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Floor Debate
January 06, 2016

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE FIRST DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. OUR CHAPLAIN FOR TODAY IS SENATOR MATT WILLIAMS. PLEASE RISE.

SENATOR WILLIAMS: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. WE WILL NOW HAVE THE PRESENTATION OF COLORS BY THE NEBRASKA ARMY AND AIR NATIONAL GUARD.

PRESENTATION OF COLORS

PRESIDENT FOLEY: PURSUANT TO THE PROVISIONS OF ARTICLE III, SECTION 10 OF THE CONSTITUTION OF NEBRASKA, THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION OF THE LEGISLATURE OF NEBRASKA, ASSEMBLED IN THE GEORGE W. NORRIS LEGISLATIVE CHAMBER OF THE STATE CAPITOL AT THE HOUR OF 10:00 A.M. ON WEDNESDAY, JANUARY 6, 2016, IS NOW CALLED TO ORDER. SENATORS, PLEASE RECORD YOUR PRESENCE. MR. CLERK, PLEASE RECORD.

CLERK: (ROLL READ, LEGISLATIVE JOURNAL PAGE 71.) I HAVE A QUORUM PRESENT, MR. PRESIDENT.

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE CHAIR RECOGNIZES SENATOR GARRETT FOR A MOTION.

SENATOR GARRETT: MR. PRESIDENT, I MOVE THAT THE RULES AS NOW IN OUR POSSESSION BE ADOPTED UNTIL SUCH TIME AS THE PERMANENT RULES ARE ADOPTED PURSUANT TO RULE 2, SECTION 1, PROVIDED THAT THE TEMPORARY RULES SHALL NOT CONTINUE AFTER THE TENTH LEGISLATIVE DAY.

PRESIDENT FOLEY: THANK YOU, SENATOR GARRETT. THE MOTION BEFORE YOU IS THE ADOPTION OF TEMPORARY RULES. ALL THOSE IN FAVOR SAY AYE. ALL THOSE OPPOSED SAY NAY. THE MOTION IS ADOPTED. MR. CLERK, DO WE HAVE RESIGNATION AND APPOINTMENT LETTERS?

CLERK: I DO, MR. PRESIDENT. I HAVE A...

PRESIDENT FOLEY: EXCUSE ME. EXCUSE ME, MR. CLERK. MEMBERS, PLEASE COME TO ORDER.

CLERK: MR. PRESIDENT, I HAVE THE RESIGNATION LETTER OF SENATOR JEREMY NORDQUIST AND, PURSUANT TO THAT ACTION, THE APPOINTMENT OF MS. NICOLE FOX AND THE APPROPRIATE DOCUMENTATION, INCLUDING THE OATH OF OFFICE, AS SUBMITTED. MR. PRESIDENT, I ALSO HAVE THE ROSTER AS CERTIFIED BY THE SECRETARY OF STATE WITH RESPECT TO THE CONSTITUTION OF THE ONE HUNDRED FOURTH LEGISLATURE, SECOND SESSION. (LEGISLATIVE JOURNAL PAGES 72-75.)

PRESIDENT FOLEY: MR. CLERK, DO WE HAVE MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: I DO, MR. PRESIDENT. A SERIES OF APPOINTMENT LETTERS RECEIVED SINCE THE SINE DIE OF THE ONE HUNDRED FOURTH, FIRST SESSION, APPOINTMENTS TO: THE DEPARTMENT OF ROADS; TO THE NEBRASKA EXCHANGE STAKEHOLDER COMMISSION; ENVIRONMENTAL QUALITY COUNCIL; THE NEBRASKA EDUCATIONAL TELECOMMUNICATIONS COMMISSION; THE ACCOUNTABILITY AND DISCLOSURE COMMISSION; TO THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF CHILDREN AND FAMILY SERVICES; DIRECTOR OF THE NEBRASKA DEPARTMENT OF NATURAL RESOURCES; ENVIRONMENTAL QUALITY COUNCIL APPOINTEE; CRIME VICTIM'S

