

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

Floor Debate  
January 27, 2015

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[LB1 LB2 LB3 LB4 LB5 LB6 LB7 LB8 LB9 LB20 LB29 LB30 LB31 LB41 LB42 LB50  
LB65 LB88 LB91 LB110 LB112 LB118 LB126 LB159 LB177 LB187 LB190 LB220  
LB247 LB267 LB279 LB439 LB454 LB614 LB652 LR43]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FOURTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR BOLZ. PLEASE RISE.

SENATOR BOLZ: (PRAYER OFFERED.)

SPEAKER HADLEY: THANK YOU. I CALL TO ORDER THE FOURTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. MR. CLERK, PLEASE RECORD.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SPEAKER HADLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

SPEAKER HADLEY: THANK YOU. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: MR. PRESIDENT, YOUR JUDICIARY COMMITTEE, CHAIRED BY SENATOR SEILER, REPORTS LB88 TO GENERAL FILE. BANKING COMMITTEE, CHAIRED BY SENATOR SCHEER, REPORTS LB159, LB247, AND LB279 TO GENERAL FILE. (LEGISLATIVE JOURNAL PAGE 311.) [LB88 LB159 LB247 LB279]

SPEAKER HADLEY: THANK YOU, MR. CLERK. WE WILL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, MR. CLERK.

CLERK: MR. PRESIDENT, IF I MAY, I HAVE A FEW OTHER THINGS TO ACKNOWLEDGE. YOUR COMMITTEE ON TRANSPORTATION, CHAIRED BY SENATOR SMITH, REPORTS LB220 TO GENERAL FILE. I ALSO HAVE A CONFIRMATION REPORT FROM THE TRANSPORTATION COMMITTEE; A SERIES OF HEARING NOTICES FROM THE REVENUE COMMITTEE, AND AS WELL AS THE RETIREMENT SYSTEMS COMMITTEE. ENROLLMENT AND REVIEW REPORTS LB91, LB41, LB42, LB126 TO SELECT FILE. AND I HAVE A COMMUNICATION FROM THE SPEAKER REGARDING THE REFERRAL OF LR41

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TO REFERENCE. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 311-315.) [LB220 LB91 LB41 LB42 LB126]

SPEAKER HADLEY: THANK YOU, MR. CLERK. WE WILL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA. MR. CLERK.

CLERK: MR. PRESIDENT, SENATOR SCHEER WOULD MOVE TO WITHDRAW LB50. [LB50]

SPEAKER HADLEY: SENATOR SCHEER, YOU'RE RECOGNIZED TO SPEAK ON YOUR WITHDRAWAL. [LB50]

SENATOR SCHEER: THANK YOU, SPEAKER HADLEY. I COME BEFORE YOU TO REQUEST WITHDRAWAL OF LB50. THE INTENT OF MYSELF WAS SIMPLY TO GET A FISCAL NOTE ON THE BILL. IT WAS NOT TO NECESSARILY TRY TO IMPLEMENT THE BILL. I DO NOT WANT TO TAKE THIS TO HEARING BECAUSE I'M NOT TRYING TO CONCERN PEOPLE THAT ARE CURRENTLY COVERED UNDER THE MEDICAID PROCESS THAT WE CURRENTLY HAVE. IT WAS SIMPLY MY MECHANISM TO COME UP WITH A FISCAL NOTE SO THAT THERE'S A BETTER UNDERSTANDING OF THE FUNDS BEING SPENT. I HAVE RECEIVED THAT AND SO I WOULD REQUEST THAT THE BILL BE WITHDRAWN SO THAT THOSE THAT WOULD BE AFFECTED BY THE BILL NO LONGER HAVE THE WORRY THAT IT'S STILL SITTING OUT THERE. THANK YOU, SPEAKER. [LB50]

SPEAKER HADLEY: THANK YOU, SENATOR SCHEER. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB50]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'M NOT ASKING FOR A POINT OF PERSONAL PRIVILEGE. THAT WOULD DEAL WITH, FIRST, THE REPUTATION OF THE LEGISLATURE, THEN THE REPUTATION OF THE INDIVIDUAL MEMBER. BUT WHEN I'M GOING TO DO SOMETHING LIKE I INTEND TO DO BRIEFLY, IF WE HAVE A MOTION OF THE KIND THAT SENATOR SCHEER IS OFFERING, I WILL SAY SOMETHING ON THAT BECAUSE I'M NOT OPPOSED TO WHAT HE'S DOING. AS I STATED THE OTHER DAY, I WILL ALWAYS SUPPORT A MEMBER WHO WANTS TO WITHDRAW A BILL, UNLESS I DISAGREE AND WON'T SUPPORT IT. BUT ANYWAY, THERE WAS AN ARTICLE IN THIS MORNING'S LINCOLN JOURNAL WHICH MISREPRESENTED A POSITION THAT I TOOK. IT IS SHOWN ON PAGE B5 AND IT'S BY RILEY JOHNSON AND ZACK P-L-U-H-A-C-E-K, AND HERE'S THE PARAGRAPH: SENATOR ERNIE CHAMBERS OF OMAHA HAS SAID HE'LL LIKELY FILIBUSTER ANY LEGISLATION PROPOSED BY CERTAIN SENATORS WHOM HE ACCUSES OF ABUSING THE LEGISLATURE'S REFERENCING PROCESS, WHICH DECIDES WHICH BILLS GO TO WHICH COMMITTEES FOR HEARINGS. THAT LIST OF LAWMAKERS ALMOST

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CERTAINLY INCLUDES SENATOR TYSON LARSON OF O'NEILL, WHO INTRODUCED A BILL ON CIGARS. SENATOR LARSON IS QUOTED AS SAYING, QUOTE, I WOULD EXPECT AT LEAST ONE SENATOR TO FILIBUSTER ME, UNQUOTE. FIRST OF ALL, SENATORS ARE NOT FILIBUSTERED, IF THAT'S GOING TO BE DONE; THE BILL IS. SECONDLY, I DON'T EVER USE THE WORD "FILIBUSTER" TO DESCRIBE WHAT I DO. I ENGAGE IN EXTENDED DEBATE. I DID NOT SAY THAT I WOULD FILIBUSTER OR USE ANYTHING THAT COULD APPROXIMATE THAT. LET ME SEE WHAT THE LANGUAGE IS SO I WON'T MISSTATE THIS PERSON, "ANY LEGISLATION PROPOSED BY CERTAIN SENATORS." I'VE NEVER SAID THAT. WHAT I DID SAY THAT THEY MIGHT HAVE MISHEARD, BECAUSE SOMETIMES NEWS PEOPLE DON'T LISTEN CAREFULLY, THAT THESE WET-BEHIND-THE-EAR CHAIRPERSONS, WHO THINK THEY KNOW MORE THAN WHAT THEY DO, WHO THINK THEY'RE MORE POWERFUL THAN THEY ARE, WILL HAVE THE OPPORTUNITY TO CORRECT MY EDUCATION AND IMPROVE IT, BECAUSE ANY BILLS THAT COME OUT OF THEIR COMMITTEES I WILL HAVE QUESTIONS ABOUT. AND THOSE QUESTIONS WILL GIVE THOSE BRAIN TRUSTERS--I DIDN'T SAY THAT THE OTHER DAY, BUT I DECIDED I'LL THROW THAT IN TODAY BECAUSE NOW I THINK I'LL CALL THEM THE BRAIN TRUST--TO GIVE THOSE BRAIN TRUSTERS A CHANCE TO DO SOME BRAIN BUSTING ON ME BY ENLIGHTENING ME. SO THERE IS NO WAY TO CONTROL WHAT THE MEDIA WILL SAY, NO WAY TO CONTROL WHAT ANYBODY IS GOING TO SAY. I DON'T TRACK DOWN AND DEAL WITH EVERY STATEMENT MADE WITH REFERENCE TO ME IN A NEWSPAPER THAT IS UNTRUE. BUT ON THIS ONE, I'M VERY SENSITIVE ABOUT THAT WORD "FILIBUSTER." I DO NOT FILIBUSTER; I ENGAGE IN EXTENDED DEBATE. AND I DID NOT SAY I WOULD FILIBUSTER ANY LEGISLATION OFFERED BY WHOEVER THESE SENATORS ARE. AND WITH THAT, I'M GOING TO TERMINATE THOSE REMARKS AND SAY, AGAIN, THAT I WILL SUPPORT SENATOR SCHEER'S MOTION TO WITHDRAW THIS BILL. THANK YOU, MR. PRESIDENT. [LB50]

SPEAKER HADLEY: SENATOR SCHEER, SEEING NO OTHER LIGHTS ON, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION TO WITHDRAW. SENATOR SCHEER WAIVES. THE QUESTION BEFORE US IS THE WITHDRAWAL OF SENATOR SCHEER'S BILL. ALL IN FAVOR SIGNIFY BY VOTING AYE; OPPOSED VOTE NAY. HAVE ALL THOSE VOTED THAT WISH TO VOTE? MR. CLERK, RECORD. [LB50]

CLERK: 38 AYES, 0 NAYS ON THE MOTION TO WITHDRAW THE BILL. [LB50]

SPEAKER HADLEY: THE MOTION PASSES. MR. CLERK, WE WILL PROCEED TO GENERAL FILE, LB177. [LB50 LB177]

CLERK: LB177 BY SENATOR KEN HAAR. (READ TITLE.) INTRODUCED ON JANUARY 12, REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS

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AFFAIRS COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO COMMITTEE AMENDMENTS, MR. PRESIDENT. [LB177]

SPEAKER HADLEY: SENATOR HAAR, YOU ARE RECOGNIZED TO OPEN ON LB177. [LB177]

SENATOR HAAR: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. LB177 STARTS WITH THIS PREMISE, THAT THE LEGISLATURE HAS AN OVERSIGHT RESPONSIBILITY TO THE POLITICAL SUBDIVISIONS THAT IT'S FORMED. AND PUBLIC POWER IS CERTAINLY ONE OF THOSE POLITICAL SUBDIVISIONS. I FEEL THAT LB177, AND I'LL GO INTO IT IN A MINUTE, IS GOOD PUBLIC POLICY AND IT'S JUST COMMON SENSE. SO I WISH YOU'D REFER TO THE HANDOUT THAT CAME TO YOUR DESK. FOR ME, THIS SUMMARIZES IT VERY WELL. LB177 PROHIBITS ANY EMPLOYEE OF ANY PUBLIC POWER DISTRICT FROM SERVING ON THE BOARD OF DIRECTORS OF ANY PUBLIC POWER DISTRICT. AND IT'S BASED ON AN ACTUAL CASE IN THE DISTRICT THAT REPRESENTS ME. I'M A MEMBER OF NORRIS PUBLIC POWER. AND IN 2012, AND I'M GOING TO USE THE WORD "JOE," JOE, WHO WAS THEN THE GENERAL MANAGER AND CEO OF NORRIS PUBLIC POWER, RAN FOR THE NEBRASKA PUBLIC POWER DISTRICT BOARD OF DIRECTORS. JOE LOST THE RACE. IT WAS LEGAL FOR JOE TO RUN. HOWEVER, SINCE NORRIS BUYS ALL OF ITS ELECTRICITY FROM NPPD, JOE'S VICTORY WOULD HAVE CREATED AN OBVIOUS CONFLICT OF INTEREST. DEFINITION OF CONFLICT OF INTEREST: THE SITUATION IN WHICH A PERSON HAS A DUTY TO MORE THAN ONE PERSON OR ORGANIZATION BUT CANNOT DO JUSTICE TO THE ACTUAL OR POTENTIALLY ADVERSE INTERESTS OF BOTH PARTIES. AND THEN THE QUESTION AT THE BOTTOM, AGAIN, NOT SIMPLY AS A LEGISLATOR WITH OVERSIGHT BUT AS A MEMBER OF NORRIS PUBLIC POWER AND A MEMBER WHO GETS TO...AND I GET TO VOTE FOR NPPD, HERE'S THE QUESTION: IN THE LONG-TERM POWER PURCHASE NEGOTIATIONS BETWEEN NORRIS AND NPPD, WOULD JOE'S FIRST DUTY BE TO REPRESENT THE INTERESTS OF THE PUBLIC POWER BOARD THAT HIRED HIM OR THE CITIZENS THAT ELECTED HIM? THE BOARD THAT HIRED HIM WAS THE 11-MEMBER BOARD OF NORRIS PUBLIC POWER DISTRICT. I VOTE FOR ONE OF THOSE MEMBERS. THE BOARD...OR THE PEOPLE WHO ELECTED HIM WOULD HAVE BEEN THE PEOPLE WHO ELECTED HIM TO THE NPPD BOARD HAD HE BEEN ELECTED. THAT REPRESENTS MAYBE ABOUT THE SAME NUMBER OF POTENTIAL VOTERS AS EACH OF US HAVE IN OUR LEGISLATIVE DISTRICTS. SO, AGAIN, I THINK THAT THE CONFLICT OF INTEREST IS SO OBVIOUS OF A DIRECTOR OF A PUBLIC POWER DISTRICT OR A SUBDIRECTOR, WHATEVER, SERVING ON THE NPPD BOARD; THE CONFLICT OF INTEREST IS OBVIOUS. IT'S GOOD PUBLIC POLICY. THIS SEEMS TO HAVE BEEN AN OVERSIGHT WHEN THE LAW WAS CREATED, BECAUSE IN THE LAW AS IT STANDS, YOU CAN'T BE AN EMPLOYEE OF YOUR OWN DISTRICT AND SERVE ON THE BOARD. AND I

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BROUGHT THIS BILL, THIS IS THE THIRD TIME. I BROUGHT IT IN 2011...OR, I'M SORRY, 2012 OR 2011. IT WENT TO THE NATURAL RESOURCES COMMITTEE, AND I ASKED THEM NOT TO ADVANCE IT OUT OF COMMITTEE. LAST YEAR, IT WENT TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. IT WAS VOTED OUT UNANIMOUSLY WITH ONE PERSON ABSENT. WE DIDN'T GET TO IT BECAUSE LAST YEAR, AS MANY OF YOU REMEMBER, ONLY PRIORITY BILLS HAD TIME FOR FLOOR DEBATE. SO IT SIMPLY DIDN'T COME TO FLOOR DEBATE. I TOOK IT AGAIN TO GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE THIS YEAR. IT CAME OUT UNANIMOUSLY WITH SENATOR McCOY ABSENT. AND AGAIN, GOOD PUBLIC POLICY, COMMON SENSE, AND I WOULD URGE YOU TO VOTE FOR LB177 OUT OF GENERAL FILE. THANK YOU. [LB177]

SPEAKER HADLEY: THANK YOU, SENATOR HAAR. (DOCTOR OF THE DAY INTRODUCED.) MR. CLERK. [LB177]

CLERK: MR. PRESIDENT, SENATOR SMITH WOULD MOVE TO AMEND THE BILL. (FA1, LEGISLATIVE JOURNAL PAGE 315.) [LB177]

SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB177]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. AS A FORMER PUBLIC POWER EMPLOYEE MYSELF, I RECOGNIZE THAT WE HAVE PUBLIC POWER EMPLOYEES ACROSS THE STATE THAT ARE ENGAGED IN OUR COMMUNITIES AND THAT BRING GREAT VALUE TO OUR COMMUNITIES, AND WE CERTAINLY WANT THEM TO SERVE IN ELECTED CAPACITY ON ELECTED BOARDS. THEY HAVE MUCH TO OFFER. AND SO I TAKE A LITTLE ISSUE WITH THIS BILL, THAT IT DOES SEEM TO SINGLE OUT PUBLIC POWER DISTRICT EMPLOYEES AND PREVENT THEM FROM BEING ABLE TO SERVE ON ANY OTHER UTILITY BOARD, PUBLIC POWER DISTRICT BOARD, EVEN IF IT'S NOT THE ONE THAT THEY'RE EMPLOYED BY. AND SO LOOKING AT THIS BILL, MY FIRST ATTEMPT HERE WITH THIS FLOOR AMENDMENT IS TO ADDRESS...AND I'M GOING TO ASSUME THAT IT WAS AN OVERSIGHT OF SENATOR HAAR'S, THAT HE DID NOT INTEND TO SINGLE OUT ONLY PUBLIC POWER DISTRICT EMPLOYEES, BECAUSE THE LANGUAGE, AS IT IS WRITTEN ON LINE 14, READS, "A FULL-TIME OR PART-TIME EMPLOYEE OF A PUBLIC POWER DISTRICT MAY NOT SERVE AS A MEMBER OF THE BOARD OF DIRECTORS OF ANY PUBLIC POWER DISTRICT." PUBLIC POWER DISTRICT IS VERY NARROWLY DEFINED. IT DOES NOT INCLUDE MUNICIPAL GOVERNMENT UTILITIES, SUCH AS LES RIGHT HERE IN LINCOLN. IT DOES NOT INCLUDE MEAN, THE MUNICIPAL ENERGY AGENCY OF NEBRASKA. AND IT DOES NOT INCLUDE THE NUMEROUS COOPERATIVES THAT WE HAVE ACROSS OUR

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STATE. IT, ONCE AGAIN, NARROWLY DEFINES PUBLIC POWER DISTRICTS. AND SO THIS FLOOR AMENDMENT VERY SIMPLY STRIKES THE LANGUAGE OF "PUBLIC POWER DISTRICT" AND REPLACES IT WITH "PUBLIC-OWNED ELECTRIC UTILITY" TO WHERE WE CAPTURE ALL OF THE PUBLICLY OWNED UTILITIES IN OUR STATE AND NOT SINGLING OUT ANY PARTICULAR ONE. SO, MR. PRESIDENT, THANK YOU. AND I BELIEVE THAT PROBABLY SENATOR KUEHN HAS SOME COMMENTS HE WANTS TO MAKE AS WELL. BUT THAT'S MY START. BUT I WILL TELL YOU, EVEN WITH THE AMENDMENT MADE HERE, I'M NOT CERTAIN I'M SUPPORTIVE OF THIS BILL. AGAIN, I THINK IT RESTRICTS THE SERVICE THAT MANY OF OUR PUBLIC POWER EMPLOYEES CAN PROVIDE TO OUR STATE AND THAT WE NEED THEM. THANK YOU. [LB177]

SPEAKER HADLEY: THANK YOU, SENATOR SMITH. (VISITORS INTRODUCED.) WE WILL NOW RECOGNIZE SENATOR KUEHN, FOLLOWED BY SENATOR KEN HAAR, SENATOR SULLIVAN, AND SENATOR SCHILZ. [LB177]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT, AND MEMBERS OF THE LEGISLATURE. I COME TO YOU TODAY TO SPEAK WITH REGARD TO LB177 AND SOME SIGNIFICANT CONCERNS I HAVE ABOUT THIS PIECE OF LEGISLATION, AND COME TO YOU WITH A DEGREE OF EXPERTISE AND EXPERIENCE IN THE PUBLIC POWER WORLD AS I SERVED FOR SIX YEARS AS A MEMBER OF THE SOUTHERN PUBLIC POWER DISTRICT BOARD OF DIRECTORS, FOUR YEARS ON THAT EXECUTIVE BOARD. SO I HAVE A PRETTY GOOD UNDERSTANDING OF THE PUBLIC POWER INDUSTRY AND THE INTERRELATIONSHIP BETWEEN THE BOARDS, BETWEEN THE INDIVIDUAL PUBLIC POWER DISTRICTS, AS WELL AS THE NATURE OF THE RELATIONSHIP BETWEEN THE DISTRIBUTION PUBLIC POWER DISTRICTS AND ITS WHOLESALE ENERGY SUPPLIER OF NEBRASKA PUBLIC POWER DISTRICT. MY GREATEST CONCERN WITH THIS PARTICULAR BILL IS THAT IT IS TRULY A REACTIONARY PIECE OF LEGISLATION TO A VERY SPECIFIC INCIDENT IN 2010, AN INCIDENT WHICH WAS UNPRECEDENTED PRIOR AND IS UNPRECEDENTED SINCE. IT'S TRULY LEGISLATION IN SEARCH OF A PROBLEM. THE TRUE CONFLICT OF INTEREST WITH REGARD TO AN EMPLOYER AND AN EMPLOYEE OF THAT DISTRICT IS ALREADY ADDRESSED IN STATUTE. AND EVEN THE ISSUES OF ADDITIONAL EMPLOYEES OF A PUBLIC POWER DISTRICT SERVING ON THE BOARD OF ANOTHER, THE REQUIREMENT OF A CONFLICT FOR PERSONAL PROFIT OR GAIN OR PERSONAL ADVANCEMENT STILL REMAINS TO BE UNCLEAR. SO I'M SOMEWHAT CONCERNED THAT WE'RE LOOKING AT LEGISLATION THAT SEEKS TO ADDRESS A PROBLEM WHICH SIMPLY DOES NOT EXIST. MOREOVER, PHILOSOPHICALLY, I AM SOMEWHAT CONCERNED THAT THIS RESTRICTS THE ABILITY OF VOTERS TO DETERMINE WHAT THEY PERCEIVE AS A CONFLICT OF INTEREST. THESE ARE ALL PUBLICLY ELECTED POSITIONS, JUST AS WE ARE PUBLICLY ELECTED TO SERVE IN THIS BODY. AND I AM CONCERNED THAT THE

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ABILITY OF VOTERS TO DETERMINE WHO SHOULD BEST REPRESENT THEM, WHETHER OR NOT A CONFLICT EXISTS, IS LIMITED BY THIS PARTICULAR PIECE OF LEGISLATION. PRAGMATICALLY, I HAVE SOME ADDITIONAL CONCERNS. FIRST AND FOREMOST, THAT THIS UNFAIRLY TARGETS EMPLOYEES OF PUBLIC POWER DISTRICTS, REGARDLESS OF THEIR ROLE WITHIN THE ORGANIZATION OR REGARDLESS WHAT THEIR INTERRELATIONSHIP WITH ANOTHER PUBLIC POWER DISTRICT. FOR EXAMPLE, A LINEMAN EMPLOYED BY THE RETAIL DIVISION OF NPPD, WORKING IN KEARNEY, NEBRASKA, WHO MAY LIVE ACROSS THE RIVER ON AN ACREAGE IN RURAL KEARNEY COUNTY, NEBRASKA, WOULD BE INELIGIBLE TO BRING HIS EXPERTISE, KNOWLEDGE, AND LEADERSHIP TO THE BOARD OF SOUTHERN PUBLIC POWER DISTRICT, IF HE SO ASSUMED. AND THE VOTERS WOULD NOT HAVE THE OPPORTUNITY TO MAKE THAT JUDGMENT FOR THEMSELVES. IT SIMPLY RESTRICTS INTERACTION AND LEADERSHIP BETWEEN INDIVIDUALS AND PUBLIC POWER DISTRICTS EXCLUSIVELY BY VIRTUE OF THEIR PLACE OF EMPLOYMENT, NOT BY THEIR EXPERTISE OR THE POTENTIAL RELATIONSHIP BETWEEN THOSE BODIES. AS SENATOR SMITH SAID, IT ALSO DOES NOT TARGET OTHER ELECTRIC UTILITIES OR OTHER MUNICIPAL UTILITIES, WHICH MAY OR MAY NOT BE A WHOLESALER CUSTOMER. IN THIS PARTICULAR SCENARIO, WHERE WE'RE TALKING ABOUT NPPD AS A WHOLESALER ENERGY PROVIDER AND A WHOLESALER CUSTOMER IN THE CASE OF NORRIS PUBLIC POWER, WE HAVE PUBLIC POWER DISTRICTS IN THE STATE OF NEBRASKA WHO DO NOT PURCHASE POWER FROM NPPD AND DO NOT HAVE THAT KIND OF RELATIONSHIP, YET THEY STILL WOULD BE BARRED FROM SERVING ON THAT BOARD BY THIS BILL AND THEIR VOTERS WOULD STILL NOT HAVE THE OPPORTUNITY TO MAKE THAT DECISION FOR THEMSELVES. FINALLY, I DO, AS COMING TO YOU WITH EXPERIENCE IN PUBLIC POWER, I WANT TO CONVEY THAT THESE ARE HIGHLY TECHNICAL POSITIONS IN A HIGHLY TECHNICAL INDUSTRY. THE LEARNING CURVE IS STEEP. AND ANY EXPERIENCE THAT A BOARD MEMBER CAN BRING TO A PUBLIC POWER DISTRICT TO ENHANCE THE EFFICIENCY AND ITS OPERATIONS IS WELCOMED BY BOARD, STAFF, AND RATEPAYERS ALIKE. I CURRENTLY BELIEVE THAT ANYTHING THAT RESTRICTS THE ABILITY OF INDIVIDUALS WHO HAVE EXPERTISE AND KNOWLEDGE, WHO WISH TO STEP UP AND SERVE, AND HAVE THE VOTERS MAKE A JUDGMENT ABOUT THEIR FITNESS FOR SERVICE, IS BAD PUBLIC POLICY. BY STATUTE, ALL OF THE DIRECTORS OF PUBLIC POWER DISTRICTS ACROSS THIS STATE HAVE TO BE EITHER A RETAIL OR A WHOLESALER CUSTOMER OF THE DISTRICT TO WHICH THEY ARE SEEKING TO LEAD. THEY HAVE A VESTED INTEREST IN THE SUCCESS OF THE DISTRICT... [LB177]

SPEAKER HADLEY: ONE MINUTE. [LB177]

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SENATOR KUEHN: ...AND THE SUCCESS OF PUBLIC POWER. OUR GOAL IN THIS BODY AND THE LEGISLATION THAT WE CODIFY SHOULD NOT BE TO LEGISLATIVELY RESTRICT ACCESS OF LOCAL COMMUNITY LEADERS WHO ARE QUALIFIED TO SERVE, NOR SHOULD IT BE TO RESTRICT OR MAKE ASSUMPTIONS ABOUT THE ABILITIES OF VOTERS TO CHOOSE WHO SHOULD BEST REPRESENT THEM ON THESE LOCAL GOVERNING BOARDS. I THANK YOU FOR YOUR CONSIDERATION AND WAIVE THE REST OF MY TIME. [LB177]

SPEAKER HADLEY: SENATOR KEN HAAR, YOU ARE RECOGNIZED. [LB177]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I HAVE NO TROUBLE WITH THIS AMENDMENT. AND I'LL SPEAK MORE AFTER WE VOTE ON THIS AMENDMENT, BUT THE AMENDMENT IS FINE WITH ME. I THANK SENATOR SMITH FOR THAT CLARIFICATION. [LB177]

SPEAKER HADLEY: SENATOR SULLIVAN, YOU ARE RECOGNIZED. [LB177]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. I APPRECIATE SENATOR SMITH'S FLOOR AMENDMENT AND I THINK IT IS AN APPROPRIATE CLARIFICATION. BUT I ALSO STAND IN OPPOSITION TO LB177 BECAUSE, FIRST OF ALL, I REALLY APPRECIATED SENATOR KUEHN'S OUTLINE OF WHY HE'S OPPOSED TO IT. I, QUITE FRANKLY, DON'T UNDERSTAND WHY PUBLIC POWER DISTRICT EMPLOYEES ARE BEING SINGLED OUT AND ELIMINATING AN OPPORTUNITY FOR THEM TO SERVE ON A LOCAL BOARD AND, IN ADDITION, ELIMINATING AN OPPORTUNITY FOR LOCAL PEOPLE TO HAVE A SAY IN WHO REPRESENTS THEM ON LOCAL BOARDS. I THINK IT'S IMPORTANT TO CLARIFY WHAT CURRENT LAW DOES, AND SENATOR HAAR MENTIONED THAT, THAT UNDER CURRENT LAW, IT PROHIBITS AN EMPLOYEE OF A LOCAL PUBLIC POWER DISTRICT FROM SERVING ON THAT PARTICULAR LOCAL PUBLIC POWER DISTRICT BOARD, UNLESS THE INDIVIDUAL WOULD CHOOSE TO RESIGN AND THEN COULD RUN FOR THAT POSITION. CLEARLY, THAT IS A CONFLICT OF INTEREST IN THAT SITUATION, SO I THINK THAT STATUTE IS APPROPRIATE. BUT I REALLY FAIL TO SEE THE RATIONALE OF THIS BILL. TAKE A LOOK AT WHAT CURRENTLY IS, AND I THINK THIS HAS BEEN MENTIONED. THERE ARE SEVERAL INSTANCES WHERE A PUBLIC POWER EMPLOYEE, PUBLIC POWER DISTRICT EMPLOYEE, MAY LIVE IN ONE DISTRICT BUT BE EMPLOYED BY ANOTHER DISTRICT. BUT WE'RE, UNDER THIS PROPOSED LEGISLATION, ELIMINATING THE POSSIBILITY FOR THEM TO RUN FOR THAT PUBLIC POWER BOARD IN WHERE THEY RESIDE. SO I THINK THAT THAT IS CLEARLY A LIMITATION. AND ALSO, AS BEEN MENTIONED, THIS IS A HIGHLY TECHNICAL AREA. WHY WOULDN'T WE WANT SOMEONE, YES, MAYBE THEY ARE EMPLOYED BY A PUBLIC POWER DISTRICT, BUT TO HAVE THE KNOWLEDGE THAT THEY HAVE AND TO APPLY IT IN ANOTHER PUBLIC



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POWER DISTRICT BOARD I THINK WOULD BE INVALUABLE. SO AGAIN, I APPRECIATE SENATOR HAAR'S EFFORTS, BUT I STAND IN OPPOSITION TO LB177. THANK YOU. [LB177]

SPEAKER HADLEY: SENATOR SCHILZ, YOU ARE RECOGNIZED. [LB177]

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. GOOD MORNING. THIS BILL HAS BEEN AROUND FOR A LITTLE WHILE. I THINK SENATOR HAAR MENTIONED THAT IT WAS INTRODUCED IN 2011. THAT YEAR IT WENT TO THE NATURAL RESOURCES COMMITTEE. IN SUBSEQUENT YEARS IT HAS GONE TO THE GOVERNMENT COMMITTEE, AND HERE WE GO. BUT IT HAD ITS GENESIS IN THE NATURAL RESOURCES COMMITTEE. AND I THINK THAT WE'VE HAD CONVERSATIONS ABOUT THIS IN THE PAST. I HAVE TO TEND TO AGREE. I WILL SUPPORT SENATOR SMITH'S AMENDMENT. I THINK THAT CLEANS UP EXACTLY WHAT THE BILL WAS INTENDED TO DO, SO I'LL VOTE FOR THAT. BUT ON THE OTHER SIDE, I HAVE TO AGREE WITH SENATOR SULLIVAN AND SENATOR KUEHN THAT I PROBABLY WON'T SUPPORT THE WHOLE BILL GOING FORWARD. IT'S JUST...IT'S ONE OF THOSE THINGS, TO ME, THAT WHEN YOU'RE PUBLICLY ELECTING SOMEONE, THE ELECTORATE SHOULD BE ABLE TO MAKE THE DECISION AS TO WHETHER OR NOT SOMEBODY IS QUALIFIED AND SHOULD BE IN THAT JOB OR NOT. AND I DON'T THINK WE WANT TO PUT MANY RESTRICTIONS ON THAT AS LONG AS IT'S WORKING. AND FROM WHAT I CAN SEE, I DON'T SEE ANYTHING THAT SAYS THAT THE PROCESS ISN'T WORKING; THAT WE HAVE GOOD PEOPLE SERVING ON THOSE BOARDS THAT ARE CAPABLE OF CARRYING THINGS OUT. AND QUITE HONESTLY, ONCE IN A WHILE IT'S KIND OF A GOOD IDEA TO HAVE SOMEBODY THAT UNDERSTANDS WHAT'S GOING ON, WHETHER...WHATEVER LEVEL IT'S AT, WITHIN THAT INDUSTRY TO GIVE REPRESENTATION FOR THAT. SO, LIKE I SAID, I'LL SUPPORT SENATOR SMITH'S FLOOR AMENDMENT, BUT I PROBABLY WILL BACK OFF AND NOT SUPPORT THE BILL IN ITS ENTIRETY. THANK YOU VERY MUCH. [LB177]

