

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

Floor Debate
January 30, 2019

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FOLEY: [RECORDER MALFUNCTION] Call to order the fifteenth day of the One Hundred Sixth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

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

CLERK: Mr. President, your Committee on Banking reports LB42 to General File with committee amendments attached. That's signed by Senator Williams. Senator Brewer offers two confirmation hearing reports from the Government, Military and Veterans Affairs Committee. Series of hearing notices from the Transportation and Telecommunications Committee, the Judiciary Committee, and from the Executive Board, all signed by the respective Chairs. Mr. President, just an announcement. The Executive Board will meet upon adjournment underneath the balcony, the south balcony, upon adjournment, and General Affairs will have an Executive Session at 9:30 in Room 2022 this morning, General Affairs at 9:30. That's all that I have, Mr. President.

FOLEY: Thank you, Mr. Clerk. (Doctor of the day introduced.) We'll now proceed to the first item on the agenda, General File. Mr. Clerk.

CLERK: LB61 is a bill by Senator Halloran. (Read title.) The bill was introduced on January 10 of this year, referred to the Agriculture Committee, advanced to General File. There are committee amendments pending, Mr. President.

FOLEY: Thank you, Mr. Clerk. Members, please come to order. Senator Halloran, you're recognized.

HALLORAN: Thank you, Mr. President, and good morning, colleagues. Good morning, Nebraskans. LB61 is brought in an effort to better align our current rabies control and response provisions found in Section 71-4401 through 71-4412 with current science. The bill would

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resolve conflicts between current statutes regarding the prevention and control of rabies with recommendations based on most current understandings detailed in the compendium of animal rabies and control, published by the National Association of State Public Health Veterinarians. LB61 adopts a current reference to the compendium and in various provisions of statute removes statutory prescriptions that conflicts with current rabies exposure response and management practices as recommended in the compendium. Authorizing the Department of Health to adopt by rule and regulation consistent vaccination and rabies incident protocols in the standards. Among the conflicts between the current statutes and the compendium, two are most concerning. The first arises in 71-4406, which currently prescribes procedures regarding confinement and the observation of any animal that bites or exposes a person. The compendium only addresses specific confinement in the observations protocols for dogs, cats, and ferrets, and recommends for other species management on a case-by-case basis. The current statute applies to all animals, although science-based understanding of rabies, epidemiology and shedding periods is undetermined for most species other than dogs, cats, and ferrets. Removal of specific requirements in containment protocols from this statute, as well as removing overbroad application to all animals will allow the Department of Health to promulgate evidence-based rules, which will allow for current and future alignment for the compendium as necessary. The next conflict arises with Section 71-4407, regarding disposition of domestic animal bitten or exposed to a rabid animal. The compendium now provides less restrictive options for handling such animals. Again, LB61 repeals conflicting and unnecessary statutory prescriptions and allows rule making from the Department of Health to be better aligned with the compendium. This will enable rules that avoid needless sacrifice of animals in many exposure cases and burdensome and lengthy quarantine requirements, which are no longer deemed necessary by current scientific knowledge. Presently, veterinarians and animal control officers are forced to either deviate from the current national accepted consensus for evidence-based practices or deviate from state law. LB61 better positions Nebraska to align rules and regulations with current science. Nebraska will be better positioned to incorporate future advances in science by having latitude to adopt, promulgate timely rules and regulations. Better alignment with the compendium will help reduce regulatory burdens for Nebraska citizens and animal and control health professionals and make our regulations more enforceable. Before moving to the committee amendments, I want to thank the Nebraska Veterinarian Medical Association and the Department of Health for their work and consultation on this bill. I would ask for your support for advancement of LB61.

FOLEY: Thank you, Senator Halloran. As the Clerk indicated, there are amendments from the Agriculture Committee. Senator Halloran, as Chair of the committee, you're recognized to open on the committee amendment.

HALLORAN: Thank you, Mr. President. The committee amendments make three clarifications in the bill. First, the amendment strikes original Section 2. This section would have amendment

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71-4402, which requires domestic animals to be vaccinated against rabies according to initial and booster schedules prescribed by rule and regulations of the Department of Health. LB61 would have prescribed in statute initial vaccinations at three months of age in one year, and booster vaccinations consistent with vaccine labeling. By striking Section 2, the committee amendment retains current law and would, therefore, continue to delegate to the department to prescribe vaccination schedules. The amendment also adds a new section amendment, 71-4403, which prescribes information to be entered by a veterinarian on a rabies vaccination certification. The amendment adds that the certificate includes a dosage and the number of years the vaccination is effective, and the date the animal is due for a rabies vaccination. Because vaccinations use vary from one to three years of effecting this, this revision requested by the Lincoln-Lancaster County Health Department allows the certificate to clearly identify when an animal is not current on rabies boosters. Finally, the amendment inserts new text at the beginning of Section 3 to add a statement of public welfare proposes to guide the department in promulgating rule regulations updating in the future. It is intended that the department be able to over time keep regulations current with emerging science and practice. And the amendment provides more clarification of delegation to the department to avoid confining the department to current additions of the compendium and recommendations of the CDC. The Agriculture Committee held a public hearing for LB61 on January 22nd. There was no opposition testimony, and the bill was advanced 8-0. I urge the adoption of the committee amendment and advancement of LB61.

