislation, this is a much better way of doing business. There is no ambiguity. There is fairness involved. And the process, if it has to happen, needs to have that continuity moving forward. There is no question about it. I can speak favorably also in terms of how this process happened. It was very well determined by legal counsels and the Clerk that it had to happen as a marriage, again, to emphasize, it had to come together as a rule change and a piece of legislation because, again, of the ambiguity of the issue and where we were drawing legal...the rule of law in order to come to this conclusion. So again, I can't say enough about the effort and the people who were involved in it, and I would ask you to vote favorably for this change in the rules. And also, thank you, Senator Hilgers, for your leadership as the Chairman of the Rules Committee. Thank you.

PRESIDENT FOLEY: Thank you, Senator Krist. Is there any further discussion of the rules matters? Senator Hilgers, you're recognized to close. He waives closing. The question before the body is the adoption of the Hilgers amendment to the Watermeier proposal. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 44 ayes, 0 nays, Mr. President, on the adoption of the Rules Committee amendment.

PRESIDENT FOLEY: Senator Hilgers' amendment has been adopted. Senator Watermeier, you're recognized to close on your proposed rule change. He waives closing. The question before the body is the adoption of the Watermeier proposed rules change as amended. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please.

CLERK: 44 ayes, 0 nays, Mr. President, on adoption of the proposed rules change.

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: The rules change has been adopted. Senator Riepe, for what purpose do you rise?

SENATOR RIEPE: Thank you, Mr. President. I rise for a point of personal privilege.

PRESIDENT FOLEY: Please proceed.

SENATOR RIEPE: For the purposes of clarification on LB738, it appears I failed to apply sufficient pressure for a yes vote and was recorded as a "present, not voting." It is and continues to be my intention was to vote as a yes vote on LB738, and I would like to have that in the record. Thank you, sir. [LB738]

PRESIDENT FOLEY: Thank you, Senator Riepe. So noted. Mr. Clerk.

CLERK: Mr. President, turning to resolutions, the first to be considered LR266, a resolution introduced by Senator Hughes. It calls on the Legislature to urge the United States Department of Interior and the Nebraska Congressional delegation to work together to find a solution that allows people occupying lots around Hugh Butler Lake, Harry Strunk Lake, and Swanson Reservoir to freely transfer their permits. Pursuant to its introduction, the resolution was referred to the Natural Resources Committee who conducted a public hearing. The resolution has been reported back to the Legislature for further consideration. [LR266]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Hughes, you're recognized to open on your LR. [LR266]

SENATOR HUGHES: Thank you, Mr. President. Good morning, colleagues. In my district, the Federal Bureau of Reclamation owns the lakes and the land surrounding Hugh Butler Lake, Harry Strunk Lake, and Swanson Reservoir. The Bureau of Reclamation monitors water capacity and manages the dams. The BOR leases the land around these lakes to the Nebraska Game and Parks Commission. For over 40 years, Game and Parks has leased a very small area and the marina building to a concessionaire at these lakes. During that time, the concessionaires have developed the infrastructure and have leased lots to renters who have bought...have brought in nonpermanent structures. The current system allows a public-use marina to be self-sustaining while it normally wouldn't be due to the area's low population. The economic impact of the Bureau of Reclamation removing exclusive-use rights will be immense. The concessionaires have invested a lot of money and so have the mobile homeowners. If you remove all of the mobile homes, it may force the concessionaires to close. The counties will lose property tax dollars, as well as the state losing sales tax dollars. We always talk about grow Nebraska, but this

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

Floor Debate  
April 11, 2018

---

does the opposite. It takes away from our tax base. The Bureau of Reclamation has now mandated that all mobile homes be removed by April of 2020 and eliminate exclusive use. Similar actions in the past by the BOR have been disastrous to the lakes, most notably in California, and to surrounding communities and to their tourism industry. Several lakes in North Dakota have recently been exempted from this exclusive-use mandate by federal legislation. LR266 simply states that the state of Nebraska is opposed to the BOR's mandate concerning these three lakes. LR266 is merely a tool to be used by our Congressional delegation to pursue an exemption similar to what was recently granted to North Dakota. I ask for your green vote on this LR. Thank you. [LR266]

PRESIDENT FOLEY: Thank you, Senator Hughes. (Visitors introduced.) Is there any discussion on Senator Hughes's LR266? Seeing none, Senator Hughes, you're recognized to close. He waives closing. The question before the body is the adoption of LR266. Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LR266]

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of LR266. [LR266]

PRESIDENT FOLEY: LR266 is adopted. Mr. Clerk. [LR266]

CLERK: Mr. President, the second resolution, LR296, was a resolution originally introduced by Senator Walz. It asks the Legislature to call for the Executive Board to meet and appoint a special committee of the Legislature to be known as the State-Licensed Care Facilities Investigative Committee. The resolution, pursuant to its introduction, was referred to the Executive Board for public hearing. The Executive Board has returned it to the floor. There are Executive Board Committee amendments pending. (AM2179, Legislative Journal page 880.) [LR296]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Walz, you're recognized to open on LR296. [LR296]

SENATOR WALZ: Thank you, Mr. Speaker. And I am very thankful that this LR296 got out. I want to thank Speaker Scheer for allowing it to come to the floor for debate. LR296 creates an oversight committee to investigate mental health assisted-living facilities. I am not exaggerating when I say I do think this resolution could not only save lives but improve the quality of life for individuals that reside in these facilities. I'm going to go a little bit out of order right now because I want to share testimony from somebody at our hearing. His name is Mr. Mark Munger and he says: Good day, Senator Watermeier and members of the Executive Board of the Legislative Council. My name is Mark Munger and I live at 3423 "M" Street, Lincoln, Nebraska. I'm here to speak in favor of the submitted resolution to establish an oversight committee for a

Floor Debate  
April 11, 2018

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situation that from this point forward should never, ever be allowed to exist. I'm speaking specifically of the deplorable living conditions within group homes such as Prescott Place here in Lincoln and those spread across the state. I'd like to relay to you my own story and experiences with someone that I advocated for and a person that became very special to me and changed me in ways I never expected. Karl Hutchings was a man that had mental illness and intellectual disabilities, a man that was abandoned when he was 4-5 years of age and then placed in an institution where he would spend the rest of his 52 years. Karl died this past fall at the age of 56. I came to know Karl through the wonderful work of Citizen Advocacy here in Lincoln, having been recruited by their coordinator, Bonnie Arrasmith. She thought Karl and I would be a good mix, so to speak. I met Karl for the first time at The Mill on Prescott Street where we both learned about each other. He then asked if I'd like to walk down the street to see his room at Prescott. I agreed and off we went. As we walked to the facility and up the filthy, narrow, dark stairway to his room, I was overcome by the stench of urine. As we got to the door to his room I noticed a public bathroom available to all residents in that wing of the structure. I asked if I could look inside and in doing so saw a toilet and a shower that was quite literally black in the bowl of the toilet and tub. I know what I'm talking about--I owned a cleaning company and have never seen anything quite so vile in my professional life. The smell was overwhelming. I asked Karl before we stepped in his room if he had to use this toilet and shower and he said yes. I asked if anyone cleaned it and his answer was a quick no, which was beyond obvious. We then entered his room which was just right there. Opening the door, I immediately saw he had no curtains on his window and I asked if he undressed for bed. He said yes--no privacy whatsoever. I then noticed a bed without any sheets, pillow, or bed covers. He had a plain sunken mattress that had a vinyl cover. I asked if this is where he slept and he stated yes. I took upon myself the next few days to provide to him out of my own pocket sheets, blankets, pillows, curtains--life's basics. I then began a relationship with Karl that spanned 10-12 months that brought more to my understanding of what he had to deal with each and every day. He shared with me story after story of institution living and just how terrible and devalued he became to feel. He wanted to have a normal life doing things such as fishing, walking in the outdoors, shooting pool, shopping at the mall, dinner out, and meet new people--things that we all take for granted. But for someone who is captured in those conditions, it is almost impossible to escape. My bottom line for Karl was to do anything and everything to get him out of Prescott home. He felt terrible there. So he and I attempted to check off his personal lists of things he wanted to do, feel, and share, and we got most of them done. To have Karl confide in me and what those horrible conditions can do to a person has and will shape my life forever. It's just the worst. No one, and I mean no one, should be expected to live like that--Third World conditions in the world's richest nation. I spent 35 years as a professional firefighter responding to many of the very worst emergencies ever to happen in this city and I will tell you the biggest emergency in my life now is seeing this resolution through its fruition and never having to hear of any person having to live a life like Karl Hutchings had to live. He had no escape and I want to honor Karl now. Let's all make a commitment to work and change the horrible conditions vulnerable people live in across