SPEAKER HADLEY: SENATOR WILLIAMS, YOU ARE RECOGNIZED. [LB177]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT AND FELLOW SENATORS. IT IS INTERESTING TO ME HOW WE TALK ABOUT COMMON SENSE AND GOOD PUBLIC POLICY, AND WE CAN HAVE DIFFERENCE OF OPINION ON THAT. AND FROM MY DISTRICT, WE CLEARLY STAND OPPOSED TO LB177. I'VE BEEN CONTACTED BY THE TWO MAJOR PUBLIC POWER DISTRICTS IN MY DISTRICT, DAWSON POWER AND CUSTER POWER, AND THEY BOTH STAND IN OPPOSITION. THEY HAVE TOLD ME IT IS NOT UNUSUAL TO HAVE AN INDIVIDUAL WHO WOULD BE AN EMPLOYEE OF ONE PUBLIC POWER DISTRICT AND ACTUALLY LIVE IN THE SERVICE AREA OF ANOTHER PUBLIC POWER

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DISTRICT. LB177 WILL UNFAIRLY SINGLE OUT THESE EMPLOYEES OF PUBLIC POWER DISTRICTS, MAKING THEM INELIGIBLE TO SERVE ON THE BOARD OF ANOTHER PUBLIC POWER DISTRICT WITHOUT RESIGNING. AND, OF COURSE, THEY'RE NOT GOING TO DO THAT. CURRENTLY, THERE ARE NO PUBLIC POWER DISTRICT EMPLOYEES SERVING ON A BOARD OF DIRECTORS OF A PUBLIC POWER DISTRICT. LB177 IS LEGISLATION TO SOLVE A PROBLEM THAT DOES NOT CURRENTLY EXIST. IN RURAL AREAS, IT IS QUITE POSSIBLE THAT LB177 WOULD RESTRICT THE BEST POSSIBLE CANDIDATE FROM SERVING ON THE BOARD OF DIRECTORS OF THE PUBLIC POWER DISTRICT. THIS SIMPLY DOES NOT MAKE SENSE. OUR GOAL AS POLICYMAKERS SHOULD BE TO SPEND OUR TIME FIXING REAL PROBLEMS AND NOT FOCUS OUR TIME ON HYPOTHETICAL ISSUES. I URGE YOU TO OPPOSE LB177. THANK YOU, MR. PRESIDENT. [LB177]

SPEAKER HADLEY: SENATOR SMITH, YOU ARE RECOGNIZED. [LB177]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND AGAIN, WITH FA1, I JUST WANT TO MAKE IT CLEAR, I AM NOT SUPPORTING, AT THIS POINT, LB177. I APPRECIATE SENATOR WILLIAMS' AND SENATOR SULLIVAN'S COMMENTS AND SENATOR KUEHN'S COMMENTS. THEY REPRESENT SOME OF OUR RURAL AREAS IN OUR STATE THAT...WHERE WE DO HAVE MANY OF THESE PUBLIC POWER DISTRICT EMPLOYEES THAT WOULD BE AFFECTED BY THIS UNDERLYING BILL. AND AGAIN, WE DO NOT WANT TO DO ANYTHING TO HINDER THOSE EMPLOYEES FROM BEING ENGAGED IN ELECTED OFFICE. I THINK THERE ARE GREAT POTENTIAL PUBLIC SERVANTS IN THOSE COMMUNITIES AND WE DO NOT WANT TO SINGLE THEM OUT. FA1, AGAIN, ALL IT DOES IS IT SAYS IF WE'RE GOING TO DO THIS THEN MAKE IT FOR ALL PUBLIC-OWNED ELECTRIC UTILITY EMPLOYEES, NOT JUST PUBLIC POWER DISTRICT EMPLOYEES. I ASK THAT YOU SUPPORT FA1. BUT I'M INCLINED TO OPPOSE LB177, AGAIN, BECAUSE IT AFFECTS THE ABILITY FOR MANY OF THESE EMPLOYEES IN RURAL AREAS TO FURTHER SERVE THEIR COMMUNITIES. THANK YOU. [LB177]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB177]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I WOULD NOT HAVE BROUGHT THIS BILL BECAUSE I'M NOT ONE WHO IS AWARE OF THE SITUATION THAT LED TO THIS BILL BEING INTRODUCED. HOWEVER, WE ARE POLICYMAKERS. CAESER'S WIFE MUST BE ABOVE SUSPICION. JUDGES MUST AVOID THE APPEARANCE OF IMPROPRIETY. SO FOR THOSE OF US ON THIS FLOOR, WHO KNOW BETTER, TO SAY THAT THERE WOULD NOT EVEN BE THE APPEARANCE OF IMPROPRIETY WHEN SOMEBODY WHO WORKS FOR A COMPANY IS GOING TO BE ON THE BOARD,

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AND ESPECIALLY WHEN WE'RE TALKING ABOUT AN ELECTIVE POSITION. WE DON'T LET THE PUBLIC DECIDE ON WHOM THEY WANT TO VOTE FOR. IF THAT WERE THE CASE, NEBRASKANS WOULDN'T HAVE CHANGED THE CONSTITUTION TO GET TERM LIMITS SO THAT THEY, WHO DON'T LIVE IN MY DISTRICT, COULD GET ME OUT OF THE LEGISLATURE, SO THE PEOPLE IN MY DISTRICT COULD NOT VOTE FOR ME. THAT IS SOMETHING THAT I'M GOING TO CONTINUE TO REFERENCE WHEN YOU TALK ABOUT THESE PEOPLE AND THEIR GOOD JUDGMENT. JUST THE IDEA OF THAT IS NOT GOOD. IN THE CASE OF THE LEGISLATURE, BECAUSE WE ARE REFERRED TO AS CITIZEN LEGISLATORS, PART-TIME, YOU ARE NOT REQUIRED TO ABSTAIN FROM VOTING ON SOME ISSUES. ALL YOU HAVE TO DO IS DECLARE A CONFLICT OR A POSSIBLE CONFLICT SO THE PUBLIC KNOWS. BUT THE LEGISLATURE IS ENTIRELY DIFFERENT, BECAUSE ISSUES ACROSS THE BOARD ARE CONSIDERED BY THE LEGISLATURE. SO IT'S DIFFICULT TO NOT HAVE WHAT WOULD APPEAR TO BE A CONFLICT AS YOU DO YOUR WORK. BUT NEVERTHELESS, THAT DECLARATION MUST BE MADE. I'M GOING TO READ SOMETHING THAT THE NEBRASKA SUPREME COURT SAID IN A CASE STATE V. DOUGLAS, 217 NEBRASKA, AT PAGES 225 AND 226. HOW MUCH TIME DO I HAVE LEFT, MR. PRESIDENT? [LB177]

SPEAKER HADLEY: TWO MINUTES AND THIRTY-SIX SECONDS, SENATOR CHAMBERS. [LB177]

SENATOR CHAMBERS: THEN I'M GOING TO TALK THAT AWAY AND THEN I'LL READ THIS, BECAUSE I DON'T WANT TO HAVE TO BREAK OFF IN THE MIDDLE OF IT. WE TALK SO MUCH ABOUT PROPRIETY, AS WE SHOULD. WE TALK ABOUT THE RURAL-URBAN DIVIDE AND THERE SHOULDN'T BE ONE. I'M NOT GOING TO LET PEOPLE IN THE URBAN AREAS TELL ME TO FORGET MY GOOD JUDGMENT ABOUT HOW THE PUBLIC'S BUSINESS SHOULD BE CONDUCTED, AND I WON'T LET ANYBODY IN THE RURAL AREAS DO IT EITHER. THEY CAN SAY THE WAY THEY WANT TO DO THINGS. NOW WHEN IT COMES TO ELECTING PEOPLE, I SAY LET THEM SEND ANYBODY THEY WANT TO. IF THEY WANT TO SEND A MULE SKINNER DOWN HERE TO REPRESENT THEM, LET THEM SEND A MULE SKINNER. WE'RE NOT TALKING ABOUT THAT. WE'RE TALKING ABOUT AN ENTITY CREATED BY LAW AND, AT THE SAME TIME, SAYING THAT A PERSON EMPLOYED BY THAT ENTITY SHOULD SERVE ON THE BOARD WHICH MAKES DECISIONS ABOUT THAT EMPLOYEE AND ARE IN A POSITION TO EXERT PRESSURE ON THAT EMPLOYEE. AND IT WOULD BE TOTALLY NAIVE...I'M CHOOSING MY WORDS WISELY BECAUSE I THINK IT WOULD BE STUPID, BUT I'M NOT GOING TO SAY THAT IN THIS CONTEXT. IT WOULD BE UNWISE TO SAY THAT THOSE WHO CAN EXERT INFLUENCE ON SOMEBODY TO VOTE A CERTAIN WAY WILL NOT EXERT THAT INFLUENCE. [LB177]

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SPEAKER HADLEY: ONE MINUTE. [LB177]

SENATOR CHAMBERS: THE GOVERNOR IS GOING TO DO IT IN HIS "CRICKETS" IN HERE. AND AT SOME POINT, IN THE INTEREST OF TRANSPARENCY, I'M GOING TO WANT THEM TO REVEAL WHO THEY ARE, ALTHOUGH I GOT A PRETTY GOOD IDEA. I SENSE THOSE THINGS. BUT IN THIS SITUATION, AN EMPLOYEE SHOULD NOT SERVE ON THE BOARD WHICH IS GOING TO MAKE DECISIONS AFFECTING THAT EMPLOYEE. AND THE EMPLOYEE, IN TURN, UNDER INFLUENCE FROM THAT BOARD, MAY VOTE THE WAY THE BOARD DICTATES. SOMEBODY HAS ALREADY SAID THAT IF YOU HAVE A BILL LIKE THIS, ONE OF THESE EMPLOYEES WOULD HAVE TO RESIGN, AND THE EMPLOYEE IS NOT GOING TO DO THAT. SO THAT MEANS HE OR SHE WOULD GET OFF THE BOARD RATHER THAN GIVE UP HIS OR HER JOB, WHICH SHOWS HOW IMPORTANT THE JOB IS. THANK YOU, MR. PRESIDENT. [LB177]

SPEAKER HADLEY: SENATOR SCHNOOR, YOU ARE RECOGNIZED. [LB177]

SENATOR SCHNOOR: THANK YOU, SIR. I'M AGAINST LB177. WHEN WE GET IN RURAL NEBRASKA, THERE'S TIMES WHERE THERE IS GOING TO BE A CONFLICT OF INTEREST WHERE A...IN A PUBLIC POWER DISTRICT, WHERE SOMEBODY COULD BE EMPLOYED THERE AND WANTS TO BE ON THE BOARD. THE SAME THING HAPPENS ON SCHOOL BOARDS WITH EMPLOYEES. SO I THINK THAT...I TAKE THAT INTO GREAT CONSIDERATION. ALSO, WE CAN'T LEGISLATE EVERYTHING. THIS IS AN ISSUE THAT SHOULD BE LEFT UP TO THE PEOPLE THAT ARE VOTING FOR WHOEVER THAT INDIVIDUAL IS THAT'S RUNNING FOR OFFICE. SO I'M AGAINST THIS. THANK YOU, SIR. [LB177]

SPEAKER HADLEY: THANK YOU, SENATOR. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB177]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, AS I'VE STATED AND WILL CONTINUE TO STATE, THE LAW IN THIS COUNTRY SOUNDS VERY GOOD ON THE BOOKS, BUT THE LAWS DON'T WORK FOR PEOPLE OF MY COMPLEXION. THE CONSTITUTION DOES NOT WORK FOR PEOPLE OF MY COMPLEXION. WE HAVE PEOPLE RIGHT NOW TRYING TO FIND A WAY TO ABRIDGE THE RIGHT TO VOTE OF PEOPLE OF MY COMPLEXION. SO ALL THIS HYPOCRITICAL TALK IS WASTED ON ME. SO WHY WOULD I SPEAK AND TALK ABOUT THE INTEGRITY OF THE LAW? FOR A BLACK PERSON, PARDON THE EXPRESSION, THE LAW AIN'T MUCH, BUT IT'S ALL THAT WE'VE GOT. SO I HAVE TO TRY TO PUSH FOR THE INTEGRITY OF THAT INSTRUMENTALITY. AND THIS IS WHAT YOU-ALL'S NEBRASKA SUPREME COURT STATED. AND SINCE I'M GIVING IT, THE STATEMENT, I'M GOING TO GIVE THE CITATION AGAIN. STATE V. DOUGLAS, 217 NEBRASKA, PAGES 225 AND 226: PUBLIC OFFICERS STAND IN A FIDUCIARY

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RELATIONSHIP TO THE PEOPLE WHOM THEY HAVE BEEN ELECTED OR APPOINTED TO SERVE. AS FIDUCIARIES AND TRUSTEES OF THE PUBLIC WHEEL, THEY ARE UNDER AN INESCAPABLE OBLIGATION TO SERVE THE PUBLIC WITH THE HIGHEST FIDELITY. IN DISCHARGING THE DUTIES OF THEIR OFFICE, THEY ARE REQUIRED TO DISPLAY SUCH INTELLIGENCE AND SKILL AS THEY ARE CAPABLE OF TO BE DILIGENT AND CONSCIENTIOUS TO EXERCISE THEIR DISCRETION NOT ARBITRARILY BUT REASONABLY, AND ABOVE ALL, TO DISPLAY GOOD FAITH, HONESTY, AND INTEGRITY. THEY MUST BE IMPERVIOUS TO CORRUPTING INFLUENCES, AND THEY MUST TRANSACT THEIR BUSINESS FRANKLY AND OPENLY, IN THE LIGHT OF PUBLIC SCRUTINY SO THAT THE PUBLIC MAY KNOW AND BE ABLE TO JUDGE THEM AND THEIR WORK FAIRLY. THESE OBLIGATIONS ARE NOT MERE THEORETICAL CONCEPTS OF IDEALISTS OR IDEALISTIC ABSTRACTIONS OF NO PRACTICAL FORCE AND EFFECT. THEY ARE OBLIGATIONS IMPOSED BY THE COMMON LAW ON PUBLIC OFFICERS AND ASSUMED BY THEM, AS A MATTER OF LAW, UPON THEIR ENTERING PUBLIC OFFICE. AND IN THAT DECISION, THAT OPINION, THE COURT WENT FURTHER TO DESCRIBE AND EMPHASIZE THAT THE FIRST DUTY OF AN ELECTED OFFICIAL IS TO THE PUBLIC, NOT TO THE BOARD, BUT TO THE PUBLIC. AND IF THAT BOARD IS IN A POSITION TO PUT PRESSURE ON THAT OTHER ELECTED OFFICIAL, BECAUSE HE OR SHE IS ALSO AN EMPLOYEE, THEN YOU HAVE THAT BUILT-IN CONFLICT, YOU HAVE THAT APPEARANCE OF IMPROPRIETY. AND ELECTED OFFICIALS CAN GO OUT THERE AND HOODWINK THE PUBLIC AND SAY, WELL, THE PUBLIC HAS A RIGHT TO PUT WHOEVER THEY WANT IN THIS POSITION AND THEY'LL DO THE RIGHT THING. YOU DON'T KNOW WHETHER THEY'RE GOING TO DO THE RIGHT THING OR NOT. WHEN HAS A THIEF EVER SAID, I'M GOING TO STEAL YOUR GOODS? WHEN HAS A CON MAN EVER SAID, I'M CONNING YOU? AND AS A MATTER OF FACT, THERE WAS A GUY IN FRONT OF A JUDGE. HE WAS A CON MAN. AND THE JUDGE ASKED HIM, WHY IN THE WORLD WILL YOU TRICK THE PEOPLE WHOM YOU TRICK? AND THE MAN LOOKED UP WITH THAT INNOCENT LOOK: I DON'T UNDERSTAND, YOUR HONOR. THE JUDGE SAID, YOU TAKE ADVANTAGE OF OLD PEOPLE, YOU TAKE ADVANTAGE OF PEOPLE LACKING KNOWLEDGE. IN SHORT, YOU TAKE ADVANTAGE OF THE PEOPLE WHO TRUST YOU. THE GUY THEN GOT IT. HE SAID, OH, YOUR HONOR, IF YOU CAN TELL ME HOW TO TAKE ADVANTAGE OF THOSE WHO DON'T TRUST ME, THEN THEY'RE THE ONES THAT I'LL GET. YOU ALL ARE HOODWINKING THE PUBLIC AND TELLING THEM THEY OUGHT TO TAKE YOUR WORD FOR IT;... [LB177]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB177]