FOLEY: Thanks, Senator Halloran. Debate is now open on LB61 and the related committee amendment. Senator Halloran, you're recognized to close on AM41, the committee amendment. He waives closing. The question for the body is the adoption of AM41, committee amendment to LB61. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 41 ayes, 0 nays on adoption of committee amendments.

FOLEY: AM41 is adopted. Is there further discussion on LB61? Seeing none, Senator Halloran, you're recognized to close. He waives closing. The question for the body is the advance of LB61 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 37 ayes, 0 nays, Mr. President, on the advancement of LB61.

FOLEY: LB61 advances. We'll now move to Select File. Members, if you can hold your conversations down because we'll be operating under voice votes. First bill, Mr. Clerk, LB77.

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CLERK: Mr. President, Select File. Senator Slama, LB77, there are Enrollment and Review amendments pending.

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

SLAMA: Mr. President, I move that the E&R amendments to LB77 be adopted.

FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk.

CLERK: Nothing further on the bill, Senator.

FOLEY: Senator Halloran, you're recognized-- excuse me, Senator Slama, you're recognized for a motion.

SLAMA: Mr. President, I move that LB77 be advanced to E&R for engrossing.

FOLEY: That is a debatable motion. Senator Chambers.

CHAMBERS: Thank you, Mr. President. When I have things that are somewhat outside of what a bill deals with, I am selective in the bills that I do it on generally. I didn't see anything that Senator Kolterman had today, so I had to go to the junior varsity, and that constitutes a man who is younger than Senator Kolterman. It would be Senator Williams. Here's the first thing I want to do. I got an invitation in a red envelope, which says, please join members of the American Institute of Architects and so forth. When senators were being fed by the lobbyists, I referred to them as moochers and spongers and leeches, captain hungry, lieutenant lunch hunter, and apparently, the architects don't realize that the Speaker changed that. The lobbyists do not feed us in the Capitol Building when we stay late, but they must still feel that I think that the rest of your leeches, because when I opened this red envelope, in large red letters, all caps with an exclamation point, lunch on us! So they must feel that you are leeches and you're going to dine on them. They didn't say come have lunch with us, but lunch on us. And that's what leeches do, and this will let them know that I no longer apply that, because the senators do not leech off the lobbyists, at least in the building. Now I'm going to get serious, because some comments that I made the other day were not understood. I'm concerned about the Legislature as an institution. There are things that may happen to senators, which senators I don't even agree with on a lot of things, but if they disparage that senator in a way that reflects negatively on the Legislature as an institution, apart from that senator who may be criticized, then I will speak on the floor about the Legislature as an institution and why I must comment. And because I may not be able to finish

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this my first time around, I'm going to put on my light, but I don't intend to be on the floor a long time this morning on this particular subject. But I like to document what I say. Anybody could say anything, but to show that I don't create a record just for a specific thing that happened recently, I'm going back to April 16, 2008. The bill being debated was LB745, and it had been introduced by a former senator, and the Lieutenant Governor at that time was a gentleman named Sheehy, who had done something inappropriate, and he had to resign. I guess to purify the office of the executive. Here is what I had said. After President Sheehy. Senator Chambers, you're recognized to open on your motion to return to Select File, LB745. Chambers: Thank you, Mr. President, members of the Legislature. Obviously, I do not intend to take this motion to a vote. I have no problems with the bill. I've supported it, I intend to support it, but something is troubling me. To use the words and phraseology from Star Wars, I read the World-Herald yesterday and felt a profound disturbance in the force. I come from a family which includes many women and girls. I had three sisters. I have a daughter. I have a host of nieces. I was reared to respect women. I've never lost that. I don't think it has diminished me in the least. Toward my sisters and other women that I knew, I felt the sense of protectiveness which may have been overdone on occasion, and a profound respect, which can never be overdone on any occasion or in any circumstances. When I read in the World-Herald yesterday that one of my colleagues was referred to as a little girl and in the headline the term was in quotation marks, I thought it was to make a point, but as I read on, I saw the term outside of quotation marks.