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REPARATION BOARD APPOINTEES; THE DIRECTOR OF THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN HEALTH SERVICES DIVISION OF BEHAVIORAL HEALTH DIRECTOR; BEGINNING FARMER BOARD APPOINTEES; STATE ELECTRICAL BOARD APPOINTEE; THE DIRECTOR OF THE NEBRASKA DEPARTMENT OF HEALTH OF HUMAN SERVICES DIVISION OF DEVELOPMENTAL DISABILITIES; THE BOARD OF PAROLE; THE NEBRASKA ARTS COUNCIL; THE NEBRASKA ETHANOL BOARD; THE STATE ELECTRICAL BOARD; THE NEBRASKA OIL AND GAS CONSERVATION COMMISSION; THE STATE EMERGENCY RESPONSE COMMISSION; THE NEBRASKA ETHANOL BOARD; THE BOARD OF EDUCATIONAL LANDS AND FUNDS; THE NEBRASKA RURAL HEALTH ADVISORY COMMISSION; THE FOSTER CARE ADVISORY COMMITTEE; STATE PERSONNEL BOARD; THE BLIND AND VISUALLY IMPAIRED BOARD; THE NEBRASKA STATE FAIR BOARD; THE STATE EMERGENCY RESPONSE COMMISSION; THE DIRECTOR OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF DEVELOPMENTAL DISABILITIES; THE STATE HIGHWAY COMMISSION; THE TAX EQUALIZATION AND REVIEW COMMISSION; THE BOARD OF PUBLIC ROADS CLASSIFICATIONS AND STANDARDS; THE STATE FAIR BOARD; THE COMMISSION FOR THE BLIND AND VISUALLY IMPAIRED; THE NEBRASKA CHILD ABUSE PREVENTION FUND BOARD; THE DIRECTOR OF THE NEBRASKA DEPARTMENT OF HEALTH AND HUMAN SERVICES DIVISION OF DEVELOPMENTAL DISABILITIES; THE DIRECTOR OF NEBRASKA DEPARTMENT OF ECONOMIC DEVELOPMENT; THE TAX COMMISSIONER FOR THE DEPARTMENT OF REVENUE; THE NEBRASKA GAME AND PARKS COMMISSION; THE TAX EQUALIZATION AND REVIEW COMMISSION. ALL OF THOSE SUBMITTED, MR. PRESIDENT, WILL BE REFERRED TO REFERENCE COMMITTEE FOR REFERRAL TO STANDING COMMITTEE FOR APPROPRIATE CONFIRMATION HEARINGS. I'VE ALSO RECEIVED A SERIES OF ATTORNEY GENERAL'S OPINIONS, THE FIRST TO SENATOR DAVIS; A SECOND TO SENATOR KOLTERMAN (RE LB232); AN OPINION TO SENATOR SCHILZ (RE LB176); AN OPINION TO SENATOR WATERMEIER; AN OPINION TO SENATOR CHAMBERS; AN OPINION TO SENATOR HUGHES; AN OPINION TO SENATOR BRASCH (RE LB338). ALL OF THOSE WILL BE INSERTED IN THE LEGISLATIVE JOURNAL. AGENCY REPORTS RECEIVED DURING THE INTERIM PERIOD UP TO AND INCLUDING TODAY ARE ACKNOWLEDGED ON LEGISLATIVE WEB SITE. THAT'S WHERE THE MEMBERS CAN FIND THEM. MR. PRESIDENT, I HAVE A SERIES OF COMMUNICATIONS FROM: THE VILLAGE OF DODGE, NEBRASKA; THE VILLAGE OF DECATUR, NEBRASKA; AND THE VILLAGE OF ROSALIE, NEBRASKA (AND THE VILLAGE OF BANCROFT). WITH RESPECT TO SENATOR NORDQUIST'S RESIGNATION, THE EXECUTIVE BOARD MET AND CONFIRMED CERTAIN APPOINTEES TO THE VACANCIES CREATED AS A RESULT OF THAT RESIGNATION. AND, MR. PRESIDENT, A COMMUNICATION FROM THE EXECUTIVE BOARD

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REGARDING APPOINTMENTS TO THE COMMITTEE ON JUSTICE REINVESTMENT OVERSIGHT COMMITTEE, BOTH THOSE SIGNED BY SENATOR KRIST AS CHAIR OF THE BOARD. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 76-126.) [LB232 LB176 LB338]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. (DOCTOR OF THE DAY INTRODUCED.) CHAIR RECOGNIZES SENATOR WATERMEIER FOR A MOTION.