Floor Debate  
April 11, 2018

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the state. Thank you. Mark Munger. Colleagues, I believe that our most important job, not only as leaders but as human beings, is to take care of each other, to make sure that all people are safe and treated with dignity, and when I hear stories like this I cannot believe that we can get a man to the moon but we can't take care of even the basic needs for people. I think about that almost every day, how I need to do a better job, how we all need to do a better job, we need to make more of an effort. When we walk out these doors at the end of the day, we need to pay attention to those who need our help and we need to take a minute out of our lives just to be kinder to people. LR296, with the committee amendment, creates the State-Licensed Care Facilities Oversight Committee of the Legislature. The committee would investigate the shocking violations in resident and patient treatment by state-licensed care facilities across the state. Currently those entrusted in the care of these facilities face substandard living conditions, violation of their independence and trust, threats to their well-being, neglect, and abuse. Many facilities are failing to provide the most basic medical and nutritional needs for the residents and are certainly not able to provide assistance for their mental and emotional needs, yet the safeguards Nebraska has in place within the Department of Health and Human Services to oversee these facilities are not protecting the residents. The story of a resident who died in Palmer, Nebraska, is highly representative of the DHHS failures. The report of events that led to the veteran's death is one of the most appalling things I've ever read. I knew I could not in good conscience disrespect her life with inaction. Over 80 pages of documents show that the department did not take action when it discovered numerous violations in a report of Life Quest facility in Palmer in June and July of 2017. The report described workers purposely isolating residents in an incident where staff locked themselves in a room when an estranged individual pulled out a pocket knife, leaving individuals to fend for themselves; residents cooking and cleaning for the facility because there was no housekeeping staff; residents being told their cell phones would be confiscated because they were going to call law enforcement; a registered sex offender being allowed to prey on female residents; and individuals being given one meal choice, despite nutritional needs and doctors' orders. Despite the shocking neglect witnessed by DHHS inspectors during the four-day on-site inspection in June and the five-day on-site inspection in July, the final report of this investigation, dated July 21, 2017, sat on a desk. No action was taken while the residents at Life Quest at Palmer continued to reside in unsafe conditions. On September 3, 2017, a United States veteran... [LR296]

PRESIDENT FOLEY: One minute. [LR296]

SENATOR WALZ: ...died of an apparent fall after suffering uncontrollable vomiting and diarrhea for at least three days without treatment, despite pleas from the veteran and other residents saying she needed to be taken to the emergency room. It is my belief that her death could have been prevented if the sufficient action had been taken. Finally, on October 5, 2017, the facility was ordered to shut down. After the facility in Palmer was shut down, residents moved to other facilities throughout the state. Many were sent to Blue Hill, a place owned and

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

Floor Debate  
April 11, 2018

---

operated by the same people that was allowed to continue operating despite their approximately 40 pages of violations just months before. Earlier this spring that facility also closed. A sense of urgency is lacking by our leaders. While residents continue to be mistreated across the state as we speak, any action that has been taken to stop this is nowhere near enough to match the injustice practiced in some of these facilities. What is a small fine to the continuing physical and mental harm? [LR296]

PRESIDENT FOLEY: Time, Senator. Thank you, Senator Walz. Mr. Clerk. [LR296]

CLERK: Mr. President, there are committee amendments, as offered by the Executive Board. [LR296]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Watermeier, you're recognized to open on the committee amendment. [LR296]

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraska. Even though this isn't an LB, it's an LR, this is just as important. I think this is a conversation we need to have, and I'll just give you a couple points in what you can think about, what committee amendment AM2179 does. First of all, it takes out the references to an investigative committee and instead calls for the appointment of an oversight committee. Second thing it does, it addresses a fiscal concern. The amendment takes out any reference to hiring an outside legal counsel, consultants, or investigators, and it deletes the committee's ability to issue subpoenas. The third thing it does is narrows the scope of the study to assisted-living facilities where many of the residents are diagnosed with a mental illness. Specific language regarding examining the recent closures of mental health centers in Palmer and Blue Hill are also added. I do appreciate Speaker Scheer allowing this to come out today as well. This is an important issue. And I know you're going to hear from behind the scenes that we don't need another investigative committee and this is just an oversight committee, we don't need to do this, it's outside of the jurisdiction of HHS, but I will tell you we need to be looking at this. There's several reports that are laying on the tables that haven't been implemented. No one is listening. And it's okay if we do this, it's perfectly okay, and I would encourage us to vote positive on AM2179. With that, I'll yield the rest of my time to Senator Bolz. [LR296]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Senator Bolz, you're recognized for 8:30. [LR296]

SENATOR BOLZ: Thank you, Mr. President. I rise in strong support of LR296 and I want to provide some history, because I adamantly believe that this is the right step at the right time. So first I want to talk about why this is the right time. First, colleagues, this is not a new issue.

Floor Debate  
April 11, 2018

---

Really, I think, some of the genesis of this issue started in 2004 when the Legislature passed LB1083 which moved folks out of the institution and into community-based settings. But unfortunately, we haven't provided the appropriate community support and community funding to keep up with those demands to serve people with mental health needs in the community. So this issue goes back a long time, but it also goes back to 2012 when Disability Rights Nebraska started investigating these facilities. And Disability Rights Nebraska is our federally designated protection and safety organization, and so they are doing precisely what they should be doing in terms of these investigations and I take seriously their request for the Legislature's help in addressing these health and safety challenges in these facilities. The next piece is that Disability Rights Nebraska three years ago held a series of town halls on this issue and, as a result of those town halls, several actions were taken. A report was done by the Department of Health and Human Services. To my knowledge, not a lot of those recommendations have yet to be implemented. Senator Campbell brought forward the Olmstead Advisory Committee, which did pass, but that advisory committee, of which I am a member, continues to work and has not taken significant action yet. I brought a bill to the Appropriations Committee that provided an additional bit of resources to our Supportive Housing Program but certainly did not respond to all of the needs and demands that are identified by Senator Walz's LR. Several other bills were brought forward and not passed, and so we remain in a place where we need to take action. And Senator Walz aptly described some of the recent challenges, including the closing of Palmer house and including the potential closings of other facilities like this. And those are not only just challenges in terms of making sure that we're increasing the quality and the standards there. It has also challenges in terms of where those people go, where they are displaced to, and how we respond. So it is absolutely the right time for us to take action. So the second question becomes, is this the right action? And, colleagues, adamantly, absolutely, yes, the answer is, yes, this task force is necessary and it is the right approach. Let me tell you some of the reasons that I believe this to be true. The first is that we have a responsibility to protect our most vulnerable citizens. The second is that we are responsible for the licensing and accreditation of these facilities, and if that needs to be strengthened, it is our responsibility to take action. The third is that state funding is going to these facilities through our AABD program, so we have oversight responsibilities not only in terms of the facilities and the licensure but in terms of how our state dollars are being used. The second piece here is, should it be a task force? Absolutely, unequivocally, yes, and let me tell you why I think this task force is important. This will take all of us. This will be an all-hands-on-deck sort of approach because it is a complex and legally involved issue. Disability Rights Nebraska has been working on these issues for years and we will need folks from the Judiciary Committee, we will need folks from the Appropriations Committee, we will need folks from the Health and Human Services Committee, people with expertise about the legal implication, people with expertise about the expectations of behavioral health facilities and people who have an interest in providing oversight of our expenditures. The other piece is that we have to look at existing solutions, and those existing solutions will go to multiple committees. So it's important that we involve multiple stakeholders, not just one committee of the Legislature.