SENATOR CHAMBERS: ...THAT IN THIS SITUATION, WHERE THERE'S A BUILT-IN, ON-ITS-FACE CONFLICT, BUT EVERYTHING IS GOING TO BE ALL RIGHT. YOU CANNOT TELL ME, AND EXPECT ME TO BELIEVE IT, THAT A COMPANY OR

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ANYBODY WITH INFLUENCE OVER A PERSON IS NOT GOING TO EXERT OR ASSERT THAT INFLUENCE WHEN THAT EMPLOYEE IS TO DO SOMETHING THAT THE ONE EXERTING THE INFLUENCE WANTS DONE. SO THAT PERSON IS PRESENTED WITH A CHOICE. TELL ME THIS DAY WHOM YOU SHALL SERVE BECAUSE A MAN CANNOT SERVE TWO MASTERS, FOR YOU WILL LOVE THE ONE AND HATE THE OTHER; CLEAVE TO THE ONE, LEAVE THE OTHER. I DIDN'T BRING THAT UP. THAT'S FROM THE "BIBBLE." THIS IS A GOOD BILL AND IT OUGHT TO BE ADOPTED. THANK YOU, MR. PRESIDENT. [LB177]

SPEAKER HADLEY: SENATOR SMITH, YOU ARE RECOGNIZED. [LB177]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND, COLLEAGUES, I MAY HAVE MISUNDERSTOOD SENATOR CHAMBERS, HIS PREVIOUS TIME ON THE MICROPHONE, AND IF I DID, I APOLOGIZE FOR THAT, SENATOR CHAMBERS. BUT I WANTED TO...I JUST WANT TO CLARIFY A BIT. THE CURRENT LAW, AS IT STANDS NOW, DOES PREVENT AN EMPLOYEE OF AN ELECTRIC UTILITY COMPANY FROM SERVING ON THE BOARD OF DIRECTORS OF THE SAME ELECTRIC UTILITY COMPANY. SO THAT LAW IS IN PLACE TODAY. WHAT SENATOR HAAR'S BILL DOES IS IT SAYS THAT...SO LET'S TAKE, FOR AN EXAMPLE, OPPD. AN EMPLOYEE OF OPPD CANNOT SERVE ON THE BOARD OF DIRECTORS OF OPPD. THAT'S IN THE CURRENT LAW. BUT WHAT THE CURRENT LAW DOES PROVIDE IS IF AN EMPLOYEE ACTUALLY LIVES AND WORKS FOR NPPD, THAT EMPLOYEE COULD BE ON THE BOARD OF DIRECTORS FOR OPPD. THAT'S WHAT SENATOR HAAR IS ATTEMPTING TO PREVENT FROM OCCURRING. SO AGAIN, THE EMPLOYEE THAT HAS CONTROL OVER THEIR OWN WAGES, THEIR OWN BENEFITS, THEY CANNOT SERVE ON THAT BOARD TO HAVE THAT CONTROL. NOW THE QUESTION MAY BECOME, IF THERE ARE TRANSACTIONS THAT OCCUR BETWEEN THE TWO UTILITIES, DOES IT CREATE A CONFLICT OF INTEREST FOR AN EMPLOYEE IN ONE UTILITY TO SERVE ON THE BOARD OF DIRECTORS OF ANOTHER UTILITY? AND I WOULD SAY THAT SIMILAR SITUATIONS PLAY OUT EVERY DAY. YOU MAY HAVE A PRIVATE SECTOR TELECOMMUNICATION EMPLOYEE THAT SERVES ON THE CITY COUNCIL OF A CITY THAT HAS BEEN GRANTED A FRANCHISE FOR THAT TELECOMMUNICATION SERVICES. OR YOU MAY HAVE A PUBLIC POWER COMPANY EMPLOYEE THAT SERVES ON A CITY COUNCIL THAT HAS A STREET LIGHT CONTRACT WITH THE UTILITY THAT EMPLOYS SUCH PERSON. SO YOU MAY HAVE THESE CONFLICTS OCCURRING BEYOND WHAT WE'RE DISCUSSING HERE TODAY. I DON'T THINK THAT LB177 IS GOING TO FIX ALL OF THOSE PROBLEMS. I THINK THERE'S A LAW IN PLACE TODAY TO PREVENT AN EMPLOYEE BEING SELF-SERVING AS A MEMBER OF THE BOARD OF DIRECTORS FOR THE SAME UTILITY. SO, SENATOR CHAMBERS, MY APOLOGIES IF I MISUNDERSTOOD WHAT YOU SAID PREVIOUSLY. I'LL GIVE YOU THE REST OF MY TIME TO ANSWER THAT. [LB177]

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SPEAKER HADLEY: SENATOR CHAMBERS, YOU ARE YIELDED 2:28. [LB177]

SENATOR CHAMBERS: THANK YOU. AND THANK YOU, SENATOR SMITH. YOU DID NOT MISUNDERSTAND. YOU UNDERSTOOD CORRECTLY AND ACCURATELY WHAT I STATED. AND THEN YOU ANTICIPATED, BY MENTIONING THAT THERE COULD BE TRANSACTIONS BETWEEN THE UTILITY DISTRICT WHERE THAT PERSON LIVES AND THE UTILITY DISTRICT WHERE HE OR SHE IS SERVING ON THE BOARD. AND THESE TYPES OF CONFLICTS, IN MY VIEW, WHEN WE'RE TALKING ABOUT WHAT WE'RE TALKING ABOUT, WOULD BE DIFFERENT FROM THESE PEOPLE ON THE CITY COUNCIL OR WHEREVER THAT YOU'RE MENTIONING. AND SOME CITY COUNCILS MAY HAVE ORDINANCES THAT PROHIBIT CERTAIN TYPES OF VOTES FROM BEING TAKEN. MAYBE THE PERSON HAS TO DECLARE A CONFLICT OR ABSTAIN FROM VOTING ON THAT PARTICULAR ISSUE. BUT IN THIS SITUATION WHERE THERE ARE DEALINGS BETWEEN AND AMONG VARIOUS DISTRICTS, THE SAME PROBLEM ARISES. THERE SHOULD NOT BE THE APPEARANCE OF IMPROPRIETY. NONE OF THESE PEOPLE WHO WOULD BE IN THE SITUATION THAT THE BILL ENVISIONS OR ANY OF THE OTHERS SHOULD NOT BE AN EMPLOYEE AND A MEMBER OF A BOARD AT THE SAME TIME. I DOUBT THAT GENERAL MOTORS WOULD PUT ON THEIR BOARD AN EMPLOYEE FROM ONE OF THE OTHER BIG CAR COMPANIES WHO WAS A COMPETITOR. [LB177]

SPEAKER HADLEY: ONE MINUTE. [LB177]

SENATOR CHAMBERS: SO IN PRIVATE BUSINESS, THAT'S A POOR EXAMPLE BECAUSE I'M NOT AWARE OF ANY COMPANY WHO WOULD DO WHAT YOU'RE SAYING OUGHT TO BE ALLOWED BETWEEN AND AMONG THESE VARIOUS POWER DISTRICTS. THANK YOU, MR. PRESIDENT. [LB177]

SPEAKER HADLEY: SENATOR GROENE, YOU ARE RECOGNIZED. [LB177]

SENATOR GROENE: THANK YOU, SPEAKER. I'M ON THAT COMMITTEE AND I VOTED FOR LB177 TO LEAVE THE COMMITTEE TO THE FLOOR. PUBLIC POWER DISTRICTS COVER BIG AREAS IN MY AREA. A LOT OF TIMES, I CONSIDER MYSELF A WELL-INFORMED VOTER. WE'RE ELECTING NRD MEMBERS. WE'RE ELECTING PUBLIC POWER MEMBERS FROM TWO OR THREE DIFFERENT DISTRICTS. I HAVE NO IDEA SOMETIMES WHO THOSE FOLKS ARE, WHAT THEY DO FOR A LIVING. BUT I WOULD LIKE TO THINK THAT THEY DON'T HAVE A CONFLICT OF INTEREST. AND I, MYSELF, DON'T HAVE THAT ABILITY TO CHECK IT OUT. IT HAS BEEN MY PERSONAL EXPERIENCE WHEN SOMEBODY, AN EMPLOYEE, RUNS FOR A SCHOOL BOARD OR SOMEBODY RUNS FOR THE CITY BOARD THERE'S USUALLY AN AX TO GRIND. THERE'S A PERSONAL THING

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THERE THAT THEY THINK THEY COULD DO IT BETTER. AND USUALLY IT'S A MANAGEMENT THING, IT'S NOT A POLICY THING. SO THEY GET ON THAT BOARD BECAUSE THEY DON'T LIKE THE WAY THEY WERE TREATED, THEIR UNION WAS TREATED, THEIR BREAK TIME, AND THAT'S WHY THEY RUN. BUT THERE'S A DIFFERENCE HERE. WE'RE TALKING POLICY VERSUS EMPLOYEE AND MANAGEMENT SITUATIONS. SO I WOULD RATHER HAVE THAT PERSON, HIS EXPERTISE, IN THE MANAGEMENT OR TALKING TO THE MANAGEMENT HOW THEY THINK THINGS SHOULD BE MANAGED DIFFERENTLY. ALSO, NOBODY IS STOPPING THESE FOLKS, IF THEY'RE PUBLIC-MINDED, TO RUN FOR THE SCHOOL BOARD, RUN FOR THE NRD, BRING A DIFFERENT ASPECT TO THOSE BOARDS INSTEAD OF THE BLINDERS ON THAT THIS IS THE SUBJECT YOU KNOW AND YOU WANT TO CHANGE THINGS. I...THERE'S A CONFLICT THERE. THERE'S ALWAYS THAT AX TO GRIND. I DON'T THINK WE NEED THAT IN PUBLIC SERVICE. I THINK WE NEED TO KEEP THAT DISTINCTION. I WOULD NEVER DREAM OF RUNNING FOR SOMETHING WHERE I WAS EMPLOYED. I JUST KNOW THERE WOULD BE A CONFLICT. SO RUN FOR THE SCHOOL BOARD. YOU KNOW, AND THEN THERE'S ALSO THIS CONFLICT THAT WHO DO THEY REPRESENT? ARE THEY AN EMPLOYEE REPRESENTATIVE, LIKE A UNION REPRESENTATIVE? WHO DO THEY GO BACK TO WORK EVERY DAY AND TALK TO? THEY'RE NOT TALKING TO ME. THEY'RE TALKING TO THEIR FELLOW EMPLOYEES, HOW THINGS SHOULD BE DONE IN THE PUBLIC POWER. THEY'RE BIASSED, AND THAT BIAS SHOULD BE KEPT OFF OF THE BOARDS. BECAUSE WHEN I'M IN THE...I'VE GOT PROPERTY IN THE DAWSON PUBLIC POWER DISTRICT AND I'VE GOT ONE IN CUSTER PUBLIC POWER, REALITY...BUT I VOTE IN DAWSON PUBLIC POWER. REALITY: I DON'T KNOW THESE FOLKS. I'M HOPING THEY WERE VETTED SOMEHOW, BECAUSE THEY MIGHT LIVE IN GOTHENBURG, THEY MIGHT LIVE DOWN THE ROAD. I DON'T KNOW WHO THEY ARE. I RECOGNIZE LAST NAMES AND SOMETIMES I FLIP A COIN. I DON'T WANT TO FLIP THE COIN THAT THIS PERSON IS BIASSED TOWARDS A POSITION AND NOT ANOTHER. SO I THINK SENATOR HAAR'S BILL IS GOOD. I LIKE SENATOR SMITH'S AMENDMENT. IN A PERFECT WORLD, YEAH, NOBODY IS BIASSED, NOBODY HAS DIFFERENT VIEWS. BUT I'D RATHER HAVE A CITIZEN WHO'S THERE BECAUSE HE WANTS HIS PUBLIC POWER TO REPRESENT EVERYBODY, NOT JUST THE EMPLOYEES OF. BECAUSE A LINEMAN IN ONE PUBLIC POWER VERSUS A LINEMAN, THOSE WAGES ARE VERY CLOSE. THEY FOLLOW EACH OTHER. IF YOU CAN AFFECT SOMETHING FOR YOUR LINEMAN IN THIS DISTRICT, IT'S GOING TO HELP YOU IN YOUR DISTRICT IN YOUR PAY AND YOUR BENEFITS. LET'S JUST KEEP THE CONFLICT OUT OF IT. SO I SUPPORT LB177. THANK YOU. [LB177]

SPEAKER HADLEY: THANK YOU, SENATOR GROENE. SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB177]



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SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I'M GOING TO SUPPORT FA1. AND I'M ALSO GOING TO SUPPORT LB177. I SUPPORTED IT OUT OF COMMITTEE. I THINK IF THERE IS NOT IMPROPRIETY, THERE'S CERTAINLY THE APPEARANCE THAT IMPROPRIETY COULD EXIST. I THINK ANYTIME WE IN GOVERNMENT CAN ELIMINATE THE POSSIBILITY OF IMPROPRIETY IN PUBLIC AFFAIRS, WE SHOULD DO SO. THEREFORE, AS I SAID BEFORE, I WILL BE SUPPORTING LB177 AND FA1. AND I'LL YIELD THE REST OF MY TIME TO SENATOR KEN HAAR, IF HE WOULD LIKE IT. SENATOR KEN HAAR. [LB177]

SPEAKER HADLEY: SENATOR HAAR, YOU'RE YIELDED 4:11. [LB177]