SENATOR WATERMEIER: THANK YOU, MR. PRESIDENT. I MOVE TO PROCEED TO THE ELECTION OF THE NEBRASKA RETIREMENT SYSTEMS COMMITTEE CHAIRPERSON BY SECRET BALLOT IN ACCORDANCE WITH RULE 3, SECTION 8(a).

PRESIDENT FOLEY: THANK YOU, SENATOR WATERMEIER. SENATORS, YOU'VE HEARD THE MOTION TO PROCEED TO THE ELECTION OF THE CHAIRPERSON OF THE NEBRASKA RETIREMENT SYSTEMS COMMITTEE. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. THE MOTION IS ADOPTED. WE WILL NOW PROCEED TO THE ELECTION OF THE CHAIRPERSON OF THE RETIREMENT SYSTEMS COMMITTEE. THE FLOOR IS OPEN FOR NOMINATIONS. SENATOR KOLTERMAN, YOU'RE RECOGNIZED.

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT. I'D LIKE TO NOMINATE MYSELF FOR CHAIR OF THE RETIREMENT COMMITTEE, AND SAY GOOD MORNING TO ALL OF YOU, COLLEAGUES. AS YOU MAY RECALL LAST JUNE, FOLLOWING THE RETIREMENT OF SENATOR NORDQUIST I ANNOUNCED THAT I WOULD BE SEEKING THE CHAIRMANSHIP OF THE RETIREMENT COMMITTEE. INITIALLY I WAS INTENDING TO SEEK THIS CHAIRMANSHIP IN 2017 BUT, BECAUSE OF THE CIRCUMSTANCES, DECIDED TO SEEK THE SEAT THIS YEAR. I FEEL THAT I'M QUALIFIED TO LEAD THIS COMMITTEE AND UNDERSTAND THE IMPORTANCE OF THE POSITION IN TERMS OF FISCAL IMPLICATIONS TO THIS STATE. AS BACKGROUND, THERE ARE 121,920 PARTICIPANTS IN THE STATE RETIREMENT SYSTEM PLANS. ADDITIONALLY, THE TOTAL ASSETS OF ALL RETIREMENT PLANS MANAGED BY THE STATE ARE \$12.6 BILLION. THESE PLANS ARE UTILIZED BY RETIRED EMPLOYEES FROM THE SCHOOLS, THE STATE PATROL, JUDGES, STATE AND COUNTY LEVELS. THIS INFORMATION CAN ALL BE FOUND IN THE ANNUAL REPORT OF NPERs. WE HAVE AN OBLIGATION TO THE TAXPAYERS OF THIS STATE, AS WELL AS THE EMPLOYEES COVERED UNDER THESE PLANS, AS A LEGISLATURE TO ENSURE THAT THEY ARE KEPT UP TO DATE AND MANAGED PROPERLY. FOR THE PAST 40 YEARS I'VE WORKED IN THE FINANCIAL SERVICES INDUSTRY AS AN INSURANCE AGENT. IN THE LAST 31 OF THOSE YEARS, MY

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BUSINESS HAS BEEN SPECIALIZED IN EMPLOYEE BENEFITS AND RETIREMENT PLANS. I TAKE GREAT PRIDE IN THE FACT THAT I'VE HELPED MANY OF MY CLIENTS AND FRIENDS AND NEIGHBORS PLAN FOR THEIR FUTURE RETIREMENTS. I BELIEVE MY BROAD KNOWLEDGE OF THE INDUSTRY AND MY EXPERIENCES WITH EMPLOYEES, EMPLOYERS, MANAGEMENT TEAMS, AND INVESTMENT PROFESSIONALS UNIQUELY QUALIFIES ME TO LEAD THIS COMMITTEE. I BELIEVE I HAVE A REPUTATION OF WORKING COOPERATIVELY AND I THINK I'M KNOWN AS A CONSENSUS BUILDER. ONE OF THE HIGHLIGHTS OF SERVING IN THIS BODY HAS BEEN THE OPPORTUNITY TO GET TO KNOW EACH AND EVERY ONE OF YOU PERSONALLY. I HOPE THAT THOSE OF YOU THAT HAVE WORKED WITH ME CLOSELY ON LEGISLATION OR IN A COMMITTEE SETTING RECOGNIZE THAT IF I TELL YOU THAT I'M GOING TO SUPPORT A BILL, I STAND BY MY WORD. FOR THOSE OF YOU THAT HAVE TOLD ME YOU WOULD SUPPORT ME IN THIS RACE, THANK YOU. AND I HOPE THAT YOU WILL HONOR THAT COMMITMENT. FOR THOSE OF YOU WHO HAVE NOT MADE A FORMAL COMMITMENT, I UNDERSTAND THAT AS WELL. I HUMBLY ASK FOR YOUR VOTE AND YOUR SERIOUS CONSIDERATION FOR THIS CHAIRMANSHIP. IT IS AN HONOR TO SERVE WITH ALL OF YOU, AND I ASK FOR YOUR VOTE TODAY FOR CHAIRMAN OF THE RETIREMENT COMMITTEE. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR DAVIS, YOU'RE RECOGNIZED.