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

Floor Debate  
April 11, 2018

---

The Technical Assistance Committee report that was developed by the Department of Health and Human Services brought forward a number of recommendations that need legislative action. One of those is providing Bridge to Independence supports for people in the juvenile justice system; another is stronger partnerships with the regions; another is promoting accreditation for these facilities; another is increasing state funding for our behavioral and Supportive Housing Programs; another is supporting transition for individuals who are leaving our correctional facilities. And so, colleagues, I think more effort is needed. I applaud Senator Walz for her commitment to this issue and the passion that she has brought to this issue. Mr. President, can you tell me how much time I have left? [LR296]

PRESIDENT FOLEY: Three minutes remaining and then you're next in the queue, Senator. [LR296]

SENATOR BOLZ: Very good. I will yield those three minutes to Senator Howard. [LR296]

PRESIDENT FOLEY: Not permissive. [LR296]

SENATOR BOLZ: Oh, I'm...my apologies. [LR296]

PRESIDENT FOLEY: You're next in the queue, Senator. You may proceed for five minutes. [LR296]

SENATOR BOLZ: Thank you. On my next time, I will yield my time to Senator Howard. [LR296]

PRESIDENT FOLEY: Thank you, Senator Bolz. Senator Howard, five minutes has been yielded to you. [LR296]

SENATOR HOWARD: Thank you, Mr. President. I rise in strong support of LR296 and AM2179. So you guys probably remember when we went home for Easter and we had just finished Title X and I had maybe one of the most difficult weekends ever going back to my constituents and my mom. And so I was almost excited when a constituent posted on my Facebook page something that wasn't related to Title X. I was like, yes, finally I don't have to talk about that. But unfortunately it was Greg Higgins who said: Happy Easter! Not all can enjoy the abundance. The Lutheran Home at 530 South 26th Street has been without hot water for over three weeks. My friends who live there, including disabled veterans, would appreciate any help we can offer on this Holy Day. My prayers go out to those who might have some influence. Please forgive me if I tag you in this post. I do so because I think you are somebody who can



Floor Debate  
April 11, 2018

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help. And I so I talked to Mr. Higgins and it was worse than a Facebook post can ever describe: no hot water; there's nothing to bathe in; the dishes can't be done; there's a real sanitation issue. And so I immediately contacted the Department of Health and Human Services because, I said, this is not something that we would ever allow in the state of Nebraska when we have a unit who's tasked with ensuring that our veterans are taken care of, especially when they're disabled. We wrote them a letter. We got a response and it said that...and it was a weak response. It essentially said they're...the office of long-term care facilities is also concerned about this. But they didn't do anything and they haven't done anything. And so I think that LR296 could not be more timely. I will not be the only senator who will hear about facilities in his or her district where individuals who are vulnerable are not being taken care of in the manner which a proud Nebraskan should be. We should be ashamed of the way people are treated in these facilities and we are the ones who are tasked with fixing it. Now I would say I know that there are some questions about whether or not this is the right forum or this is the right manner or these are the right people. And I agree. What we've learned this year, especially, is that if you're going to get to a solution to a problem, you have to have the right people in the room. Senator Harr isn't here, but it's a good joke on him. I think LR296 ensures that there are the right people in the room. One committee who has not indicated any interest in exploring this further--in fact, I don't even believe we passed Senator Walz's LB1093 out of committee to really investigate this issue and change the way that the Department (sic--Division) of Public Health is handling it--one committee really shouldn't be tasked with something that's so monumental. When we were considering Corrections we never said, hey, Judiciary Committee, you figure it out and we'll just follow your lead. We said, no, this is an issue that impacts the state broadly, not just one committee, and so we'll invite folks from Appropriations, we'll invite folks from Health and Human Services, we'll make sure that this is a committee that brings a broad spectrum of solutions and ideas. And I think LR296 gives us that opportunity. You know, I can only express my disappointment with the department and the way that they handle oversight in these facilities. It is shocking and appalling to me to hear that there are veterans who are dying in a facility that we were supposed to ensure... [LR296 LB1093]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LR296]

SENATOR HOWARD: ...was safe for them. So if an LR is the best way that...best thing that we can come up with this year to give us some solution so that we can start January off by fixing this and being aggressive about fixing it, then let's do it. With that, Mr. President, I would urge the body to adopt LR296 and AM2179. Thank you, Mr. President. [LR296]

SPEAKER SCHEER: Thank you, Senator Howard. Senator Geist, you're recognized. [LR296]

Floor Debate  
April 11, 2018

---

SENATOR GEIST: Thank you, Mr. President. And I just want to be very clear. I think that it's very important that we do take care of the people that we're speaking of, and I also think it's very important that we provide oversight. My objection, and I am registering an objection to this LR, is that I believe this can be taken care of in the standing committee. It's that simple. I am, so that you know, I'm going to ask for a majority vote pursuant to Rule 4, Section 5, and I do ask for your red vote, not because we don't want to take care of these people, because we do. That is our responsibility. We are charged with that task. However, I would like to see that taken care of under our HHS Committee as it's running currently. They can subpoena, they can do all of the necessary actions pursuant to this LR. Thank you, Mr. Speaker. [LR296]

SPEAKER SCHEER: Thank you, Senator Geist. Senator Kolterman, you're recognized. [LR296]

SENATOR KOLTERMAN: Good morning, colleagues. Thank you, Mr. President. I rise not in opposition to the idea that we need to take care of these people. We...it's absolutely necessary and I concur 100 percent with what's been said about the atrocities of the things happening in these homes. But on the other hand, I just wonder if this is the right format. I know there is those that feel it is. I feel that we need to put a lot of pressure on HHS to make sure that this gets done. And I believe from a personal perspective, I've been on HHS for four years and HHS Committee, and I think that if we put enough pressure on them we can get this accomplished without having to set up another special committee. I do like the fact that it was changed so that we could make it not an investigative committee but an oversight committee, but I will be voting red as well, not that I'm against this. I'm 100 percent behind the idea that something needs to be done. I just don't know that this is the right format. Thank you. [LR296]

SPEAKER SCHEER: Thank you, Senator Kolterman. (Visitors introduced.) Returning to the queue, Senator Crawford, you're recognized. [LR296]

SENATOR CRAWFORD: Thank you, Mr. Lieutenant Governor (sic--Speaker). And good morning, colleagues. I rise in support of this LR296 and urge your support. I think Senator Walz spoke more eloquently about the conditions that continue to remain in these facilities than I can do. I was privileged to be a part of both the Executive Board hearing and the HHS hearing on these issues. And it was very just heart wrenching (sic) to hear the conditions and despair of, in this case, mostly friends and family of people who are in these facilities. I think that the...well, the LR296, especially as amended, is a carefully crafted, narrow study. And, colleagues, we have...this has been an effective tool when we have had a crisis before. We really, as Senator Bolz stated, we really pull people together from different committees because this is a solution that requires broad action. One, yes, we do need to improve our oversight and we need to see what kinds of change, what changes are necessary in Department of Health and Human Services to improve oversight and access to services. That's likely though, colleagues, to take funding, so

Floor Debate  
April 11, 2018

---

it is critical that we have people from Appropriations engaged as well. And as Senator Bolz noted, it's also something that engages rights of our individuals and so people with Judiciary experience are also valuable. I've been a member of the Health and Human Services Committee in all my six years here and it is a committee that oversees a very wide-ranging set of programs. The Department of Health and Human Services is an extensive department. And the opportunity for a group of senators, I am sure that this mix of senators who are on this board will include members of the committee so that there will be a strong overlap between the work of the committee and the work of this executive committee. I in no way see this as a challenge to the work of the committee but as a welcome addition to the work of the committee. We've seen this put in place, again, with corrections. We've seen it put in place with juvenile justice. And in both cases then the Judiciary Committee really was able to take that ball and run with it. And the same thing, I am confident, will be the case in this...for this LR that, again, there will be members of the Health and Human Services Committee on this committee being able to really focus our...their attention on these critical issues and then able to help the HHS Committee take positive action quickly next year and also be able to push for appropriations changes that may be necessary or judicial changes that may be necessary to move forward on these issues. So again, colleagues, as a member of the HHS Committee, I really welcome this opportunity to have a group of senators, that no doubt will include some people from HHS Committee, dig into this issue. It's so easy for one particular program to fall through the cracks and unfortunately, colleagues, I'm afraid that this is what we see in this case. And if existing oversight was appropriate, we would not be in this position and I think that's really the point that Senator Walz was making and the people who came to visit were making. It is a case where we need to do something to... [LR296]