FOLEY: That's time, Senator. Thanks, Senator Chambers. Senator Kolterman, you're recognized.

KOLTERMAN: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraskans. I just-- I've been listening to Senator Chambers. I want to set the record straight. He indicated that I might be older than Senator Williams, and that's not accurate whatsoever. So, Senator Chambers, Senator Williams is considerably older than I am. Thank you very much.

FOLEY: Thank you, Senator Kolterman. Senator Williams.

WILLIAMS: Thank you, Mr. President, and good morning, colleagues, and good morning, Senator Chambers. And in my attempt to document what I say, which I think was what you commented, I have my driver's license, and I have great respect for those that are older than I am. And I have even more respect for those that are younger than I am, Senator Kolterman, but next Tuesday, you're all going to get to find out how old I really am. So we'll have an unveiling party at that time. And with that, I would yield the balance of my time to Senator Chambers.

FOLEY: Senator Chambers, you've been yielded 4:20.

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CHAMBERS: Thank you, Mr. President. Members of the Legislature, age wise and otherwise, whatever Senator Williams may be deemed to be, he always is a gentleman. And from my dealings with him, I can tell you that he is also a scholar, and none of those terms are meant to be facetious. And I apologize to Senator Kolterman for making an assumption that was not correct. But I knew it. I wanted to see if he was listening. I'm going to continue with my reading. It had to do with reading an article in the World-Herald, and in the headline they referred to a female senator as little girl. In that headline the term was in quotation marks, so when I read it in the headline, I thought a point was to be made. But as I read on, they continued to use the term, and it was outside of quotation marks. So, the reference was one-- continuing reading from this transcript --the reference was one that I could not allow to stand without saying something. The senator involved didn't say anything. Nobody else said anything. But I'm a member of the Legislature, and I felt that the diminishment of one of the members in that fashion should not be allowed to go unchallenged. As I tell you, that was 2008. Even though it was not that long a time ago, things were a lot different in the minds of some of the female senators than would be the case now. Continuing. During my early years here, female senators were referred to by the honorific Mrs., rather than senator. And every time I had an opportunity when I saw that appear in an article, I would comment about it on the floor and object to it and point out that the senators were not referred to as Mr. So, in the context of our being in the Legislature and a reference being made, the title ought to be extended to the women the same way it was to the men. No female senators asked me to do this. They didn't have to. There's some things I know. There are standards I have set, and I will follow my standards. I will follow my mind, and for those of you who may not think on your own but you are familiar with cliches, I march to a different drummer. Continuing. And I haven't seen that quote, Mrs., unquote, attached to a senator's name when speaking of her in the context of the Legislature. I do not get the impression from the overall thrust of the article that it was designed to be insulting, demeaning, or down putting. So my reaction is not based on having talked to my colleague, Senator McGill,--

FOLEY: One minute.

CHAMBERS: --if people don't know it, is the one to whom I'm referring. This, that I'm talking about, transcends her, her interests, or whether she would be offended or even noticed it. I'm looking again at the dignity and integrity of the Legislature as an institution. And I'm going to be talking about this Legislature as an institution because I'm always going to protect it, and there will be other people who won't. If the Governor tells them something that's demeaning, they'll be quiet, swallow spit, and not say anything, but I shall. Thank you, Mr. President.

FOLEY: Thanks, Senator Chambers. You may continue on your own time now.

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CHAMBERS: Thank you. I have not seen the wife of a President referred to as the, quote, little girl. I don't have any more respect for the wife of the President than I have for my colleague, than I have for my sisters, my nieces, or my daughter, so I had to say this to get it out of my craw, and for those who may not understand why I would do this at a time like this, and this goes for you today, look at me. You see these wrinkles across my forehead? You see these deep gouges running from my nostrils down around the corners of my mouth? You see this white hair on my head and under my head, on my beard? All of that bespeaks age. Senator Harms, I am old, and as I've stated, old people are entitled to have moods, and Senator Carlson, I felt the mood coming on this morning, and had I not spoken and vented, no telling what at my advanced stage of age and diminished control over my emotions might have resulted. Now I feel purged, I feel cleansed, I feel like myself again, and with that I withdraw that motion and thank Senator Aguilar for his courtliness in allowing me to do this on his bill. President Sheehy: Thank you, Senator Chambers. The motion to return is withdrawn. Members, Popeye and I also have a song, which I'm not going to sing, but Sammy Davis, Jr., I think, sang it, I Got to Be Me. That's all that I know how to be. And that's who I am always going to be. And whether you like me, what I say, or not, a day is going to come when you may come to me as the only one you can count on to stand up for you and stand up with you. When the sun is shining, you can enjoy the blue of the sky, you look at the beauty of the flowers around you, you hear the birds twittering, not cuckoo birds like your President who twitters all the time, I'm talking about birds with feathers. And not a featherbrain like your President. And when all of those conditions are fine, then everything seems to be all right with the world. But there are going to come some stormy days, some stormy times. If I see something that should be addressed that is happening to somebody, I'm not going to wait. And since I did this publicly, I'll say it now. Senator Groene used to sit over there where the conference is going on. And my goddaughter sat on the other side of the aisle. And Senator Groene hollered at her from where he was, or came toward the aisle and hollered, and I took immediate offense and umbrage and I called him to account on it. I said, don't holler at her. Holler at me. My goddaughter didn't ask me to do that. Nobody had to ask me to do that. You let me see any man bullying a woman, and maybe the woman is a masochist and likes that. I don't know that. All I know is that I see something happening that ought not to happen--