SENATOR HAAR: YES. THANK YOU VERY MUCH, SENATOR BLOOMFIELD. WELL, THE IDEA CAME UP, AND IT SOUNDS REALLY NICE, THAT LET THE VOTERS DECIDE. BUT I WANT TO TELL YOU, IN STATUTE WE ALREADY TELL VOTERS SOME OF THE THINGS THEY CAN'T VOTE FOR. AND THIS HAS TO DO WITH THE FACT THAT NO PERSON SERVING IN A HIGH ELECTIVE OFFICE SHALL SIMULTANEOUSLY SERVE IN ANY OTHER ELECTIVE OFFICE, DOESN'T MATTER IF THE VOTERS WANT THAT OR NOT. BUT HERE ARE THE OFFICES WHERE YOU CAN'T SERVE IN TWO OFFICES AT ONCE. SO THERE WE'VE RESTRICTED THE VOTERS' ABILITY TO VOTE. A HIGH ELECTIVE OFFICE MEANS A MEMBER OF THE LEGISLATURE OR A COUNTY, CITY, COMMUNITY COLLEGE AREA, LEARNING COMMUNITY, SCHOOL DISTRICT OFFICE. SO, FOR EXAMPLE, I CAN'T BE IN THE LEGISLATURE AND ON THE SCHOOL BOARD. THE STATE LAW PROHIBITS THAT. SO THERE'S AN EXACT CASE WHERE WE'VE TOLD THE VOTERS THAT THEY CAN'T VOTE FOR KEN HAAR IN THE LEGISLATURE AND ALSO FOR THE SCHOOL BOARD. AND LIKE I SAID, YOU CAN'T SERVE IN DUAL OFFICES AND THIS INCLUDES LEGISLATURE, COUNTY, CITY, COMMUNITY COLLEGE AREA, LEARNING COMMUNITY, SCHOOL DISTRICT ELECTIVE OFFICE. ALL THOSE THINGS WE'VE ALREADY SAID YOU CAN'T; WE'VE REALLY SAID TO THE VOTERS, YOU CAN'T VOTE FOR A PERSON FOR THESE TWO OFFICES. SO LETTING THE VOTER DECIDE, WE'VE ALREADY MADE SOME OF THOSE DECISIONS. I'D LIKE TO FOLLOW UP ON WHAT SENATOR GROENE SAID. I'M IN NORRIS PUBLIC POWER DISTRICT AND THE SITUATION I'M TALKING ABOUT, IT'S NOT A MAKE BELIEVE SITUATION. IT DID COME UP. AND I'M IN NORRIS PUBLIC POWER DISTRICT. AND I'M ALSO IN...ABLE TO VOTE FOR NPPD BOARD. LET'S SAY, FOR EXAMPLE, THAT THIS PERSON, THIS DIRECTOR THAT I CALL JOE, HAD WON. AND NOW HE'S ON NORRIS BOARD AND HE'S ON THE NPPD BOARD. IS THAT OKAY? AND I DON'T THINK IT IS. IT'S A CONFLICT OF INTEREST. EVEN THOUGH THE VOTERS VOTED THAT WAY, IT'S A CONFLICT OF INTEREST. IT'S BAD; IT SHOULDN'T HAPPEN. WHAT'S MORE LIKELY, AND IN FACT, MY RECOLLECTION OF THAT ELECTION IS PEOPLE REALLY DIDN'T UNDERSTAND THE CONFLICT OF INTEREST UNTIL IT BECAME TALKED ABOUT MORE AND MORE AND MORE AND IT WAS DISCOVERED AND THEN ALL OF A

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SUDDEN JOE DIDN'T WIN THE ELECTION. BUT IT WAS SORT OF A DISCOVERY PROCESS THAT MAY OR MAY NOT HAVE HAPPENED. AND WHEN YOU CONSIDER THAT RUNNING FOR THE... [LB177]

SPEAKER HADLEY: ONE MINUTE. [LB177]

SENATOR HAAR: EXCUSE ME? [LB177]

SPEAKER HADLEY: ONE MINUTE. [LB177]

SENATOR HAAR: WHEN YOU CONSIDER THAT RUNNING FOR NPPD BOARD TAKES...WELL, YOU HAVE ABOUT 30,000 OR 40,000 POTENTIAL VOTERS. THAT'S A GREAT DEAL OF EFFORT IN THIS CASE, FOR EXAMPLE, TO GET ACROSS THE MESSAGE, HEY, THERE'S A CONFLICT OF INTEREST HERE AND THAT SHOULDN'T HAPPEN. SO IN THE TWO CASES, IF THE VOTERS HAD VOTED HIM IN AND THEY WEREN'T AWARE, IS THAT OKAY? NO, IT'S NOT, BECAUSE IT'S A CONFLICT OF INTEREST. IF THEY AGREED THAT IT WAS OKAY TO VOTE FOR HIM AND THEY KNEW ABOUT THAT, IT STILL WASN'T OKAY, BECAUSE WE HAVE THE CONFLICT OF INTEREST THEN BETWEEN THE VOTERS OF NORRIS PUBLIC POWER, WHICH HAD ELECTED THAT BOARD, AND THE PEOPLE WHO ELECTED JOE. SO... [LB177]

SPEAKER HADLEY: TIME. TIME. [LB177]

SENATOR HAAR: OKAY. [LB177]

SPEAKER HADLEY: SENATOR CHAMBERS, AND THIS IS YOUR THIRD TIME. [LB177]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, SINCE WE'RE ON AN AMENDMENT, AT FIRST I WASN'T GOING TO SPEAK AGAIN BECAUSE WE WILL GET BACK TO THE BILL. BUT I WANT TO ASK A QUESTION OF ONE OF MY COLLEAGUES, SENATOR MURANTE, IF HE WOULD YIELD. [LB177]

SPEAKER HADLEY: SENATOR MURANTE, WOULD YOU YIELD TO A QUESTION? [LB177]

SENATOR MURANTE: I WOULD LOVE TO. [LB177]

SENATOR CHAMBERS: SENATOR MURANTE, ARE YOU THE CHAIRPERSON OF THE COMMITTEE FROM WHICH THIS BILL EMERGED? [LB177]

SENATOR MURANTE: I AM. [LB177]

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SENATOR CHAMBERS: WERE YOU HERE THE OTHER DAY WHEN I SAID THAT BILLS COMING OUT OF THOSE COMMITTEES, CERTAIN COMMITTEES, WERE YOU AWARE THAT ONE OF THOSE COMMITTEES WAS YOURS? [LB177]

SENATOR MURANTE: NO. [LB177]

SENATOR CHAMBERS: DID YOU HAVE AN INKLING THAT IT MIGHT HAVE INCLUDED YOURS? [LB177]

SENATOR MURANTE: IF MEMORY SERVES, YOUR STATEMENT WAS THAT BILLS COMING OUT OF COMMITTEES THAT HAVE NEW, WET-BEHIND-THE-EARS CHAIRMEN WOULD BE SCRUTINIZED. AND OF COURSE, AS YOU KNOW, SENATOR CHAIRMAN (SIC), I HAVE BEEN...SENATOR CHAMBERS, I HAVE BEEN A CHAIRMAN FOR TWO YEARS, SO I DID NOT THINK THAT APPLIED TO ME. [LB177]

SENATOR CHAMBERS: DISINGENUOUSNESS, OBFUSCATION, AND BANTERING. IF I TELL YOU THAT I HAD IN MIND YOUR COMMITTEE, WOULD THAT SURPRISE YOU? [LB177]

SENATOR MURANTE: SENATOR CHAMBERS, I HAVE LEARNED TO NOT BE SURPRISED BY YOUR ACTIONS OR STATEMENTS, SO I WOULD HAVE TO SAY THAT I'M READY FOR ANYTHING. [LB177]

SENATOR CHAMBERS: NOW IF YOUR COMMITTEE WAS ONE OF THE COMMITTEES THAT EVERYBODY ELSE ASSUMED I WAS TALKING ABOUT AND THEIR ASSUMPTION WAS CORRECT, IS THIS THE FIRST BILL THAT HAS ADVANCED FROM YOUR COMMITTEE TO THE FLOOR? [LB177]

SENATOR MURANTE: NO. [LB177]

SENATOR CHAMBERS: WHICH OTHER BILL HAD COME TO THE...FOR DEBATE, I MEAN? IS THIS THE FIRST BILL FROM YOUR COMMITTEE THAT IS BEING DEBATED ON THE FLOOR? [LB177]

SENATOR MURANTE: NO. [LB177]

SENATOR CHAMBERS: WHICH OTHER ONE HAD BEEN? [LB177]

SENATOR MURANTE: LB65. [LB65 LB177]

SENATOR CHAMBERS: AND WHAT DID IT DEAL WITH? [LB177]

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SENATOR MURANTE: THE TERMINATION OF TOWNSHIP BOARDS. [LB177]

SENATOR CHAMBERS: AND WHO WAS CARRYING THAT BILL? [LB177]

SENATOR MURANTE: SENATOR PAUL SCHUMACHER. [LB177]

SENATOR CHAMBERS: AND DID I QUESTION YOU, AS THE CHAIR OF THE COMMITTEE FROM WHICH THAT BILL CAME? [LB177]

SENATOR MURANTE: YOU DID NOT. [LB177]

SENATOR CHAMBERS: OTHER THAN NOW, HAVE I QUESTIONED YOU ON THIS BILL? [LB177]

SENATOR MURANTE: NO. [LB177]

SENATOR CHAMBERS: SO IF SOMEBODY GOT THE IMPRESSION THAT I HAD SAID I'M GOING TO FILIBUSTER ANY LEGISLATION THAT COMES OUT OF THOSE COMMITTEES, EITHER, IF I MADE THE STATEMENT, I'M NOT LIVING UP TO IT, OR THEY MISUNDERSTOOD SOMETHING THAT I SAID. WOULD THAT BE A FAIR STATEMENT AS A STANDALONE STATEMENT? [LB177]

SENATOR MURANTE: YEAH, I'D SAY THAT'S PROBABLY FAIR. [LB177]

SENATOR CHAMBERS: NOW, BASED ON WHAT I'VE SAID THUS FAR, DO YOU GET THE IMPRESSION I'M OPPOSED TO THIS BILL BECAUSE IT CAME OUT OF YOUR COMMITTEE AND YOU'RE THE CHAIRPERSON, OR HAVE I SAID THINGS IN STRONG SUPPORT OF THE BILL? [LB177]

SENATOR MURANTE: THUS FAR, YOUR COMMENTARY HAS BEEN SUPPORTIVE OF LB177. [LB177]

SENATOR CHAMBERS: SENATOR MURANTE, HOW DO YOU FEEL ABOUT THIS BILL? [LB177]

SENATOR MURANTE: I AM IN STRONG SUPPORT. [LB177]

SENATOR CHAMBERS: AND YOU VOTED IT OUT OF COMMITTEE, DIDN'T YOU? [LB177]

SENATOR MURANTE: I DID. [LB177]

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SENATOR CHAMBERS THANK YOU, SENATOR MURANTE. MEMBERS OF THE LEGISLATURE, SOMETIMES PEOPLE WHO WATCH WHAT WE DO AND LISTEN, THEY DO NOT PAY ATTENTION. THEY ATTRIBUTE TO US CERTAIN THINGS THAT MAYBE THEY WISH HAD BEEN SAID OR THAT, BECAUSE OF CARELESS LISTENING, THEY THOUGHT HAD BEEN SAID. THERE IS NO BILL THAT WILL COME BEFORE THIS LEGISLATURE THAT I WILL OPPOSE SIMPLY BECAUSE OF WHO BROUGHT IT. NOW I THINK IT OUGHT... [LB177]

SPEAKER HADLEY: ONE MINUTE. [LB177]

SENATOR CHAMBERS: SAY IT AGAIN. [LB177]

SPEAKER HADLEY: ONE MINUTE. [LB177]

SENATOR CHAMBERS: OH, THANK YOU. I THINK IT SHOULD BE CLEAR THAT SENATOR SCHILZ AND I DON'T SEE EYE TO EYE ON SOME ISSUES. I'D LIKE TO ASK SENATOR SCHILZ A QUESTION IN THIS ONE MINUTE. [LB177]

SPEAKER HADLEY: SENATOR SCHILZ, WILL YOU YIELD? [LB177]

SENATOR SCHILZ: YES, I WOULD. [LB177]

SENATOR CHAMBERS: SENATOR SCHILZ, WITH ALL THE THINGS THAT HAVE HAPPENED BETWEEN YOU AND ME IN THE PAST AND CURRENTLY, HAVE YOU GOTTEN THE IMPRESSION THAT I WILL AUTOMATICALLY OPPOSE ANY BILL THAT COMES OUT OF YOUR COMMITTEE OR ANY BILL THAT YOU BRING BECAUSE YOU BRING IT? [LB177]

SENATOR SCHILZ: NO, I HAVE NOT GOTTEN THAT IMPRESSION. [LB177]

SENATOR CHAMBERS: THANK YOU. PEOPLE ON THE OUTSIDE DON'T UNDERSTAND THE DYNAMICS OF THIS PLACE. WE MUST NEVER FORGET THOSE DYNAMICS. I'M STILL VERY MUCH IN FAVOR OF THE BILL AND I WILL SUPPORT THIS AMENDMENT. THANK YOU, MR. PRESIDENT. [LB177]

SPEAKER HADLEY: SENATOR McCOLLISTER, YOU ARE RECOGNIZED. [LB177]

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. I'D ASK SENATOR KEN HAAR IF HE'D YIELD FOR A QUESTION. [LB177]

SPEAKER HADLEY: SENATOR KEN HAAR, WOULD YOU YIELD TO A QUESTION? [LB177]

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SENATOR HAAR: YES. [LB177]

SENATOR McCOLLISTER: EXCEPT FOR ONE SOLID EXAMPLE, HAVE WE BEEN DEALING IN...IT SEEMS TO ME WE'VE BEEN DEALING IN HYPOTHETICAL SITUATIONS RATHER THAN COMMON OCCURRENCES. DOES THIS BILL ADDRESS SOMETHING THAT HAPPENS COMMONLY OR IS IT A RARE SITUATION? [LB177]

SENATOR HAAR: FOR ME, IT WAS VERY PERSONAL BECAUSE IT HAPPENED IN NORRIS PUBLIC POWER DISTRICT AND I GET TO VOTE IN NORRIS AND I ALSO GET TO VOTE FOR NPPD. SO I'M TALKING ABOUT THAT EXPERIENCE. NOW I'M NOT SURE ABOUT ANY OTHER TIME IN THE PAST. IT HASN'T HAPPENED SINCE THEN. [LB177]

SENATOR McCOLLISTER: THANK YOU. I YIELD MY TIME. [LB177]

SPEAKER HADLEY: SENATOR HAAR, YOU'RE RECOGNIZED. [LB177]

SENATOR HAAR: I'LL WAIVE. [LB177]

SPEAKER HADLEY: SENATOR HAAR WAIVES. SENATOR MURANTE, YOU ARE RECOGNIZED. [LB177]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT, MEMBERS. IT SOUNDS LIKE WE ARE APPROACHING A COMPROMISE WHICH EVERYONE CAN SUPPORT. SO WE'LL TAKE A LITTLE BIT OF TIME AS THE AMENDMENT IS BEING DRAFTED. I WOULD MAKE THE OBSERVATION THAT MY FIRST TWO ACTIONS AS CHAIRMAN OF THE GOVERNMENT COMMITTEE WERE TO, ONE, PROMPTLY KILL A BILL BY SENATOR LARSON AND, TWO, DEFEND A BILL INTRODUCED BY SENATOR HAAR. SO WE ARE NOTHING IF NOT UNPREDICTABLE IN THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. AND I DO SUPPORT LB177. I THINK IT'S GOOD PUBLIC POLICY. WE HAVE LONG ESTABLISHED THAT WHEN INDIVIDUALS WHO, BY THE NATURE OF THEIR POSITION, HAVE AN INHERENT CONFLICT OF INTEREST, THAT THEY OUGHT NOT SERVE ON CERTAIN BOARDS AND CERTAIN ELECTED OFFICIALS, CERTAIN ELECTED CAPACITIES. WE'VE CERTAINLY RECOGNIZED THAT WHEN IT COMES TO EMPLOYEES OF PUBLIC POWER DISTRICTS SERVING ON THEIR OWN BOARD. BUT PUBLIC POWER DISTRICTS ARE UNIQUE WHEN IT COMES TO POLITICAL SUBDIVISIONS. IT'S VERY RARE THAT YOU HAVE A BOARD WHERE THE PRIMARY PURPOSE IS TRANSACTING BUSINESS WITH ANOTHER PUBLIC POWER DISTRICT. THERE AREN'T A LOT OF POLITICAL SUBDIVISIONS WHICH FIT THAT, THAT MOLD, AND FIT THAT DYNAMIC. AND THAT'S WHY I SUPPORT THIS BILL. AND IT'S BEEN MENTIONED THAT THIS UNFAIRLY TARGETS THIS