SPEAKER SCHEER: One minute. [LR296]

SENATOR CRAWFORD: ...accelerate. Thank you, Mr. President...something to accelerate our oversight and accelerate our response. And a group of senators who are committed over the interim to spend their time focusing on these issues is a way to accelerate that oversight and accelerate that response and help the Health and Human Services Committee help the HHS Department move forward. I don't see this just as a question of what's going wrong, but the real question for us as we're problem solving and moving forward is how do we move forward and what can we do to improve this situation. So we need a group of senators who are willing to roll up their sleeves and think about proactive problem solving moving forward, willing to work with the department moving forward to make sure that we turn this situation around. And I welcome that as a member of the Health and Human Services Committee and urge your support of this resolution. Thank you, Mr. President. [LR296]

SPEAKER SCHEER: Thank you, Senator Crawford. Senator Chambers, you're recognized.  
[LR296]

Floor Debate  
April 11, 2018

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I feel a fury rising in me which I'm going to control. These affluent people, these hypocrites come here and they have not suffered anything and they're going to tell us this is too much to do, these people who are being abused and mistreated in these care facilities ought to be left to the tender mercies of a legislative committee. There has been a Health and Human Services Committee ever since I've been in the Legislature, 40-something years. These problems have gone on unabated. And this is one of those situations where I'm calling on Catholics to listen to the Pope. He said you all should have as much concern for the poor and the sick as you have for trying to do something about abortion. That's what your leader told you. And he also said, and I agree with him, that when you are...he's placing emphasis on personal care for the physical needs of suffering people, and that's what we're talking about. If we had more time in this session, you would see a different approach from the one I'm taking today. We don't have much time. But there's a song called "Fly Like an Eagle": Feed the babies who don't have enough to eat / Shoe the shoeless who have no shoes on their feet / House the homeless who are living in the street / Oh, there's a revolution. Now there are people on this floor who will speak against abortion. Title X we spent all that time on, then these hypocrites on this floor today are going to say we should not even have this resolution. Then Senator Geist, of all people, says there should be a vote of 25 when that's not what ordinarily happens on resolutions. I'm going to judge people by what they do today. And we don't have much time left in this session, but I promise you I will remember next session--and those of you who will come back know that I have a long memory--and I will take revenge on these poor people who have no people on the floor of this Legislature who cares. And when these rich, spoiled, "brattified" women come here like Stepford wives, taking the orders from the Governor, I'm going to deal with it. I only have one vote and I only have one voice, but I'm going to raise it in behalf of those that your Pope said we should be concerned about. But it didn't take a Pope to put this in me. It doesn't take the Bible to put it in me. It doesn't take preaching and prayer books. I have a mind. I have a brain. I have a conscience. I cannot be comfortable in the suffering of other people when there is something I can do and I don't do anything about it. What is the matter with this place? What is the matter with you all? And maybe I'm premature. Maybe you will vote for this watered-down resolution. But if you'd visit some of these places and witness the suffering, then maybe you would do something. But you should not have to see people in pain before you can feel their pain and relieve it. We can do it! How many times have I told you? Every prayer that you all hear in the morning we can answer by doing what we have the power to do, what we have taken an oath to do, and yet it falls on deaf ears. Why do you have the prayers? Do you believe those things? That's what one of these religious leaders said that Pope Francis is asking you: You know these things, but do you believe them? If you believe them, act on them. How do you act on them? You relieve the pain of the suffering. You give solace and ministrations to the sick. [LR296]

PRESIDENT FOLEY PRESIDING

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

Floor Debate  
April 11, 2018

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PRESIDENT FOLEY: One minute. [LR296]

SENATOR CHAMBERS: We can do it! [LR296]

PRESIDENT FOLEY: One minute. [LR296]

SENATOR CHAMBERS: And we ought to do it. And we ought to be ashamed if we don't do it. And I'm calling on the Catholics today. Show your Catholicism! Show me what being a Catholic means and maybe I will ask you what is it in your religion that leads you to believe in social justice, that you believe in putting into practice all of the doctrines, all of the homilies, all of the fine things that the Pope has said, all those admonitions that are given. You show me what it means to be a city on a hill and maybe I will inquire more into what it is that leads you to show that humanity. Remember, no person is an island. Every person's death diminishes us and, therefore, seek not to know for whom the bell tolls;... [LR296]

PRESIDENT FOLEY: Time, Senator. [LR296]

SENATOR CHAMBERS: ...it tolls for thee. Thank you, Mr. President. [LR296]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Walz. [LR296]

SENATOR WALZ: Thank you, Mr. President. Real quick I just want to...I've been hearing a lot of questions: Why not HHS, why not HHS, why not HHS? And I just want to explain quickly the HHS Committee hasn't shown any interest in investigating this issue. They didn't advance the bill. There's no interest to do an interim study. So for that reason, we are bringing forth this bill. Also want to just make sure that...I'll just...I'm going to give my time to Joni now, because I know she has some questions. So thank you, Mr. President. [LR296]

PRESIDENT FOLEY: Thank you, Senator Walz. Senator Albrecht, you've been yielded 4:30. [LR296]

SENATOR ALBRECHT: Thank you, Senator Walz, for yielding me a little bit of time here. I know we're getting close to a close here. But some of the questions that I have before...if what Senator Walz just said, that this was in committee, this was something that was not taken up in committee, therefore, you're going to this particular LR to make some way to figure out how we can get into these facilities, what I do have an issue with is, if these places are state funded, they should be...there should be people going in periodically to find out the conditions. I need to know more about what's the procedure. I get phone calls from law enforcement in my district. I

Floor Debate  
April 11, 2018

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get phone calls from county attorneys in my district and they have told me about stories that could easily top the one that we just heard. But we have an obligation as state senators. I don't know if everyone knows this, but if you get a problem in your district with a nursing home, you're on. You have got to take that very seriously and take it to your Ombudsman here in the Capitol and they...you release it to them and they dig into it. And in every case that I've asked them to do, I've gotten results and I'm very happy about that. So I stand here today asking, what's happened to the system? I mean, where are we failing? And if we are, certainly people should go forward and find out. Senator Howard, I know that you had talked about this. Would you yield to a question? [LR296]

PRESIDENT FOLEY: Senator Howard, would you yield, please? [LR296]

SENATOR HOWARD: Yes, I will. [LR296]

SENATOR ALBRECHT: Can you tell me, if I didn't know as a state senator to contact your Ombudsman, where would I go and who would I ask and who should be taking care of a situation like this today? [LR296]

SENATOR HOWARD: Sure. The most appropriate person would be the Chief Medical Officer who runs the Department (sic--Division) of Public Health under the Department of Health and Human Services because those are the ones who are tasked with licensure and inspection of our facilities. [LR296]

SENATOR ALBRECHT: And do you have any idea how many cases like this are out there that are not being tended to today? [LR296]

SENATOR HOWARD: I have no idea, but I imagine that it's more than we think. And you mentioned state funding. Most of these facilities received some type of state funding, at least in terms of Medicaid billing for the individuals who are there or funding through developmental disabilities, and so they are getting quite a lot of state money. [LR296]

SENATOR ALBRECHT: And has the director from Health and Human Services been made aware that there could be a problem here? [LR296]

SENATOR HOWARD: I'm certain that the CEO of the Department of Health and Human Services is aware of this problem. I personally, every time I have an issue, I send a letter directly to the Chief Medical Officer and cc. Courtney Phillips. But I think they're aware of the problem,

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

Floor Debate  
April 11, 2018

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but I think now we're really starting to see that it's much more systemic. It's not just one senator, one district; it's probably all districts and all senators. [LR296]