FOLEY: One minute.

CHAMBERS: --and I'm going to intervene. Now, if she had told me, Ernie, mind your own business, I can handle it, I would say, have it your way, as Burger King said. Or if you're a scholar, as Shakespeare said, as you like it. But I want everybody else to know, that if I see a situation like that, I'm going to intervene again. You're going to hear me talk repeatedly about the Legislature as an institution, and I'm going to start giving you all information to show you things that I did before you ever came here or ever thought about coming here, and that you will never do, and you cannot do, and I have a record of achievement as a state senator that's unmatched by anybody in the history of this state. And I'm going to hand you things to prove it. And as I hand

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you these things, if you know somebody who has topped it, bring me that information, and I'll pass it on those who have written histories of the Legislature--

FOLEY: Time, Senator.

CHAMBERS: --and let them know that they were off the beam too. Thank you, Mr. President.

FOLEY: Thanks, Senator Chambers. Senator McCollister, you're recognized. Is Senator McCollister on the floor?

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. This discussion that we're having about driver's license and birth dates is a big deal, and we really need to pay attention. However, I would interject that we don't want driver's licenses, we want certified birth certificates, and we also want to know where you were born. So I would ask that both Senator Kolterman and Senator Williams bring their certified birth certificates, so we can just really judge who's older and where they were born. Thank you, Mr. President.

FOLEY: Thank you, Senator McCollister. Members, the question for the body is the advance of LB77 to E&R engrossing. Those in favor say aye. Those opposed say nay. LB77 advances. Next bill, LB49, Mr. Clerk.

CLERK: Mr. President, LB49. Senator Slama, I have no amendments to the bill.

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

SLAMA: Mr. President, I move that LB49 be advanced to E&R for engrossing.

FOLEY: Members, you heard the motion to advance LB49. Those in favor say aye. Those opposed say nay. LB49 advances. Next bill, LB67, Mr. Clerk.

CLERK: Mr. President, LB67, I have no amendments to the bill.

FOLEY: Senator Slama for a motion.

SLAMA: Mr. President, I move that LB67 be advanced to E&R for engrossing.

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FOLEY: Members, you heard the motion to advance the bill. Those in favor say aye. Those opposed say nay. LB67 advances. Items for the record, Mr. Clerk.

CLERK: Mr. President, announcements, first of all. The Business and Labor Committee will meet upon adjournment-- I'm sorry, Business and Labor at noon, noon, in Room 2022. Judiciary in Executive Session at 11:00 in Room 2022. The Executive Board will meet upon adjournment underneath the, I'll say north balcony, north balcony, the Exec Board upon adjournment. In addition, Mr. President, committee reports. The Education Committee reports LB115 to General File with amendments. That's signed by Senator Groene. Banking Committee reports LB188, LB258, LB259 and LB355 to General File. Those signed by Senator Williams. General Affairs Committee reports LB56 to General File and LB75 to General File. Urban Affairs Committee chaired by Senator Wayne reports LB11, LB57, LB121, LB66 to General File with amendments. Those all signed by Senator Wayne. Revenue Committee chaired by Senator Linehan reports LB63 to General File with amendments. Retirement Committee reports LB32 to General File with committee amendments. I also have a series of hearing notices: Revenue Committee and the Natural Resources Committee, those signed by Senator Linehan and Senator Hughes. I have confirmation reports from the Retirement Committee, two separate reports. Name adds: Senator McDonnell to LB15; Hunt to LB57 and to LB83; Ben Hansen to LB117; Erdman to LB152, LB154, LB156, LB158, LB246 and LB303, LB343, LB374; Senator Morfeld to LB378; Senator Erdman, LB431, LB432 and LB575; Senator Brewer to LB677; Senator Erdman to LB695; and Senator Friesen to LR7.

Mr. President, priority motion. Senator Cavanaugh would move to adjourn the body until Thursday morning, January 31, at 9:00 a.m.

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