SENATOR DAVIS: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I RISE TODAY TO HUMBLY NOMINATE MYSELF FOR THE CHAIR OF THE NEBRASKA RETIREMENT SYSTEMS COMMITTEE. I WAS APPOINTED TO THE COMMITTEE AT MY REQUEST WHEN I TOOK OFFICE IN 2013 AND HAVE SERVED FOR THE PAST THREE YEARS AS VICE CHAIR OF THE COMMITTEE. SINCE THAT TIME, I HAVE DEVELOPED A FAMILIARITY WITH THE MECHANICS OF OUR STATE'S RETIREMENT SYSTEM AND THE VERY IMPORTANT WORK THAT THE COMMITTEE OVERSEES. DURING THE 2013 SESSION, THE COMMITTEE WAS CONFRONTED WITH IMMEDIATE AND PROJECTED LONG-TERM STATE FUNDING OBLIGATIONS IN THE SCHOOL PLAN. THE COMMITTEE TOOK THE INITIATIVE TO IMPLEMENT A REDUCED TIER OF BENEFITS AND INCREASED CONTRIBUTIONS TO THE SCHOOL PLAN. THE 2013 EFFORT REQUIRED THE LEGISLATURE TO OVERRIDE A VETO BY THE GOVERNOR. AND AS A PARTICIPANT IN THAT EFFORT, I CONSULTED WITH MEMBERS TO SECURE YES VOTES FOR THE PLAN. AND FRANKLY, I'VE FOUND THAT MANY SENATORS ARE UNFAMILIAR WITH THE MECHANICS OF THE DEFINED BENEFIT PLANS AND THE FACT THAT PLANNED BENEFITS ARE PROTRACTED AND PROTECTED CONTRACT RIGHTS AND CANNOT BE UNDONE