SENATOR ALBRECHT: And again, thank you for your answers there because, you know, until you serve on those committees, do you know the depth of these issues? I personally feel that it's adding another layer. We should have these things in place now. We should be able to take care of these issues now. But I'll certainly listen to the rest of the debate. But I'm just not leaning toward another committee to do the work of the folks that we're paying right now to do the job. Thank you. [LR296]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Krist. [LR296]

SENATOR KRIST: Question. [LR296]

PRESIDENT FOLEY: Thank you, Senator Krist. Members, so that you understand, there are five additional senators in the speaking queue. Those, that queue will remain intact. The calling of the question relates only to the Executive Board amendment. With that, do I see five hands? I do. The question is, shall debate cease? Those in favor of ceasing debate vote aye; those opposed vote nay. Record, please. [LR296]

CLERK: 31 ayes, 3 nays to cease debate, Mr. President. [LR296]

PRESIDENT FOLEY: Debate does cease. Senator Watermeier, you're recognized to close on your amendment. [LR296]

SENATOR WATERMEIER: Thank you, Mr. President. I just want to assure everybody that we do this all the time. Last year an economic development committee came through the Executive Board. It was fine and dandy that it didn't go through Banking, Revenue, or Education, if you want to consider about incentives. We did it with the judicial issues. We do these kind of things all the time. Part of the process on this is educating members that are not on those committees, and for me that's just as valuable. So with that, I would end and ask for a green vote on AM2179. Thank you, Mr. President. [LR296]

PRESIDENT FOLEY: Thank you, Senator Watermeier. Members, the question before the body is the adoption of AM2179. Those in favor vote aye; those opposed vote nay. A record vote has been requested. Record, please. [LR296]

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

Floor Debate  
April 11, 2018

---

CLERK: (Record vote read, Legislative Journal page 1603.) 37 ayes, 6 nays on adoption of the committee amendment. [LR296]

PRESIDENT FOLEY: AM2179 is adopted. Continuing discussion on the LR, Senator Riepe. [LR296]

SENATOR RIEPE: Thank you, Mr. President, colleagues, and Nebraskans. The death of the individual at Life Quest, a licensed mental health facility, it's tragic and there are no words to regard this death. Health and Human Services is a tough subject. There is a lot of emotion and it is the job of the Health and Human Services Committee to work through the individual, the group, and the collective to establish good, sound policies that will work for the entire state. I am passionate about the Health and Human Services issues. It has been my entire professional career. I bring this commitment and determination every day as Chairman of the Health and Human Services Committee. The Division of Public Health is one of five divisions within the HHS Committee, which it has jurisdiction oversight. The HHS Committee will continue to provide oversight over this division and all divisions of the Department of Health and Human Services. I want to commend the members of the Health and Human Services Committee. I have been told that this is one of the most challenging legislative committees due to the subject matter. And few members of the Unicameral have a desire to be on the HHS Committee. The members of the HHS Committee act as subject matter experts regarding HHS issues. HHS issues are complicated. The issues addressed in LR296 is one of those complicated issues and one that needs to be with the jurisdictional committee. The issues addressed in LR296 is an important topic to me and to the HHS Committee, which have continually exhibited their best efforts and work through the facts and find where improvements are needed. We have seen this in the Heritage Health oversight as we have introduced this new program. The Life Quest issues addressed in LR296 resulted in an 81-page report issued by the department on October 5 of 2017. I have had a private meeting with the department regarding the matter and I will continue to look into the matter during interim. However, nowhere in this legislative resolution does it address the findings of the October report. I have not heard that the concerns are now that this report has been issued. It has been said that the LR has been pared down in scope, but if you look at the changes between the original LR and the amendment there are not many changes. We've also heard that the LR is just limited to assisted-living facilities. There are currently 288 assisted-living facilities. I have serious concern about HIPAA and how this LR will be implemented. Additionally, many of the concerns addressed in the LR would be concerns that would be addressed through the Long-Term Care Ombudsman. The Long-Term Care Ombudsman just issued a recent report giving a better snapshot of how disputes and concerns are addressed in long-term care and assisted-living facilities. I have not heard any issues regarding the Long-Term Care Ombudsman. And if there are concerns, those should be addressed through the HHS Committee. As Chairman of the Health and Human Services Committee, I strongly oppose LR296 and will be willing to work with any of the members of the Unicameral to improve



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

Floor Debate  
April 11, 2018

---

accountability of DHHS. I will vote and ask for your red vote on LR296. Thank you, Mr. President. [LR296]

PRESIDENT FOLEY: Thank you, Senator Riepe. Senator Friesen. [LR296]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. One of these facilities is located in my district. And I know when you get into the issue, I'm sure there's two sides to every story and I'm sure the employees there did their best under the conditions. What I'd like to encourage, and I will support the LR, but what I wanted to encourage the oversight committee to look at is sometimes we have put too much paperwork and paperwork filing and that kind of thing and we've raised the cost of care and all it does is end up placing blame somewhere and we need to do a better job of maybe the inspections and to make sure that things are running the way they are. Having someone fill out reports and be able to go back and look and see if they've filled them out correctly doesn't do anybody any good. So I would really encourage them to look at the actual physical inspections and do that a little bit more regularly. Let's lessen the paperwork burden and maybe they can free up some of that staff to take care of the patients better. I know there's got to be a better way to run it. I think it could be done through the committee or through the LR. I don't care which, but I think it needs to be looked at so this doesn't happen again. Thank you, Mr. Lieutenant Governor. [LR296]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Linehan. [LR296]

SENATOR LINEHAN: Thank you, Mr. President. I'm going to vote against the LR. This is...I believe belongs with Health and Human Services. It is a challenging committee. We have a lot of very, very tough issues and we need to look at this. As Senator Riepe said, there is absolutely...we cannot have people who are not getting taken care of. So I will commit to the body over the summer, working with the Chairman and working with the administration, to look into this further. So thank you. [LR296]

PRESIDENT FOLEY: Thank you, Senator Linehan. Senator Groene. [LR296]

SENATOR GROENE: Sorry about that. I was getting some information. Thank you, Mr. President. Back in my first year here, there was a concerted effort by the Legislature to stop creating these special committees. It was getting out of control. Every little thing that came up, we were creating another one and they have cost. No matter what you say, you got cost. You got per diems, mileage, reports, and they always grow. That's government. I just talked to Senator Watermeier. He's trying to cut \$400,000 out of the Exec Board's budget right now. And every one of these have a political agenda. I can see somebody trying to set them up as a quasi-Chairman of the Health and Human Services Committee because they don't like the way the committee is

Floor Debate  
April 11, 2018

---

run now, get to the press as often as you can, get pictures. I've heard...I didn't read the amendment but I heard in testimony about mental health, about veterans. There was nothing in that hearing about mental health. And I heard those, those, those assisted-living places. I have one called Liberty House in North Platte. You ought to go in there: spotless. The people in there are clean. So don't label all assisted-living facilities as those facilities. This is a witch hunt. Am I blunt enough? I'm going to continue to be blunt as long as I'm in this body. This is not necessary. This is overreach. If you've got a problem, I heard Senator Albrecht. I've had people come to me about situations. We've worked through the HHS. They meet with us. They are polite, they follow up, and they tell us what they found, and my constituents call me back and say thank you. I don't know. People die and accidents happen if you're healthy or if you're in assisted living or not. I once stopped, got a cup of coffee up here, and a person had a seizure right on the corner of 16th and O, fell down, split their head open, and the ambulance was there. Should there have been there an HHS employee nearby? It was a homeless person. This is unnecessary. You're going to put...I hear stuff about people are supposed to be on there from the Revenue Committee, from the Appropriations Committee, from HHS. That LR doesn't say that. And before I'm done, I'm getting really concerned about the way we set these special committees up. The Exec Committee, you will notice, always has one or two representatives because they can vote for themselves. If they want to be on a special committee and you have...they vote one, two, for in five positions, all they have to do is vote for themselves. And they can talk to a couple others and say, what committee you want to be one? We all don't vote, folks. Those people on the committee do. Does anybody doubt Senator Bolz will be on that committee and she will be the Chairman? Does anybody doubt that? These special committees are witch hunts, they are quasi-government, and they don't need to exist. They need to stop. And I see them growing again. I see the request for them again. We pretty much put a stop to it back in '15 and '16 because they were getting out of hand. We are supposed to operate 90 days and 60 days. All of these special committees... [LR296]