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PARTICULAR POLITICAL SUBDIVISION. BUT THE ONE THING I WOULD MENTION IS SENATOR HAAR IDENTIFIED AN ISSUE WITH A CANDIDATE WHO RAN FOR A PUBLIC POWER DISTRICT BOARD WHO WAS A CHIEF EXECUTIVE OFFICER OF ONE PUBLIC POWER DISTRICT. IT WOULD HAVE CREATED A DYNAMIC WHERE YOU HAD THE SAME PERSON SITTING ON THE BUYER AND THE SELLER SIDE OF THE TABLES, WHICH WOULD HAVE CREATED AN...I THINK WE COULD ALL AGREE THAT THAT CREATED A CONFLICT OF INTEREST THAT SHOULD NOT HAVE BEEN ALLOWED. FORTUNATELY, THE VOTERS OF THE DISTRICT DID NOT ELECT THAT PERSON AND NO CONFLICT OF INTEREST EVER PLAYED ITSELF OUT. BUT THERE AREN'T A LOT OF POLITICAL SUBDIVISIONS THAT HAVE THIS SORT OF DYNAMIC. AND IF SOMEONE IDENTIFIES A DIFFERENT POLITICAL SUBDIVISION WHERE THERE IS AN OBVIOUS CONFLICT OF INTEREST IN THE SAME NATURE THAT SENATOR KEN HAAR HAS OUTLINED HERE, WHERE THERE IS AN OBVIOUS CONFLICT OF INTEREST IN THE NATURE OF THE POSITION THAT THE PERSON WILL HOLD, THEN I WOULD ENCOURAGE ANY MEMBER OF THIS LEGISLATURE TO BRING THAT BILL FORWARD. IT WILL GET A HEARING IN THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THAT'S RIGHT, SENATOR SCHEER. AND I PRESUME THAT IT WILL RECEIVE THE SAME LEVEL OF CONSIDERATION THAT SENATOR HAAR'S BILL HAS. THIS IS A GOOD BILL. BUT WE ALSO CAN'T OVERSTATE WHAT WE'RE DOING HERE. THIS BILL, AT PRESENT, DOES NOT APPLY TO A SINGLE PERSON IN THE ENTIRE STATE OF NEBRASKA. THERE'S NOT A SINGLE PERSON IN THE ENTIRE STATE WHO IS THE EMPLOYEE OF A PUBLIC POWER DISTRICT WHO ALSO SERVES ON THE BOARD OF DIRECTORS OF A DIFFERENT PUBLIC POWER DISTRICT. NOW SENATOR HAAR IDENTIFIED AN INSTANCE WHERE THE EMPLOYEE OF A PUBLIC POWER DISTRICT RAN TO BE ON A DIFFERENT PUBLIC POWER DISTRICT BOARD, BUT THEY WERE UNSUCCESSFUL IN THAT ELECTION. AND IT WAS THAT EXPERIENCE WHICH BROUGHT THIS TO OUR ATTENTION. AND SENATOR HAAR WISELY SAID, ALTHOUGH IT DIDN'T HAPPEN, IT COULD HAPPEN AGAIN. AND IT OUGHT TO BE SOMETHING THAT WE, AS A LEGISLATURE, TAKE PREEMPTIVE ACTION TO PREVENT FROM HAPPENING. AND IT'S ALSO IMPORTANT TO NOTE THAT WHEN WE'RE TALKING ABOUT CONFLICT OF INTERESTS WITH THE ACCOUNTABILITY AND DISCLOSURE COMMISSION, FILING A STATEMENT... [LB177]

SPEAKER HADLEY: ONE MINUTE. [LB177]

SENATOR MURANTE: ...OF A CONFLICT OF INTEREST WITH NADC DOES NOT PRECLUDE A PERSON WITH THAT CONFLICT OF INTEREST FROM VOTING. IT JUST MAKES THAT CONFLICT OF INTEREST AWARE TO THE PUBLIC. IF WE WANT TO PREVENT SOMEONE WITH A CONFLICT OF INTEREST FROM ACTUALLY EXERCISING THEIR AUTHORITY, WE HAVE TO DO SOMETHING LIKE THIS. AND IT SOUNDS LIKE WE HAVE AN AMENDMENT WHICH WILL TAKE CARE

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OF A GOOD DEAL OF THOSE PROBLEMS. I SUSPECT THAT WHEN THAT AMENDMENT COMES TO THE FLOOR THAT I WILL SUPPORT IT. BUT I SUPPORT WHAT SENATOR HAAR HAS DONE AND ENCOURAGE YOU ALL TO DO THE SAME. THANK YOU, MR. PRESIDENT. [LB177]

SPEAKER HADLEY: SENATOR SMITH, YOU ARE RECOGNIZED, AND THIS IS YOUR CLOSE. [LB177]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND, COLLEAGUES, I'M GOING TO ASK FOR WITHDRAWAL OF FA1, AND I DO HAVE A PENDING FLOOR AMENDMENT THAT I, IN SPEAKING WITH SENATOR HAAR AND SENATOR KUEHN AND OTHERS, THAT I THINK ADDRESSES AND GETS AT THE HEART OF WHAT THE CONCERNS ARE. THE NEXT AMENDMENT WILL LEAVE THE EXISTING LANGUAGE IN PLACE THAT PREVENTS AN EMPLOYEE OF A DISTRICT FROM SERVING ON THE BOARD OF DIRECTORS OF THE SAME DISTRICT. BUT THEN ALSO IT WOULD PREVENT OFFICERS IN A PUBLICLY OWNED ELECTRIC UTILITY FROM SERVING ON ANY BOARD OF ANY OTHER PUBLIC...PUBLICLY OWNED ELECTRIC UTILITY. SO WHAT THAT WOULD ALLOW FOR ARE THOSE PEOPLE THAT ARE IN OUR COMMUNITIES THAT WORK FOR PUBLIC POWER DISTRICTS OR ANY OTHER ELECTRIC UTILITY DISTRICT, MAYBE LIKE A LINEMAN, PERSON WORKING IN A POWER PLANT, THAT WANT TO CONTINUE TO SERVE, THEY CAN DO SO IN ANOTHER...IN AN ADJACENT PUBLICLY OWNED UTILITY. NOT IN THEIR OWN UTILITY, BUT IN AN ADJACENT ONE, BECAUSE THEY REALLY WOULD NOT HAVE THE...THEY WOULD NOT BE IN A POSITION TO AFFECT THE CONTRACTS OF THOSE COMPANIES. SO, MR. PRESIDENT, I WOULD LIKE TO WITHDRAW FA1 AND THEN I'LL SPEAK ON THE NEXT. [LB177]

SPEAKER HADLEY: FA1 IS WITHDRAWN. MR. CLERK. [LB177]

CLERK: MR. PRESIDENT, SENATOR SMITH WOULD MOVE TO AMEND WITH FA2, I BELIEVE. (LEGISLATIVE JOURNAL PAGE 316.) [LB177]

SPEAKER HADLEY: SENATOR SMITH, YOU ARE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB177]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND AGAIN, COLLEAGUES, THE INTENT OF THIS BILL IS TO LEAVE EXISTING LANGUAGE IN PLACE THAT PREVENTS AN EMPLOYEE OF AN ELECTRIC UTILITY, A PUBLIC POWER DISTRICT, FROM SERVING ON THE BOARD OF THAT SAME UTILITY. AND IT ALSO PREVENTS OFFICERS IN ANY PUBLICLY OWNED UTILITY FROM SERVING ON ANY BOARD OF ANY PUBLICLY OWNED UTILITY. THANK YOU, MR. PRESIDENT. THANK YOU, COLLEAGUES. [LB177]



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SPEAKER HADLEY: SENATOR FRIESEN, YOU ARE RECOGNIZED. [LB177]

SENATOR FRIESEN: THANK YOU, MR. PRESIDENT. I RISE TO SPEAK IN OPPOSITION TO THE BILL. I REALIZE THAT THE AMENDMENT WAS TRYING TO FIX SOMETHING, AND NOW THAT IT'S BEING WITHDRAWN, THAT'S GREAT. BUT THE WHOLE PREMISE OF THE BILL IS ADDRESSING A PROBLEM, AGAIN, THAT WE REALLY DON'T HAVE. IF YOU WANT TO START LOOKING AT CONFLICTS OF INTEREST, HOW ABOUT A LARGE POWER USER? ME, AS A FARMER, IF I RUN FOR THE BOARD OF SOUTHERN POWER, I CAN AFFECT THE RATES THAT DIRECTLY AFFECTS ME. THAT'S A CONFLICT OF INTEREST. IF I WAS ON A CITY COUNCIL AND CHOSE TO RUN FOR A BOARD LIKE THAT, THEY NEGOTIATE RATES WITH NPPD OR SOMEONE ELSE. SO WE'VE CONSTANTLY GOT THESE. AND OUT IN RURAL NEBRASKA, WE RUN OUT OF GOOD PEOPLE WHO ARE WILLING TO SERVE ON BOARDS. WE SOMETIMES HAVE PEOPLE THAT SERVE ON ONE BOARD OR ANOTHER. AND YOU KNOW, AT ONE POINT, I SERVED ON THE CITY COUNCIL AND I ALSO SERVED ON AN NRD BOARD. WE ENTERED INTO CONTRACTS WITH PUBLIC WORKS PROJECTS. THERE WAS A CONFLICT OF INTEREST THERE. THEY SOMETIMES CAN'T BE HELPED IN THE SMALLER COMMUNITIES. AND WHEN WE START TO RESTRICT WHO CAN BE ON WHAT BOARDS, I THINK THE CURRENT LAW ALREADY ADDRESSES ANY PROBLEMS THAT WE MIGHT HAVE. AND I THINK THERE'S A LOT MORE, IF WE WANT TO START DIGGING DEEPER. OUR TEACHERS ARE ALLOWED TO RUN ON SCHOOL BOARDS FROM A DIFFERENT DISTRICT. WE CAN GO DOWN A LONG LIST OF CONFLICT OF INTEREST AND SEE ONCE WHERE WE END UP. BUT THIS JUST SEEMS TO ADDRESS SOMETHING REALLY THAT HAS NEVER BEEN A PROBLEM, IS NOT GOING TO BE A PROBLEM IN THE FUTURE. AND WE OUT IN THE RURAL AREAS, AT LEAST, NEED ALL THE GOOD PEOPLE WE CAN TO RUN ON THOSE BOARDS. AND SO THIS...I THINK IT UNFAIRLY RESTRICTS IT. [LB177]

SPEAKER HADLEY: THANK YOU, SENATOR FRIESEN. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB177]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, FOR THOSE WHO MAY NOT HAVE UNDERSTOOD YESTERDAY THE EXCHANGE THAT SENATOR SCHUMACHER, WHOM I REFERRED TO AS THE "PROFESSOR," HAD ABOUT THINGS BEING AND NOT BEING AT THE SAME TIME, AND I ASKED SENATOR SCHUMACHER, COULD A MAN BE HOT AND FREEZING AT THE SAME TIME, I WAS REFERRING TO SENATOR FRIESEN. AND SINCE HIS NAME WAS FIRST ARTICULATED BY SOMEBODY ELSE, YOU NOW KNOW. HE COULD BE SWELTERING AND FREEZING/FRIESEN AT THE SAME TIME. SO HE IS AND IS NOT BOTH OF THEM OR EITHER ONE OF THEM AT THE SAME TIME. BUT AT ANY RATE, SOMETIMES IN THESE RURAL AREAS THAT SENATOR FRIESEN WAS MENTIONING, YOU CAN LOOK AT THE MAGNITUDE

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AND SCOPE OF THE ENTITIES INVOLVED, THE TYPE OF INFLUENCE THEY MAY WIELD, WHAT KIND OF AUTHORITY THEY HAVE TO AFFECT THE LIVES OF OTHER PEOPLE. NOW, AS A CUSTOMER, HE MIGHT BE VERY DISSATISFIED WITH WHAT SOME ENTITY IS DOING THAT PROVIDES WHAT HE IS PURCHASING, SO HE RUNS FOR THE OFFICE. BUT HE CANNOT GET THAT ENTITY TO SINGLE HIM OUT AND GIVE HIM A BREAK. HE MIGHT TRY TO DO IT. AND IF THAT WERE DONE, SOMEBODY WOULD HAVE RECOURSE AT LAW. BUT AS SENATOR MURANTE POINTED OUT, THIS IS AN ISSUE WHICH ALLOWS PREEMPTIVE ACTION BECAUSE SOMETHING WAS DONE THAT COULD HAVE CREATED A VERY REAL CONFLICT WITHOUT THERE BEING REDRESS FOR THE PUBLIC. THE PUBLIC, WHO WOULD INCLUDE...OR WHICH WOULD INCLUDE PEOPLE LIKE SENATOR GROENE, WHO MAY NOT HAVE KNOWN THAT THIS INDIVIDUAL HELD A POSITION THAT HE HAD. SO WHAT WE'RE TALKING ABOUT HERE IS THIS AMENDMENT THAT HAS BEEN WORKED OUT, AND THAT IS WHAT I WANT TO RESTRICT MY COMMENTS TO RIGHT NOW. I AM SUPPORTING THE BILL. IT WAS REFERRED TO AS A COMPROMISE. MAYBE IT IS. MAYBE THERE'S SOME OTHER CHARACTERIZATION, SUCH AS A REFINEMENT, WHERE NOBODY REALLY GAVE UP ANYTHING AS HAPPENS IN A COMPROMISE. FOR EXAMPLE, HERE'S THE WAY I LIKE TO WORK, SENATOR FRIESEN. YOU'VE GOT A DOZEN EGGS, I HAVE A DOZEN EGGS. WE SIT DOWN TO NEGOTIATE AND WHEN WE GET THROUGH, I'VE GOT TWO DOZEN EGGS AND YOU HAVE NO EGGS. AND I TELL YOU, WHEN YOU GET SOME MORE EGGS, COME BACK AND WE'LL NEGOTIATE AND COMPROMISE SOME MORE. BUT IN THIS PARTICULAR INSTANCE, I'M GOING TO QUOTE FROM THE PHILOSOPHER IN OUR BODY. I DIDN'T REALIZE HE WAS SUCH A PHILOSOPHER--SENATOR McCOLLISTER. NOW HE'S BEEN ON THIS EARTH A GOOD NUMBER OF YEARS BUT NOT AS MANY YEARS AS I HAVE. SO AS WISE AS HE IS, AS PHILOSOPHICAL AS HE MAY BE, I CAN STILL REFER TO HIM AS SONNY OR JUNIOR AND HE CAN'T GET OFFENDED, BECAUSE MY AGE EXCEEDS HIS BY SO MUCH THAT I'M NOT BEING DISRESPECTFUL. I READ AN ARTICLE IN WHICH HE WAS QUOTED AND HE SAID HALF OF SOMETHING IS BETTER THAN 100 PERCENT OF NOTHING. AND THAT IS A GOOD PRINCIPLE TO HOLD TO AND OPERATE UNDER WHEN YOU'RE IN A LEGISLATIVE BODY WHERE ON COMPLEX ISSUES, CONTROVERSIAL ISSUES IT WILL BE A RARE CIRCUMSTANCE WHERE ALL OPPOSITION ON ONE SIDE CAN BE OVERCOME AND MOVED TO THE OTHER SIDE, WHETHER IT'S FOR OR AGAINST. SO YOU TRY TO GET AS MUCH AS YOU CAN AND SWALLOW HARD, IF IT'S NOT A DEEP-SETTLED PRINCIPLE WITH YOU, AND GO ALONG WITH THE PROGRAM. YOU DO THINGS SOMETIMES IN A LEGISLATURE BY INCREMENTS. [LB177]

SPEAKER HADLEY: ONE MINUTE. [LB177]