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ONCE AN INDIVIDUAL BECOMES A MEMBER. THE HEALTHY FUNDING LEVELS FOR THE SCHOOL PLAN TODAY ARE DUE TO THE WORK OF THE COMMITTEE THAT YEAR. HAD THAT BILL NOT PASSED, THE NEW TIERS, WHICH CHANGED THE PLAN SIGNIFICANTLY, WOULD NOT HAVE BEEN IMPLEMENTED; AND THE PLAN WOULD HAVE FALLEN FAR BEHIND, REQUIRING HUGE INJECTIONS OF TAXPAYER DOLLARS TO RETURN IT TO HEALTH. IN 2015, THE COMMITTEE INITIATED AND RENEGOTIATED CHANGES TO THE JUDGES' PLANS WHICH INCREASED CONTRIBUTIONS AND REDUCED BENEFITS TO REFLECT CURRENT ECONOMIC CONDITIONS. THE COMMITTEE MUST TAKE VERY SERIOUSLY THE OBLIGATIONS IT OWES TO PLAN BENEFICIARIES AND TO THE TAXPAYERS WHO MUST RELY ON THE GOOD JUDGMENT OF THE COMMITTEE MEMBERS TO MAKE THE HARD CHOICES REQUIRED TO KEEP THESE PLANS FUNDED. KICKING THE CAN DOWN THE ROAD IS NOT A SOLUTION THAT WORKS TO THE BENEFIT OF THE STATE, THE TAXPAYERS, AND THE PLAN BENEFICIARIES. NEBRASKA'S PLANS ARE NOW AMONG THE HEALTHIEST IN THE UNITED STATES LARGELY DUE TO THE WORK DONE IN THE PAST SEVERAL YEARS. I AM PROUD OF THAT EFFORT. SINCE CHAIRMAN NORDQUIST'S RESIGNATION LAST MAY, I HAVE SERVED AS THE INTERIM CHAIR OF THE COMMITTEE. OVER THE COURSE OF THE PAST SIX MONTHS, I HAVE DONE EXTENSIVE WORK ON A NUMBER OF FRONTS. I HAVE WORKED CLOSELY WITH THE PUBLIC EMPLOYEES RETIREMENT BOARD AND THE NEBRASKA INVESTMENT COUNCIL ATTENDING THEIR MEETINGS AND THEIR JOINT RETREAT HELD THIS PAST SUMMER. I HAVE TRAVELED THE STATE TO DISCUSS RETIREMENT ISSUES WITH MAYORS AND CITY ADMINISTRATORS. I HAVE WORKED WITH SENATOR SEILER'S JUDICIARY COMMITTEE ON AN INTERIM STUDY FOR THE USE OF PRETRIAL DIVERSION PROGRAMS AND THE DECLINING NUMBER OF COURT CASES AS A RESULT, WHICH AFFECTS JUDGES' RETIREMENT. IN NOVEMBER, THE COMMITTEE TOOK TESTIMONY FROM PUBLIC ENTITIES WITH DEFINED BENEFIT PLANS TO ASSESS THE HEALTH OF THESE PLANS AND THEIR OVERALL FUNDING REQUIREMENTS, AND HAD DISCUSSIONS WITH REPRESENTATIVES OF THE OMAHA SCHOOL BOARD WHICH ADMINISTERS A SEPARATE SCHOOL PLAN. AFTER ATTENDING THE NEBRASKA INVESTMENT COUNCIL RETREAT THIS PAST SUMMER, WHICH INCLUDED A PRESENTATION ON THE ASSUMED RATE AND CAPITAL MARKET ASSUMPTIONS, I BECAME INCREASINGLY CONCERNED ABOUT THE ASSUMED RATE OF RETURN AS IT RELATES TO THE WORK OF THE PERB, THE PUBLIC RETIREMENT BOARD COMMITTEE. THE RETIREMENT COMMITTEE MEMBERS WERE CONSULTED AND ALSO EXPRESSED FEARS THAT AN OVERLY OPTIMISTIC RATE OF RETURN BY THE PERB COULD IMPOSE DRACONIAN BUDGET PROBLEMS FOR THE STATE DOWN THE LINE. I HAVE HEARD FROM SENATORS IN THIS BODY WHO ARE DEEPLY CONCERNED THAT UNREALISTIC RATES OF RETURN COULD JEOPARDIZE THE