PRESIDENT FOLEY: One minute. [LR296]

SENATOR GROENE: ...are turning into full time, full-time employment for \$12,000 a year and we're not experts on any of these areas. Vote no, LR296. Thank you. [LR296]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Walz, you're recognized to close on LR296. She waives closing. The question before the body is the adoption of LR296, 25 votes required. Those in favor vote aye; those opposed vote nay. Been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please. [LR296]

CLERK: 34 ayes, 3 nays to place the house under call. [LR296]

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

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: House is under call. Senators, please return to your desk, check in. The house is under call. Senator Hilkemann, could you check in, please? Senator Bolz, if you could check in. Senator Stinner. Senator Stinner, if you could return to the floor, please. The house is under call. Senator Walz has authorized to proceed. Senator Stinner is now present. The question before the body is the adoption of... [LR296]

SENATOR WALZ: Roll call vote in reverse order, please. [LR296]

PRESIDENT FOLEY: A roll call vote in reverse order has been requested regarding the passage of LR296. Mr. Clerk. [LR296]

CLERK: (Roll call vote taken, Legislative Journal pages 1603-1604.) 26 ayes, 13 nays on adoption of the resolution. [LR296]

PRESIDENT FOLEY: LR296 is adopted. I raise the call. Senator Chambers, for what purpose do you rise? [LR296]

SENATOR CHAMBERS: Point of personal privilege.

PRESIDENT FOLEY: Please proceed.

SENATOR CHAMBERS: Mr. President, members of the Legislature, because of what I intend to say, and everything is transcribed, I want the entire context to be here. According to our rules, Rule 2, Section 11, "Personal privilege shall be, first, those affecting the rights, dignity, and integrity of the Legislature collectively; and second, the rights, reputation, and conduct of members individually." This point of personal privilege affects both of those categories. What I'm doing is as natural as breathing and necessary as breathing for me. I am not here to give a funeral oration or eulogy. I am here to extol my seatmate to my left, whom I've dubbed the "Professor." When I first became aware of him as a member of the Legislature and saw he was a prosecutor, I was ready for clashes, but the clash--singular--never came. There are three individuals I'll make reference to along the way. E.F. Hutton--and you all saw the commercials, and I've told my seatmate this and I can see he's suffering and I'm enjoying it--when E.F. Hutton speaks, people listen. There was a man who was a football coach and a television announcer of sporting events, and he was on a panel. And when all of the people seemed to be going one direction--his name was Lee Corso--he'd say, not so fast, and then he would show his analysis, bring up things that others had not. And sometimes he would sway the entire panel and they would alter their view and adopt that of Lee Corso. Well, compared to the man I'm talking about, Lee Corso was a babe in diapers. Who is the other one? I often mention a play called A Man for

Floor Debate  
April 11, 2018

---

All Seasons by Thomas...by Robert Bolt. He wrote a play about Sir Thomas More and the person who was the man for all seasons was Thomas More. This is an individual who, under whatever circumstances, whatever situation, will appropriately and competently handle it. And not one word that I'm saying would anybody contest when I apply these to Senator, whom I call "Professor," Schumacher. And I pronounce his name the way he wants it to be pronounced. How many times have we had discussions that were very, very spirited, sometimes even angry, then when the Chair would say, Senator Schumacher, suddenly a hush fell over the Chamber and people listened, people paid attention? I observe what goes on here and I could see in some people's expressions and their body language that they were heeding his words. And the issue may not go the way he said it should, but there would be a change in some votes, there would be a different tone to the discussion. And when he leaves this place, the Legislature--that's where the Legislature's integrity as an institution comes in--will be diminished. It will be lessened. I learned a lot listening to Senator Schumacher,...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...watching how Senator Schumacher conducts himself. And I think we all could learn. But now the chance to do that is rapidly coming to a close. He has a powerful intellect, in my opinion, keen analytical ability, and that most important thing: a sense of humor. Some would call it dry; some would call it wry; I would call it sneaky. So without embarrassing him to death, and being one who always follows the rules--my time is running out--I present to you for your commendation my seatmate, Senator/"Professor" Paul Schumacher. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Albrecht.

SENATOR ALBRECHT: Thank you, President Foley. This is a point of privilege as well.

PRESIDENT FOLEY: Please proceed.

SENATOR ALBRECHT: Well, I find it a privilege today to roast my good friend, farmer's wife, and honorable State Senator Lydia Brasch. Hmm. Lydia has had an incredibly successful tenure as a state senator. I've watched what she's been doing for many, many years. Her constituents have been very lucky to receive outstanding constituent services from her as she's gone out of her way to do individual town halls at constituents' homes that could not make it to the town hall themselves. She is probably at every event imaginable. I remember when Senator Bloomfield was here and I said, so how busy are you doing this? And he said, well, you know, you can be as busy as you want. He said, you certainly don't want to be as busy as Lydia Brasch because she goes to everything. But I know that she has shared a lot of stories, you know, throughout her time

Floor Debate  
April 11, 2018

---

with me, but she's also shared some of the hot spots in District 16 and I know a lot of us, when we're sitting in the Senators' Lounge, seem to talk a lot about food. Well, there is a very special place in District 16 that has homemade pies of every kind and I think Senator Brasch's hands have been a part of making several of those pies with the ladies. But Senator Brasch, to me, obviously is a woman whose grounded in her faith, in her family values, in her conservative values, and her attention to her district is beyond compare. We've had some great times together. I'd never been to the Nebraska State Fair and Lydia and her husband, Lee, asked Mike and I to go. Obviously, my husband has been there a few times, but I was always working, Senator Larson, I was always working. And but to that, I just want to say thanks. It was a blast. I learned so much more about the state than I knew. And also we've had our road trips to CSG over in Des Moines, a lot of windshield time together talking about just what we do down here. We've had some other good times. When I was first thinking about running as state senator, Senator Bloomfield and his wife, Dee, and my husband and I and Lydia and Lee had dinner in West Point, and I remember asking, you know, some questions and...about running for office. And both of them said, are you nuts? Like, yeah, I would like...I'm here tonight to talk to you guys about this. They said, do you have any idea what you're getting yourself into? And I said, well, I really don't know, but I'm just so fortunate to have had Senator Bloomfield, but Senator Brasch with me through this last...the last two years. Her friendship in the Legislature to me is priceless and I'm glad that you are the state senator that I got to aspire to because I do believe that you're probably the most principled person in the room. You do not waiver. You've taught me how to say no, because it's not that easy sometimes. I'll miss you. I appreciate your guidance through the first days on the job as well as a committee Chair. I appreciate our friendship. You inspire me and you have taught me so much. But I didn't go off the script the right way, so I'm going to go back to some of her accomplishments.

PRESIDENT FOLEY: One minute.

SENATOR ALBRECHT: But, you know, to get into Toll Fellows on this floor and to get into BILLD are two awards and honors that Senator Brasch has received and some of the different, you know, boards that she's served on, or the committees, on Rules; Government, Military, Veterans Affairs; Natural Resource; Transportation and Telecommunication; most recently in the Revenue, General Affairs, and as Ag Chair, being the first woman to serve in the Unicameral as an Ag Chair in 81 years. Senator Brasch, on behalf of the One Hundred Fifth legislator...legislation...legislators, excuse me, may you have abundant blessings in your near future. Thank you.

PRESIDENT FOLEY: Senator McDonnell, for what purpose do you rise?

SENATOR McDONNELL: Point of personal privilege.

Floor Debate  
April 11, 2018

---

PRESIDENT FOLEY: Please proceed.