SENATOR CHAMBERS: A HIPPOPOTAMUS CAN SWALLOW A BUSHEL BASKET

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FULL OF WHATEVER IS IN IT IN ONE GULP. BUT NOT HAVING THE CAPACITY OF A HIPPOPOTAMUS, I MIGHT HAVE TO TAKE AN APPLE WHICH I CANNOT CONSUME IN ONE GULP AND NIBBLE AWAY AT IT A BITE AT THE TIME. BUT WE DO THE BEST WE CAN WITH WHAT WE HAVE TO WORK WITH. SO I'M GOING TO SUPPORT THIS AMENDMENT AND I WILL ALSO SUPPORT THE BILL. THANK YOU, MR. PRESIDENT. [LB177]

SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KEN HAAR, YOU ARE RECOGNIZED. [LB177]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, I WANT TO THANK SENATOR SMITH AND SENATOR KUEHN FOR THE AMENDMENT. I FEEL IT'S A GOOD AMENDMENT. IT IS A COMPROMISE. AND I ALSO HAVE TALKED TO SOME MEMBERS OF THE COMMITTEE AND I THINK IT'S IN LINE WITH WHAT THEY VOTED. THEY RECOGNIZE IT AS A COMPROMISE AS WELL. I WOULD LIKE TO BRING UP JUST ONE THING AND THAT'S MY INTEREST IN PUBLIC POWER. ONE OF THE REASONS, AND WE OFTEN ALMOST TAKE THESE KIND OF OFFICES FOR GRANTED, THE ELECTIONS OF PUBLIC POWER OFFICIALS AND SO ON. BUT IN ALMOST EVERY CASE, THEIR BUDGETS ARE TWICE THE SIZE OF ANY OTHER BUDGET. FOR EXAMPLE, THE LINCOLN ELECTRIC SYSTEM BUDGET IS TWICE THE SIZE OF THE BUDGET OF THE CITY OF LINCOLN. AND OF COURSE, IT'S BECAUSE OF THE POWER PURCHASE AND THE COST OF THAT. BUT I ESTIMATE THAT THE NPPD BUDGET IS PROBABLY AT LEAST TWICE THE SIZE OF NEBRASKA'S BUDGET AND SO IT'S NOT INSIGNIFICANT. IT'S A HUGE AMOUNT OF MONEY. IT DESERVES OUR ATTENTION AND OUR OVERSIGHT. AND AGAIN, I WANT TO SUPPORT THIS AMENDMENT AND SUPPORT THE BILL, ASK FOR YOUR SUPPORT OF THE BILL. THANK YOU VERY MUCH. [LB177]

SPEAKER HADLEY: SENATOR KUEHN, YOU ARE RECOGNIZED. [LB177]

SENATOR KUEHN: THANK YOU, MR. PRESIDENT. AND I JUST WANTED TO SPEAK IN SUPPORT OF FA2 BY SENATOR SMITH. I THINK IT IS AN EXCELLENT REFINEMENT OF THE ACTUAL BILL ITSELF. I THINK IT GETS TO BOTH WHAT SENATOR HAAR WAS ATTEMPTING TO ADDRESS, AS WELL AS ADDRESSES THE CONCERNS THAT I CERTAINLY HAD. SO I SUPPORT THIS FLOOR AMENDMENT AND I ENCOURAGE MY COLLEAGUES TO DO SO AS WELL. THANK YOU. [LB177]

SPEAKER HADLEY: SENATOR DAVIS, YOU ARE RECOGNIZED. [LB177]

SENATOR DAVIS: THANK YOU, MR. PRESIDENT. I WONDER IF SENATOR SMITH WOULD YIELD TO A QUESTION OR TWO. [LB177]

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SPEAKER HADLEY: SENATOR SMITH, WOULD YOU YIELD TO A QUESTION?  
[LB177]

SENATOR SMITH: YES, I WILL. [LB177]

SENATOR DAVIS: SENATOR SMITH, I'M JUST...FIRST OF ALL, I SUPPORT THE FLOOR AMENDMENT. I THINK YOU'VE DONE A GOOD JOB WITH IT. BUT I HAVE SOME QUESTIONS ABOUT WHO EXACTLY ARE YOU DEFINING WHEN YOU TALK ABOUT THE EMPLOYED OFFICER. WHAT DO YOU SPECIFICALLY MEAN BY THAT AND IS THERE A WAY WE CAN BROADEN THAT TO INCLUDE SORT OF UPPER MANAGEMENT OR SOME APPROACH LIKE THAT? I THINK THAT'S REALLY WHAT THE INTENT OF YOUR FLOOR AMENDMENT IS, ISN'T IT? [LB177]

SENATOR SMITH: YOU'RE CORRECT. THE INTENT WOULD BE THE CEO, THE EXECUTIVE VICE PRESIDENT, OR ANY OF THE OTHER VICE PRESIDENTS OF THAT COMPANY THAT WOULD HAVE SOME INFLUENCE IN CONTRACTS BETWEEN THAT UTILITY AND A NEIGHBORING UTILITY. [LB177]

SENATOR DAVIS: SO DO YOU THINK THE LANGUAGE, AS YOU'VE DEFINED IT HERE, IS BROAD ENOUGH TO COVER THOSE FOLKS YOU JUST MENTIONED, OR SHOULD WE...CAN WE MODIFY IT A LITTLE BIT ON SELECT FILE TO INCLUDE EVERYONE THAT YOU WANTED PUT IN THERE AND THAT MAYBE SOME OF THE OTHER PEOPLE FEEL..WOULD FEEL COMFORTABLE HAVING INCLUDED? [LB177]

SENATOR SMITH: THAT WAS, SENATOR, THAT LANGUAGE WAS QUICKLY ASSEMBLED AND SENATOR PANSING BROOKS HAS ALSO IDENTIFIED MAYBE A WAY TO REFINE IT A BIT. I'M NOT OPPOSED TO THAT, AS LONG AS WE DO NOT STRAY FROM THE INTENT OF MY FLOOR AMENDMENT. [LB177]

SENATOR DAVIS: I THINK I UNDERSTAND THE INTENT. I JUST THINK MAYBE WE NEED TO SORT OF DEFINE WHO WE'RE TALKING ABOUT SO WE DON'T HAVE A GRAY AREA THAT WE LOOK TO DOWN THE LINE AND SAY WE SHOULD HAVE FIXED THIS WHEN WE HAD THE OPPORTUNITY. SO WITH THAT, I WILL SUPPORT YOUR AMENDMENT, SENATOR SMITH. THANK YOU, MR. PRESIDENT. [LB177]

SPEAKER HADLEY: SENATOR SMITH, YOU'RE RECOGNIZED. [LB177]

SENATOR SMITH: THANK YOU, MR. PRESIDENT AND COLLEAGUES. I'M GOING TO BURN A LITTLE TIME HERE. IT LOOKS LIKE THERE'S A FLOOR AMENDMENT, ANOTHER AMENDMENT TO THE FLOOR AMENDMENT IN PROCESS. AND AGAIN, AS TO CLARIFY, TO MAKE CERTAIN THAT WE REFLECT THE INTENT OF THE

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AMENDMENT WITH THE LANGUAGE THAT'S ACTUALLY IN THAT AMENDMENT. AND SENATOR DAVIS WAS ABSOLUTELY RIGHT. WE DO NOT WANT ANYONE WHO'S IN THE POSITION OF INFLUENCE ON ANY CONTRACTS WITH THAT COMPANY TO SERVE ON THE BOARD OF DIRECTORS OF ANY OTHER SIMILAR UTILITIES. BUT THAT WOULD ALLOW FOR, I WOULD LIKE TO SAY, MAYBE THE RANK AND FILE EMPLOYEES IN A COMPANY, BE IT MANAGERS OR SUPERVISORS OR LINEMEN OR WHOMEVER THAT MIGHT BE, THAT THEY MAY CONTINUE TO SERVE ON BOARDS OF OTHER UTILITIES, NOT THEIR OWN BUT OTHER UTILITIES. AND THANK YOU, MR. PRESIDENT. [LB177]

SPEAKER HADLEY: THE CHAIR RECOGNIZES THE CLERK. [LB177]

ASSISTANT CLERK: MR. PRESIDENT, I DO HAVE AN AMENDMENT TO SENATOR SMITH'S FLOOR AMENDMENT. SENATOR PANSING BROOKS WOULD MOVE TO AMEND. THE AMENDMENT WILL BE AVAILABLE ON THE SYSTEM SHORTLY. (FA3, LEGISLATIVE JOURNAL PAGE 316.) [LB177]

SPEAKER HADLEY: SENATOR PANSING BROOKS, YOU'RE RECOGNIZED TO OPEN ON YOUR FLOOR AMENDMENT. [LB177]

SENATOR PANSING BROOKS: GOOD MORNING, MR. PRESIDENT. THANK YOU. AND GOOD MORNING TO NEBRASKA. I JUST HAVE A CLARIFYING ADDITION BECAUSE WHEN YOU READ, IN LINE 3, IT SAYS THAT, "SHALL BE ELIGIBLE TO SERVE AS A MEMBER OF THE BOARD OF DIRECTORS," WE'RE REFERRING TO BOARD OF DIRECTORS OF THE DISTRICT. BUT THERE IS A CHANCE THAT YOU COULD RELAY IT TO THE BOARD OF DIRECTORS THAT'S TALKED ABOUT AFTERWARDS, BEING "THE BOARD OF DIRECTORS OF ANY PUBLICLY OWNED ELECTRIC UTILITY." SO ALL I'M ADDING IS THE BOARD OF DIRECTORS "OF THAT DISTRICT" AND THEN CONTINUE WITH THE LANGUAGE, JUST FOR CLARIFYING PURPOSES. [LB177]

SPEAKER HADLEY: THANK YOU, SENATOR PANSING BROOKS. SENATOR MURANTE, YOU ARE RECOGNIZED. [LB177]

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. I AM IN THE PROCESS OF REVIEWING SENATOR PANSING BROOKS' AMENDMENT. BUT AS WE DO THAT, I DO SUPPORT SENATOR SMITH'S AMENDMENT AND CONTINUE TO SUPPORT LB177 AS WE ARE CONTINUING TO WAIT FOR A NEW AMENDMENT TO COME DOWN, IS MY UNDERSTANDING. IT WOULD APPEAR TO ME THAT WHAT SENATOR PANSING BROOKS IS ATTEMPTING TO DO IS A THOUGHTFUL IMPROVEMENT TO THE BILL. AND ONE THING I WOULD LIKE TO DO IS, TO THE EXTENT THAT THERE ARE DEFINITIONS AND TERMS IN THIS BILL, THERE HAVE BEEN A COUPLE OF PEOPLE WHO

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HAVE APPROACHED ME REGARDING THE TERMS "OFFICERS," POTENTIALLY MANAGEMENT, WHO EXACTLY WE ARE TRYING TO HAVE THIS BILL APPLY TO. I WOULD COMMIT TO THE MEMBERS OF THIS LEGISLATURE AND ANYONE WHO IS INTERESTED IN LB177 SPECIFICALLY THAT WE WILL CONTINUE TO WORK ON DEFINITION LANGUAGE BETWEEN GENERAL AND SELECT FILE. IT SEEMS LIKE WE HAVE A GENERAL AGREEMENT IN PRINCIPLE, BUT PERHAPS JUST SOME OF THE DETAILS NEED TO BE DEFINED A LITTLE BIT BETTER. IT SEEMS TO ME LIKE WHAT WE ARE ATTEMPTING TO DO RIGHT NOW APPLIES EXCLUSIVELY TO THE UPPER MANAGEMENT OF A PUBLIC POWER DISTRICT SUCH THAT THEY WOULD NOT BE ALLOWED TO SERVE, BECAUSE IT DOES APPEAR THAT WE HAVE A GENERAL AND BROAD AGREEMENT ON THE FLOOR THAT THAT IS AN INHERENT CONFLICT OF INTEREST THAT SHOULD NOT BE ALLOWED IN STATE LAW. SO TO THE EXTENT THAT MY OFFICE CAN BE SUPPORTIVE, WE ARE AVAILABLE TO HELP DEFINE THESE TERMS A LITTLE BIT BETTER. IT SOUNDS LIKE THE AMENDMENT THAT SENATOR SMITH IS WAITING ON WILL BE AVAILABLE MOMENTARILY. BUT TO THE EXTENT THAT WE CAN BE HELPFUL, PLEASE LET US KNOW. THANK YOU, MR. PRESIDENT. [LB177]

SPEAKER HADLEY: THANK YOU, SENATOR MURANTE. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB177]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, IF THIS WERE A BILL THAT INVOLVED A LOT OF CONTROVERSY ON THE AREA THAT THE AMENDMENT IS CONSIDERING, THEN I WOULD SEE NOTHING TO SPEAK AGAINST MAKING THESE PIECEMEAL AMENDMENTS. BUT SINCE THERE IS GENERAL AGREEMENT AND THE AMENDMENT THAT SENATOR SMITH IS HAVING WORKED ON NOW WAS AGREED TO AND SENATOR MURANTE HAS INDICATED THAT THERE MIGHT BE SOME WORK NECESSARY TO BE DONE AS FAR AS DEFINITIONS, REFINING, AND SO FORTH WOULD GO, MY VIEW, AND IT'S JUST MINE, WE SHOULD GO AHEAD AND ACCEPT SENATOR SMITH'S AMENDMENT WITHOUT ITS BEING AMENDED, MOVE THE BILL TO SELECT FILE, AND THEN DO THAT OTHER WORK IN BETWEEN. OR IF THERE ARE PEOPLE WHO DON'T WANT TO SEE THE BILL MOVED, AT LEAST THE PIECEMEAL AMENDING CAN BE TEMPORARILY LAID ASIDE, BECAUSE I HAVEN'T HEARD ANYBODY EXPRESS OPPOSITION TO THE AMENDMENTS THEMSELVES. AS I LOOK AT THE BILL WITH THESE AMENDMENTS THAT ARE BEING ADDED, I CANNOT SAY THAT IF SOMEBODY ASKED ME WHAT EACH ONE DOES, ITS SCOPE AND SO FORTH, THAT I COULD GIVE IT BECAUSE I'VE BEEN INVOLVED IN THE DISCUSSION. BUT IF YOU WANT TO PIECEMEAL IT, THEN WE CAN DO THAT. BUT EACH NEW ADDITION MIGHT RAISE ADDITIONAL INTERESTS IN FURTHER REFINING THE REFINEMENT. IT'S LIKE WE REHEARSE, THEN WE REHEARSE THE REHEARSAL. AND HOW MUCH TIME DO I HAVE, MR. PRESIDENT? [LB177]

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SPEAKER HADLEY: THREE MINUTES AND ONE SECOND. [LB177]

SENATOR CHAMBERS: THANK YOU. YOU ALL MAY HAVE SEEN THIS COMMERCIAL WHERE SOMEBODY FROM BRAMAN MORTUARY, THEY PUT IT OUT. THEY'RE DRIVING THEIR VEHICLE AND LOOKING INTO THE VEHICLE OF ANOTHER PERSON DRIVING, AND THAT INDIVIDUAL IS EITHER ON A CELL PHONE OR DOING SOMETHING THAT DISTRACTS, AND THE MORTICIAN IS SAYING, I HOPE WE'RE NOT THE ONES WHO WILL ANSWER YOUR CALL. IN OTHER WORDS, THE GUY DRIVING THE HEARSE DOESN'T WANT YOU TO WIND UP IN THE HEARSE. BUT THERE WAS A SITUATION WHERE A HEARSE WAS GOING DOWN THE ROAD AND THEY HAD A PERSON IN THE BACK, A PASSENGER WHO WAS PRONE, AND SOMEBODY CAME THROUGH THE INTERSECTION AND T-BONED THE HEARSE. AND THE REMAINS OF THE INDIVIDUAL WOUND UP ON THE STREET. SO WHEN THEY ASKED THE MORTICIAN WHAT HE INTENDED TO DO ABOUT IT, HE SAID, WELL, WITH THAT CORPSE THERE, I INTEND TO RE-HEARSE THAT PERSON. (LAUGHTER) AND HAD THE HEARSE NOT BEEN DAMAGED BEYOND REPAIR, AND HE PROCEEDED DOWN THE ROAD AND WAS T-BONED AGAIN AND THE SAME THING HAPPENED, HE SAID NOW I MUST RE-HEARSE THE REHEARSAL. BUT AT ANY RATE, SOME OF THIS THAT I'M SAYING WILL GIVE TIME FOR AN AMENDMENT TO COME DOWN, WHICH PEOPLE HAVE DISCUSSED. AND IF YOU'D LIKE TO PROCEED "PIECEMEALING" IT, NOTHING IS WRONG WITH THAT AT ALL. BUT WE MIGHT REACH A TURN OF ADOPTING AN AMENDMENT TO AN AMENDMENT THAT SEEMS ALL RIGHT. AND THEN UPON FURTHER REVIEW, THERE MIGHT HAVE TO BE SOME ADDITIONAL WORK. BUT IF THOSE WHO HAVE AN INTEREST IN THE BILL ARE WILLING TO WORK AND... [LB177]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB177]