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PLANS THEMSELVES. THE COMMITTEE HELD A LATE HEARING A FEW WEEKS AGO TO HEAR FROM THE PERB ABOUT THE ASSUMED RATE OF RETURN, AND ALSO FROM THE INVESTMENT COUNCIL WHICH PAINTED A SIGNIFICANTLY DIFFERENT PICTURE FROM THE PERB. I BELIEVE THIS IS AN ISSUE THAT MUST REMAIN IN THE FOREFRONT AND, AS CHAIRMAN, I AM COMMITTED TO THAT EFFORT. ALTHOUGH THE COMMITTEE WORK DOES NOT DWELL ON INVESTMENTS AS SUCH, THE PERFORMANCE OF THE STATE INVESTMENT COUNCIL AS IT INVESTS STATE DOLLARS IS IMPORTANT, AND THE CHAIR OF THE COMMITTEE NEEDS TO HAVE SOME KNOWLEDGE ABOUT INVESTMENT PRACTICES. ALTHOUGH MY B.A. IS IN HISTORY, I ACTUALLY SPENT THREE YEARS AS A BUSINESS MAJOR BEFORE SHIFTING MY MAJOR, SO I DO HAVE A SOLID BASE OF BUSINESS KNOWLEDGE. I HAVE EXTENSIVE EXPERIENCE HANDLING INVESTMENTS FOR MY OWN FAMILY AND FOR PUBLIC AND NONPUBLIC AND NONPROFIT ENTITIES IN THE HYANNIS AREA. I AM PROUD TO SAY THAT I WAS ABLE TO KEEP MY MOTHER'S STOCK PORTFOLIO MOVING IN A POSITIVE DIRECTION FOR MANY YEARS, EVEN THROUGH FOUR YEARS OF NURSING HOME EXPENSES WHICH CONSUMED OVER \$300,000 OF HER CAPITAL STARTING IN 2007 JUST AS THE GREAT RECESSION BEGAN. I AM VERY FAMILIAR WITH INVESTMENT VEHICLES AND UNDERSTAND RISK AND REWARD. IF ELECTED TO THIS CHAIRMANSHIP, I INTEND TO FULLY INVOLVE THE COMMITTEE IN THE WORK TO BE DONE, AS WELL AS TO REMAIN OPEN TO CONCERNS FROM THE ENTIRE BODY. KEEPING THE BODY ENGAGED AND INFORMED IS ABSOLUTELY VITAL TO THE WORK WE DO. AN INCLUSIVE APPROACH TO COMMITTEE WORK IS ESSENTIAL BECAUSE OF THE TECHNICAL NATURE OF THE WORK OF THE COMMITTEE. THIS COMMITTEE FACES DIFFICULT AND IMPORTANT WORK AHEAD. THOUSANDS OF NEBRASKA TAXPAYERS DEPEND ON THESE PENSIONS FOR THEIR LIVELIHOOD AND BILLIONS OF DOLLARS ARE INVESTED FOR THEM. THOSE DOLLARS SPILL OVER INTO EXPENDITURES AT LOCAL BUSINESSES WHICH DRIVE SALES TAX REVENUE AND CONTRIBUTE TO THE OVERALL HEALTH OF OUR STATE. THE NEXT CHAIR MUST HIT THE GROUND RUNNING AND FACE THESE CHALLENGES HEAD ON. I HAVE BEEN ON THE COMMITTEE LONGER THAN ANY OTHER CURRENT MEMBER OTHER THAN SENATOR MELLO. I BELIEVE THE INSIGHT I HAVE GAINED DURING MY THREE YEARS AS VICE CHAIR AS WELL AS MY SIX MONTHS AS INTERIM CHAIR WILL ALLOW ME TO CONTINUE THIS IMPORTANT WORK WITH PURPOSE AND DETERMINATION. THANK YOU. AND I HUMBLY ASK FOR YOUR VOTE TODAY.

PRESIDENT FOLEY: THANK YOU, SENATOR DAVIS. SEEING NO OTHER SENATORS WISHING TO SPEAK, WE WILL NOW PROCEED TO A VOTE. SENATORS, YOU'LL FIND PIECES OF PAPER ON YOUR DESK THAT YOU CAN USE TO WRITE THE NAME

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OF THE INDIVIDUAL YOU'RE VOTING FOR. THE CLERK AND THE ASSISTANT CLERK WILL COLLECT THE BALLOTS. I NOW APPOINT THE FOLLOWING THREE SENATORS TO SERVE AS TELLERS: SENATOR CRAWFORD, SENATOR FRIESEN, AND SENATOR MELLO. WHEN THOSE THREE SENATORS HAVE FINISHED CASTING THEIR BALLOT, PLEASE SUBMIT IT TO THE CLERK OR THE ASSISTANT CLERK AND THEN PROCEED TO THE FRONT OF THE CHAMBER TO SERVE AS TELLERS. THANK YOU. (VISITORS INTRODUCED.) MEMBERS, SENATOR KOLTERMAN HAS BEEN ELECTED CHAIRMAN OF THE NEBRASKA RETIREMENT SYSTEMS COMMITTEE. CONGRATULATIONS, SENATOR KOLTERMAN. SPEAKER HADLEY, YOU ARE RECOGNIZED.