SENATOR McDONNELL: A few days ago when the Speaker asked me to say a few words about Senator Harr, I had so many, so many funny stories to tell. I've known him for a number of years. And he walks in today--look how he's dressed. (Laughter) Then we have a vote earlier on Senator Groene's bill and of course I hear behind me, "neigh." But I'm not going to talk about Burke's sense of humor. I'm going to talk about Burke's heart. Burke went to a Jesuit high school, Prep; then he went to a college, St. Thomas. And after he graduated, the Jesuits were offering a program. You volunteer. You leave your family, your friends, your state. You're 21 years old. You go to another state, and you're going to help people that are basically living in the shadows of life. You're going to go ahead and you're going to work in a food bank. You're going to help try to find clothes for people that donate to them. You're going to try to prepare them for a job interview. And these are mostly single moms that are just struggling. Now, think about what you were doing when you were 21 years old. Think about what you were interested in. Burke was interested in serving. Burke comes back from California after making a difference helping a number of people try to be the best version of themselves. He goes to law school. Gets out of law school, becomes a county attorney. His heart hasn't changed. It's still about helping people. He becomes successful, private sector, doing very well, young family. And you all know the sacrifices that it takes to be a senator. Burke decides financially that's not his main interest. He asked his family to sacrifice again. Then he goes through people saying so many false things about him during a campaign that the only thing he was doing was serving, wanted to serve. Burke has never been a politician. Burke is a public servant, and there is a difference and you know it. A politician doesn't care about anybody but themselves. Burke has done this from the time he was 21 years old volunteering for a year to help strangers to the idea of becoming an attorney, to the idea of coming down here, asking his family to sacrifice, and financially sacrifice, but also not see their dad every day because of his heart, because he cares. And, yes, he's done it with a sense of humor. And his friendship has meant so much to me, but also his example as a state senator to not forget, not...always be humble, always have that sense of humor but, at the same time, don't forget that you're not here because of you, you're not here for yourself. You're here to serve other people. He's done that for eight years. I'm proud and honored to stand here and tell you that Burke has been my friend, but also Burke is a great state senator and he has served with honor and distinction. Thank you, Burke Harr.

PRESIDENT FOLEY: Thank you, Senator McDonnell. (Visitors introduced.) Senator Lindstrom, for what purpose do you rise?

SENATOR LINDSTROM: I rise for a point of personal privilege.

PRESIDENT FOLEY: Please proceed.

Floor Debate  
April 11, 2018

---

SENATOR LINDSTROM: Thank you, Mr. President. Thank you, colleagues. I would like to take the opportunity today to recognize State Senator Jim Smith. It's been a great honor to serve alongside Jim as both a colleague, member of Revenue Committee. He...my first year down here I sat where Senator Lowe sits and that first day was a challenging day for me. Jim and I discussed running for Chair that first day, and I was unsuccessful, but what I did learn was that taking risk mattered down here, and watching Jim and how he conducts himself and his accomplishments have been pretty astounding. So sitting where Senator Lowe is, I would observe different senators and see how they would operate, who gets on the mike, who doesn't get on the mike, what type of bills they carry, and, you know, assessing the situation. And Jim just had a knack for being able to maneuver those political waters pretty flawlessly, and so didn't necessarily have to get on the mike all the time, but worked behind the scenes to make big changes in the state of Nebraska and I'll just point out a few of them. And this...there's many, many more, but in his first year passed LB589 which prohibited state highways for special events as a response to disruptive causes for festivals, parades, annual race, and it easily passed that first year 45-0. The following year, introduced LB1161 which provided alternative permitting process for the transcontinental pipeline such as Keystone. He proved that even in the face of strong criticism he would support Nebraska business and make policy to strengthen its economic development and growth. One of the big bills that I remember most was LB610. I think you probably remember that bill.

SENATOR SMITH: Which bill was that?

SENATOR LINDSTROM: (Laugh) The gas tax bill, which that first year you put a lot of faith and trust in individuals and the senior members and he worked to get those votes. And I remember it was a very intense day when that vote came down and we had, I think, just enough to pass and then the override, which Senator Smith was successful at, had exactly 30 to override, and that was the first time I really saw someone be able to maneuver that way in the face of a lot of adversity. At the time it wasn't very popular, but I think it'll pay dividends in the future with the infrastructure and helping in that. I've had a chance to get to know Senator Smith's family over the years, as well, and he's not only a great senator, a great businessman, but he's also been a great father, and it reflects well in your children. And, you know, one of the things, just on a personal story...sorry. Sorry. Give me a sec. About six years ago, when I first kind of got into politics, there was very few people that encouraged me or would even speak to me, and Senator Smith was one of the few that did, and I appreciate it forever and it...you know, no matter what happens in the future and...you know, and I just appreciate everything you've done. You'll always have my support in anything you do, because I think, I believe that you're a great man who's done a lot of great things. And so I just appreciate everything you've done for me in guiding me. And when I had conversations about different things that I maybe thought or needed to do, you're always a person I could talk to about that. So it's been an honor to serve alongside you. Your

Floor Debate  
April 11, 2018

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presence will most certainly be missed in the body. But everything you've done, your legacy will continue forever. So with that, I just want to thank you, Jim.

PRESIDENT FOLEY: Thank you, Senator Lindstrom. Senator Friesen, for what purpose do you rise?

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. A point of personal privilege, please.

PRESIDENT FOLEY: Please proceed.

SENATOR FRIESEN: So when I was first running for office, I got to meet Dr. Kuehn. I had known his little brother for quite a few years earlier through the Nebraska LEAD Program, and they were almost like twins. It was scary. But they think a lot differently, and so I was going to, you know, have a lot of fun, I thought, you know, with Senator Kuehn when he got there. We were both running unopposed. We both had pretty easy elections. And so when he was running for office, you know, I got to know him a little better and, you know, he was more than qualified to serve here. I mean he was...you could call him, you know, the only conservative college professor in the state of Nebraska. His career teaching courses on parasitology and his work looking at the back ends of cattle as a veterinarian, they've served him well here as he attempted to regulate and bring honor to the lobby. Many times during debate on the floor, Senator Kuehn became increasingly frustrated with Senator Schumacher. Senator Pansing Brooks, I can't even tell you how many times she would hear John mutter, why does everyone listen to him, he isn't even a professor! (Laughter) During his term, Senator Kuehn introduced several pieces of legislation seeking to regulate the lobby industry in Nebraska. And since most of his proposals didn't see the light of day outside of the committee, he's decided to combine his love for animals with the lucrative opportunities of the lobby industry and is offering his services to the Humane Society of the United States and the People for the Ethical Treatment of Animals. (Laughter) Senator Kuehn was so disappointed with the behavior of his colleagues that he introduced legislation to adopt the Legislative Ethics Act. Unfortunately, most of his colleagues weren't sure what ethics meant and once again his bill died a slow death in committee. In all seriousness, Senator Kuehn has much to be proud of from his time in the Legislature. He carefully considered each issue and would only take his turn at the mike after much thoughtful research. His arguments were well thought out and based on fact, and then he used a lot of words that I didn't understand. Senator Kuehn has always stuck to his principles which made it easy for me to work with him and I knew he would honor his word. He worked tirelessly as a member of the Appropriations Committee to bring forward budget bills that were responsible and allowed the state to grow. Senator Kuehn was passionate about reducing the impact of prescription drugs. He dedicated his time here working on drug monitoring and opiate use, an issue that has plagued



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

Floor Debate  
April 11, 2018

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both rural and urban areas of the state, and he's passed several important pieces of legislation. Senator Kuehn, congratulations on a successful career, and thank you for your friendship and your work on behalf of the people of Nebraska. And I know you're going to cut your career a little bit short. I was looking forward to you coming back another four years. I totally understand. You made me jealous. It crossed my mind. But again, I do thank you for your service. It has been a pleasure to work with you. Thank you.

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Murante, for what purpose do you rise?

SENATOR MURANTE: I rise for a point of personal privilege.

PRESIDENT FOLEY: Please proceed.