SENATOR CHAMBERS: ...AND SENATOR MURANTE IS WILLING TO BE THE HONEST BROKER, AND I THINK IN THIS CASE HE WILL BE, THAT MIGHT BE A MORE EFFICIENT WAY OF CONDUCTING THE BUSINESS. AND SPEAKING OF SENATOR MURANTE AS AN HONEST BROKER, HE OWES ME A DOLLAR, WHICH HE HAS NOT PAID ME YET AND HE CLAIMS NOT TO REMEMBER WHY HE OWES IT TO ME. BUT SO THAT EVERYBODY KNOWS IN THE INTEREST OF DISCLOSURE, BECAUSE I DID IT ON THE FLOOR OF THE LEGISLATURE, I GAVE HIM A MILLION-TO-ONE ODDS THAT NO MEMBER OF THE LEGISLATURE RUNNING FOR GOVERNOR WOULD WIN. AND I WON. HAD I LOST, I WOULD HAVE BEEN PREPARED SOMEHOW TO EITHER PAY HIM OFF OR BUMP HIM OFF. BUT IN THIS CASE, I WON. I DON'T WANT YOU TO PAY ME NOW BECAUSE WE WON'T TRANSACT OUR BUSINESS ON THE FLOOR. THAT'S ALL THAT I HAVE. THANK YOU, MR. PRESIDENT. [LB177]

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SPEAKER HADLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SMITH, YOU ARE RECOGNIZED. [LB177]

SENATOR SMITH: THANK YOU, MR. PRESIDENT. AND I HOPE WE CAN WRAP THIS UP FAIRLY QUICK. I AGREE WITH SENATOR CHAMBERS. I'M VERY COMFORTABLE WITH MOVING MY FLOOR AMENDMENT, BUT SENATOR PANSING BROOKS' FLOOR AMENDMENT TO MINE I THINK DOES CLARIFY THE LANGUAGE AND I THINK IT'S GOOD LANGUAGE THAT SHE HAS ADDED. SO IF THE MEMBERS OF THE LEGISLATURE HERE COULD SUPPORT HER, I THINK IT'S A GOOD CHANGE TO MY FA2. AND THEN FOR MEMBERS THAT ARE PERHAPS IN OPPOSITION TO LB177, I'M HOPING YOU UNDERSTAND THAT WHAT WE WILL END UP WITH, AT THAT POINT THEN, IS THE LANGUAGE THAT IS CURRENTLY IN THE STATUTES TODAY WITH THE SIMPLE ADDITION THAT AN OFFICER OF A COMPANY, OF AN ELECTRIC...PUBLICLY OWNED ELECTRIC UTILITY COMPANY, AN OFFICER, WHICH WOULD BE A CEO OR VICE PRESIDENT, CANNOT SERVE ON THE BOARD OF DIRECTORS OF ANY OTHER PUBLICLY OWNED ELECTRIC UTILITY. AND THAT WOULD END UP WITH THE ONLY CHANGE IN THE STATUTES AFTER THIS IS SAID AND DONE. SO, COLLEAGUES, I ASK YOU TO SUPPORT FA3 TO FA2. AND WITH THAT DONE, I AM INCLINED TO SUPPORT LB177 IF SO AMENDED. [LB177]

SPEAKER HADLEY: SENATOR HAAR, KEN HAAR, YOU ARE RECOGNIZED. [LB177]

SENATOR HAAR: MR. PRESIDENT, MEMBERS OF THE BODY, THANK YOU, SENATOR SMITH AND SENATOR PANSING BROOKS. AND I WILL WORK WITH ANYONE WHO WANTS TO WORK ON TWEAKING LANGUAGE BETWEEN GENERAL FILE AND SELECT FILE. SO WITH THAT, I'D ASK YOU TO VOTE FOR THE FA3 AND THEN FA2 AND THEN LB177. THANK YOU VERY MUCH. [LB177]

SPEAKER HADLEY: SEEING NO ONE IN THE QUEUE, SENATOR PANSING BROOKS, YOU ARE RECOGNIZED TO CLOSE ON YOUR AMENDMENT. [LB177]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I WAIVE. [LB177]

SPEAKER HADLEY: SENATOR PANSING BROOKS WAIVES. THE QUESTION IS, SHALL THE AMENDMENT TO THE AMENDMENT FOR LB177 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAS EVERYONE VOTED THAT CARES TO VOTE? RECORD, MR. CLERK. [LB177]

ASSISTANT CLERK: 42 AYES, 0 NAYS ON THE ADOPTION OF THE AMENDMENT TO THE AMENDMENT, MR. PRESIDENT. [LB177]



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SPEAKER HADLEY: THE AMENDMENT TO THE AMENDMENT PASSES. SENATOR SMITH, SEEING NO ONE IN THE QUEUE, SENATOR SMITH WAIVES. THE QUESTION IS, SHALL THE AMENDMENT TO LB177 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB177]

ASSISTANT CLERK: 44 AYES, 0 NAYS ON THE ADOPTION OF SENATOR SMITH'S AMENDMENT, AS AMENDED. [LB177]

SPEAKER HADLEY: THANK YOU, MR. CLERK. THE AMENDMENT IS ADOPTED. DISCUSSION ON THE ADVANCEMENT OF LB177 TO E&R INITIAL CONTINUES. SEEING NO ONE IN THE QUEUE, SENATOR...I'M SORRY. SENATOR WILLIAMS, YOU ARE RECOGNIZED. [LB177]

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT. AS AMENDED, I WANT TO MAKE IT CLEAR THAT FROM MY DISTRICT, WE WOULD SUPPORT THE BILL AS AMENDED. THANK YOU. [LB177]

SPEAKER HADLEY: THANK YOU, SENATOR WILLIAMS. SEEING NO ONE ELSE IN THE QUEUE, SENATOR KEN HAAR, YOU ARE RECOGNIZED TO CLOSE ON LB177. SENATOR HAAR WAIVES CLOSING. THE QUESTION IS THE ADVANCEMENT OF LB177 TO E&R INITIAL. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE ALL VOTED? RECORD, MR. CLERK. [LB177]

ASSISTANT CLERK: 36 AYES, 8 NAYS ON THE MOTION TO ADVANCE THE BILL, MR. PRESIDENT. [LB177]

SPEAKER HADLEY: THE BILL ADVANCES. MR. CLERK, ANY ANNOUNCEMENTS? [LB177]

ASSISTANT CLERK: NOT AT THIS TIME, MR. PRESIDENT.

SPEAKER HADLEY: WE WILL NOW GO TO THE SELECT FILE. MR. CLERK, LB1. [LB1]

ASSISTANT CLERK: MR. PRESIDENT, WITH RESPECT TO LB1, THERE ARE NO E&R AMENDMENTS. [LB1]

SPEAKER HADLEY: SENATOR HANSEN. [LB1]

SENATOR HANSEN: (MICROPHONE MALFUNCTION) [LB1]

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SPEAKER HADLEY: YOU HAVE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. I'M SORRY, SENATOR CHAMBERS, I DID NOT SEE YOUR LIGHT. I APOLOGIZE. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB1]

SENATOR CHAMBERS: MR. PRESIDENT, ONCE AGAIN I HAVE SOMETHING I WANT TO SAY THAT DOESN'T BEAR DIRECTLY ON THESE, WHAT WE'RE DOING. AND I'M NOT GOING TO GET IN THE WAY OF OUR NEW CHAIRMAN, WHO IS YOUNG AND WET BEHIND THE EARS, OBVIOUSLY, BUT HE'S DOING AN EXCELLENT JOB THUS FAR AND I COMMEND HIM. BUT I LIKE TO TAKE THE OPPORTUNITY WHEN THERE'S WHAT THEY CALL A TEACHABLE MOMENT. I DON'T KNOW HOW MANY PEOPLE WERE AWARE WHEN WE STARTED ON THIS BILL THIS MORNING, THAT WE WOULD DISCUSS IT AS LONG AS WE DID. THERE ARE PEOPLE WHO MAY HAVE BEEN ROCK SOLID AGAINST IT, BUT THE DISCUSSION WAS LENGTHY. BUT NOBODY WOULD REFER TO IT AS A FILIBUSTER. EXTENDED DEBATE IS NOT ALWAYS A FILIBUSTER. EXTENDED DEBATE IS NOT ALWAYS FOR THE PURPOSE OF DELAYING A BILL. AND ON OCCASION, EVEN WHERE THERE MIGHT BE DISAGREEMENTS AMONG SEVERAL SENATORS, WITH THE PROPER DISCUSSION AND THE ADDITION OF AMENDMENTS, SOME OPPOSITION CAN BE TAKEN AWAY. THERE CAN BE COMPROMISES REACHED. THE BILL WILL BE MASSAGED, IT WILL BE REFINED, IT WILL BE IMPROVED. THEN IT CAN MOVE FORWARD. AND I DON'T KNOW THAT THERE HAS BEEN ANY RANCOR THIS MORNING. SO, AGAIN, THERE ARE DYNAMICS AT PLAY IN THIS BODY AND I HOPE THE NEWER SENATORS AND THE BRAND-NEW ONES WILL PAY ATTENTION TO HOW WE DO OPERATE HERE. THE SNARLER TODAY MAY BE THE SMILER TOMORROW...OR MAYBE NOT. BUT THAT'S ALL I HAVE TO SAY FOR NOW. THANK YOU, MR. PRESIDENT. [LB1]

SPEAKER HADLEY: SEEING NO ONE ELSE IN THE QUEUE, YOU HAVE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB1 IS ADVANCED. MR. CLERK, LB2. [LB1 LB2]

ASSISTANT CLERK: LB2, MR. PRESIDENT, I HAVE NO E&R AMENDMENTS. [LB2]

SPEAKER HADLEY: SENATOR HANSEN. [LB2]

SENATOR HANSEN: THANK YOU. MR. PRESIDENT, I MOVE THAT LB2 BE ADVANCED TO E&R FOR ENGROSSING. [LB2]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB2 IS ADVANCED. MR. CLERK, LB3. [LB2 LB3]

ASSISTANT CLERK: MR. PRESIDENT, ON LB3 THERE ARE NO E&R

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AMENDMENTS. [LB3]

SPEAKER HADLEY: SENATOR HANSEN. [LB3]

SENATOR HANSEN: YES, MR. PRESIDENT. I MOVE THAT LB3 BE ADVANCED TO E&R FOR ENGROSSING. [LB3]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB3 IS ADVANCED. MR. CLERK, LB4. [LB3 LB4]

ASSISTANT CLERK: MR. PRESIDENT, THERE ARE NO E&R AMENDMENTS FOR LB4. [LB4]

SPEAKER HADLEY: SENATOR HANSEN. [LB4]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB4 BE ADVANCED TO E&R FOR ENGROSSING. [LB4]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. I COULD NOT HEAR. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB4 IS ADVANCED. MR. CLERK, LB5. [LB4 LB5]

ASSISTANT CLERK: MR. PRESIDENT, WITH RESPECT TO LB5, THERE ARE NO E&R AMENDMENTS. [LB5]

SPEAKER HADLEY: SENATOR HANSEN. [LB5]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB5 BE ADVANCED TO E&R FOR ENGROSSING. [LB5]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB5 IS ADVANCED. LB6. [LB5 LB6]

ASSISTANT CLERK: LB6 HAS NO E&R AMENDMENTS, MR. PRESIDENT. [LB6]

SPEAKER HADLEY: SENATOR HANSEN. [LB6]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB6 BE ADVANCED TO E&R FOR ENGROSSING. [LB6]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB6 IS ADVANCED. MR. CLERK, LB7. [LB6

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LB7]

ASSISTANT CLERK: LB7 HAS NO E&R AMENDMENTS. [LB7]

SPEAKER HADLEY: SENATOR HANSEN. [LB7]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB7 BE ADVANCED TO E&R FOR ENGROSSING. [LB7]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB7 IS ADVANCED. MR. CLERK, LB8. [LB7 LB8]

ASSISTANT CLERK: MR. PRESIDENT, LB8 HAS NO E&R AMENDMENTS. [LB8]

SPEAKER HADLEY: SENATOR HANSEN. [LB8]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB8 BE ADVANCED TO E&R FOR ENGROSSING. [LB8]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB8 IS ADVANCED. MR. CLERK, LB9. [LB8 LB9]

ASSISTANT CLERK: MR. PRESIDENT, LB9, NO E&R AMENDMENTS. [LB9]

SPEAKER HADLEY: SENATOR HANSEN. [LB9]

SENATOR HANSEN: MR. PRESIDENT, I MOVE THAT LB9 BE ADVANCED TO E&R FOR ENGROSSING. [LB9]

SPEAKER HADLEY: YOU'VE HEARD THE MOTION. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. LB9 IS ADVANCED. MR. CLERK, ITEMS FOR THE RECORD? [LB9]

ASSISTANT CLERK: MR. PRESIDENT, I DO. THANK YOU. YOUR COMMITTEE ON GOVERNMENT REPORTS LB112 AS INDEFINITELY POSTPONED. I HAVE NOTICE OF COMMITTEE HEARINGS FROM GOVERNMENT, MILITARY AND VETERANS AFFAIRS; AND FROM THE NATURAL RESOURCES COMMITTEE. A NEW RESOLUTION, LR43, OFFERED BY SENATOR CRAIGHEAD, WOULD CONGRATULATE OMAHA WESTSIDE FOR RECEIVING A 2014 NEBRASKA ARTS AWARD. AMENDMENTS TO BE PRINTED: LB118 FROM SENATOR LARSON, TWO AMENDMENTS FROM SENATOR LARSON. AND A REFERENCE REPORT FROM

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THE EXECUTIVE BOARD. IN ADDITION TO THAT, A SERIES OF NAME ADDS: SENATOR McCOY TO LB652; SENATOR HUGHES TO LB31; SENATOR MORFELD TO LB110; SENATOR DAVIS TO LB439; SENATORS CRAWFORD, GARRETT, AND KINTNER TO LB20; SENATOR KRIST, GARRETT, AND KINTNER TO LB267; SENATOR CRAWFORD, KRIST, AND KINTNER TO LB454; SENATOR KUEHN AND HILKEMANN TO LB190; SENATOR McCOY TO LB187; SENATOR KINTNER TO LB29 AND TO LB30. (ALSO, SENATOR CRAWFORD AND SENATOR KRIST TO ADD THEIR NAMES TO LB614, LEGISLATIVE JOURNAL PAGES 317-319.) [LB112 LR43 LB118 LB652 LB31 LB110 LB439 LB20 LB267 LB454 LB190 LB187 LB29 LB30 LB614]

FINALLY, MR. PRESIDENT, A PRIORITY MOTION: SENATOR HOWARD WOULD MOVE TO ADJOURN UNTIL WEDNESDAY, JANUARY 28, AT 9:00 A.M.

SPEAKER HADLEY: ALL THOSE IN FAVOR SIGNIFY BY SAYING AYE. OPPOSED, NAY. WE ARE ADJOURNED UNTIL 9:00 A.M. TOMORROW MORNING.