SENATOR MURANTE: When Speaker Scheer came to me saying that we were doing this tribute process, as we sometimes do, he said, Senator Murante, I've got a person who is the most coveted member of the Legislature; people are crawling over themselves trying to have the opportunity to give a tribute for this member of the Legislature, the man who was referred by Senator Groene as the most popular member of this body. I drew State Senator Tyson Larson. So what do you say about Tyson Larson? We've all interacted with him now for eight years. I thought about just restating the Billy Madison quote from earlier this year. (Laughter) That would have worked, but I think at the end of the day imitation is the most sincere form of flattery. Accordingly, I will do this presentation in the style of Tyson Larson. So let me begin. I've got my Jimmy John's sandwich. (Laughter) We'll just let that here for the moment. Of course, a tribute to Tyson Larson would not be appropriate without a point of order. So, Mr. President, I have a point of order.

PRESIDENT FOLEY: Yes?

SENATOR MURANTE: (Laughter) I would like for my legal counsel to do this presentation for me. (Laughter)

PRESIDENT FOLEY: Out of order.

SENATOR MURANTE: I overrule the Chair. I'll retract that, Mr. President. Of course, after this, after this presentation is over, I will be moving to Legislative District 8. (Laughter) Of course, Senator Larson, we've all interacted with him. He's come...he has come to us with asking for his vote on things. And I asked permission to say this and he gave it to me. He is a prolific vote

Floor Debate  
April 11, 2018

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trader, right? I mean he is a person who tries to leverage everything he can to do...to get the things over the finish line that he wants, that he wants accomplished. And I asked him one time, why do you always ask people to keep this a secret? And he said to me the answer is pretty simple. He usually tries to leverage the same vote over and over again, so if he ever asks you to keep the vote trade a secret, it's because he already traded to make that vote in the first place, which is just...that's our Tyson. What else can be said? I will say this about Senator Larson. He is a very creative thinker. He is a person who gets outside the box on just about every policy matter that I can think of. I'll get text messages at the...late in the evening saying, hey, I'm reviewing the Rule Book, what do you think about this? I don't know where you came up with that, Tyson, but that's...it's very, very creative. And of the things we talk about him trying to get the job done, but one thing that has impressed me about him is that he is genuine in his principles on the...he is motivated to be in this body because he is a pure conservative thinker. He...in the role I really think of, National Review, he is a person who is grounded in those conservative thoughts, and they aren't cliches to him. He...these are words that actually mean something to him. And he is here for a purpose, and he is here to accomplish that goal. But I think what I learned about Senator Larson over the years that was...that is most impactful, is his devotion as a father, because not a lot...Senator Larson does not speak very often on a personal level. He doesn't talk. He doesn't usually spend time talking about his family. He's very...when he's here, he is very motivated by public policy. But I will tell you, Senator Larson, in his personal life, has demonstrated uncommon personal strength, dealing with adversity that I think...

PRESIDENT FOLEY: One minute.

SENATOR MURANTE: ...other people, lesser people, would not be able to deal with. His devotion to his sons, his devotion to Brittany is unquestioned and unquestionable. And I think we sometimes lose sight, we sometimes get mired in public policy in this body. But when we talk about integrity, those are the things that matter, and that's what I will always regard Senator Larson as, as a genuinely good person who was here to do the right things. And I thank you, Senator Larson, for your service in this Legislature.

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Kolowski, for what purpose do you rise?

SENATOR KOLOWSKI: Again for a point of personal privilege, please.

PRESIDENT FOLEY: Please proceed.

SENATOR KOLOWSKI: Thank you very much. I'm pleased to acknowledge the accomplishments of my friend Senator Roy Baker. Roy was born in 1945 in York, Nebraska, and

Floor Debate  
April 11, 2018

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graduated from Benedict High School in 1963. He received his bachelor's, his master's, and his doctorate, all from UNL. Roy had a 43-year career in education where he taught and coached basketball before becoming an administrator. He was a school superintendent for 37 years that included the following schools: Benedict, Nebraska; Arlington, Nebraska; Harlan, Iowa; Norris school district for 13 years, '97 through 2010, where he retired in 2010 and then served as the interim superintendent in Beatrice, Nebraska, for one year, '12-13. Roy is a partner with Baker and Rastovski School Services, LLC. He serves on the Norris Educational Foundation Board of Directors and on the board of directors for GameOn1125. A memorable event happened during his tenure as superintendent while guiding the Norris schools through the rebuilding process after the F5 tornado hit the school in May of 2004. The school reopened right after Labor Day that same year. Roy was elected to the Nebraska Legislature in November of 2014 and represents District 30 in Gage and Lancaster Counties. He serves on the Banking, Commerce and Insurance Committee, as well as the Judiciary and State-Tribal Relations Legislative Committees. He also served on the Education Committee and Health and Human Services his first two years. Roy has received numerous honors and awards during his long career, including: Southwest Iowa Superintendent of the Year in 1994; Nebraska Superintendent of the Year in 2004; National Superintendent of the Year semifinalist in 2005; NCSA Distinguished Service Award; and Phi Delta Kappa Outstanding Educational Leader Award. Roy and his wife, Paula, were married January 27, 1968, and celebrated their 50th wedding anniversary this past January. They have two children, Richard and Scott. Richard is retired from the military where he served as a U.S. Army Special Forces, a Green Beret, and resides in Arizona. Scott and his wife Sonia live in Minneapolis with their two children, Clive and Fiona. The Bakers plan to move to Minneapolis in 2019 and spend winters in Arizona. They look forward to being near their grandchildren and sons in the coming years. We are grateful that your long list of accomplishments includes serving the Nebraska Legislature. Please join me in thanking Roy Baker for his service to Nebraska.

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Morfeld, for what purpose do you rise?

SENATOR MORFELD: Mr. President, a point of personal privilege.

PRESIDENT FOLEY: Please proceed.

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise today to make farewell remarks to our second longest-serving member of the body, Senator Bob Krist, a man who I consider not only a colleague but also a friend. And given that neither Senator Krist or I are known for our brevity, I will make my remarks somewhat brief today. In the past four years I have served with him and the six years that I've watched him as a private citizen, Senator Krist has proven to be a passionate and powerful advocate for child welfare, people with

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Transcriber's Office

Floor Debate  
April 11, 2018

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developmental disabilities, criminal justice reform, and preserving the integrity and institutions of the Legislature. I can't say that I will miss his surprise motions on my priority bills, but I will miss his knowledge and perspective on so many important issues that face this body. As my friends in the Judiciary Committee know, Senator Krist and I have sat next to each other in the committee for the last four years and we literally have laughed, cried, and fought together and against each other on issues that we are passionate about. His determination, knowledge, and willingness to take on complex issues has served our civil and criminal justice system well. Senator Krist's knowledge, compassion for those most vulnerable in our society, and unwavering defense of our nonpartisan legislative institutions is the reason that I rise today and why I will always be proud to call him a colleague and a friend. Thank you.

PRESIDENT FOLEY: Thank you, Senator Morfeld. Mr. Clerk.

CLERK: Mr. President, some items. Bills read on Final Reading this morning were presented to the Governor at 9:45 and again at 11:17 (re LB982, LB983, LB1000, LB1003, LB1012, LB1030, LB1036, LB1038, LB1052, LB1070, LB1110, LB258, LB439, LB439A, LB596, LB714, LB745, LB803, LB827, LB865, LB901, LB906, LB923, LB990, LB990A, LB1009, LB1090, LB1090A, LB1098, LB1119, LB1132, LB738, LB738A, LB776, LB841, LB902, LB1040, LB751, LB861, LB994, LB994A, LB1081, LB1081A, LB1089, LB1121, and LB1121A). Explanation of vote from Senator Thibodeau (re LB982, LB983, LB1000, LB1003, and LB1012). Reference report referring a study resolution. (Legislative Journal page 1604.) [LB982 LB983 LB1000 LB1003 LB1012 LB1030 LB1036 LB1038 LB1052 LB1070 LB1110 LB258 LB439 LB439A LB596 LB714 LB745 LB803 LB827 LB865 LB901 LB906 LB923 LB990 LB990A LB1009 LB1090 LB1090A LB1098 LB1119 LB1132 LB738 LB738A LB776 LB841 LB902 LB1040 LB751 LB861 LB994 LB994A LB1081 LB1081A LB1089 LB1121 LB1121A]

And, Mr. President, an adjournment motion: Senator Groene would move to adjourn the body until 1:00, 1:00, Wednesday, April 18, 2018.

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