SPEAKER HADLEY: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, ANOTHER MOMENTOUS DAY, WE START WITH A SHORT SESSION. WE WILL PROBABLY BE VERY HAPPY WHEN THE MIDDLE OF APRIL FINALLY ROLLS AROUND AT THAT POINT IN TIME. I SAID TO SOMEBODY THIS MORNING IT'S A LITTLE MELANCHOLY FOR, WHAT, SIX OR EIGHT OF US? THIS WILL BE THE LAST TIME...EVERY DAY WILL BE THE LAST TIME WE DO SOMETHING. SO WE WILL BE WORKING WITH THAT. I'M GOING TO BE HANDING OUT AN ANNOUNCEMENT, BUT I WANTED TO HIGHLIGHT SOME OF THE THINGS THAT I'M GOING TO DO. FIRST THING IS THAT I HAVE DECIDED TO CHANGE THE DATE FOR ACCEPTING PRIORITY BILLS. I'M GOING TO CHANGE THE DATE TO JANUARY 11. THAT'S NEXT WEEK. AND THE REASON I DID THAT IS MY NUMBER-ONE GOAL THIS SESSION IS THAT WE DO NOT LEAVE THIS SESSION WITHOUT TAKING UP A PRIORITY BILL. WE WILL GET THROUGH ALL OF THE PRIORITY BILLS THIS SESSION. SO I WILL BE ACCEPTING THEM JANUARY 11. THAT DOESN'T MEAN THEY WILL BE SCHEDULED RIGHT AWAY. WE WILL, YOU KNOW, USE OUR SCHEDULING PROCESS TO MOVE AS SMOOTHLY AS POSSIBLE. BUT I KNOW THERE ARE...I HAVE TALKED TO A FEW SENATORS THAT ARE GOING TO REPRIORITIZE BILLS THAT HAVE ALREADY HAD HEARINGS. AND SO, YOU KNOW, THOSE CAN COME UP MONDAY. YOU CAN PUT THEM IN AND WE CAN START ON THOSE. WE ARE GOING TO START WITH THE PRIORITY BILLS WE DID NOT GET TO LAST YEAR STARTING ON MONDAY. SO I JUST WANTED YOU TO KNOW THAT COMMITTEE AND SENATOR PRIORITY BILLS CAN BE STARTED TO BE ACCEPTED ON MONDAY. SO THIS IS AN URGENCY. THOSE 18 OF YOU THAT HAVE NOT BEEN HERE FOR...OR 19, I GUESS NOW, THAT HAVE NOT BEEN HERE FOR A SHORT SESSION, YOU DON'T REALIZE HOW FAST IT GOES. ON JANUARY 14, THURSDAY, GOVERNOR RICKETTS WILL COME IN FOR HIS STATE OF THE STATE MESSAGE. SO WE WILL MEET THAT DAY. ON JANUARY 19, WE START PUBLIC HEARINGS AT 1:30 THAT DAY. COMMITTEE HEARINGS WILL START ON THAT DAY. THAT IS A RED-LETTER DAY. THAT IS ALSO THE DAY THAT SPEAKER GETS TO GO AND FULFILL HIS NAP TIME ABOUT 2:30. SO

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THAT'S...ANYBODY EVER WANTS TO BE SPEAKER, THAT'S THE ONLY PERK YOU GET IS THAT YOU CAN TAKE A NAP WHILE THE REST OF THE BODY IS WORKING (LAUGHTER). THURSDAY, JANUARY 21, CHIEF JUSTICE HEAVICAN WILL GIVE US THE STATE OF THE JUDICIARY AT 10:00. THE PRIORITY BILL DEADLINE, THE LAST DAY, WILL BE FEBRUARY 18, PRIOR TO ADJUSTMENT...ADJOURNMENT. YOU WILL BE GETTING THIS MEMO SO YOU WILL KNOW. WE ARE VERY STRICT ON THAT. DON'T COME IN AT...WE...DON'T ADJOURN AT 1:00 AND YOU COME WANDERING INTO THE OFFICE AT 5:00 WITH A PRIORITY BILL. IT'S WHEN WE ADJOURN. AND THEN FEBRUARY 19 WILL BE THE COMMITTEE AND SENATOR PRIORITY BILLS. FEBRUARY 18 WILL BE THE SPEAKER PRIORITY BILLS. MARCH 15, WE WILL BEGIN CONVENING AT 9:00 A.M. THE FIRST DAY OF THE WORK WEEK UNLESS OTHERWISE ANNOUNCED. YOU KNOW, WE HAVE TRADITIONALLY DONE THIS AT 10:00 THE FIRST DAY OF THE WEEK. BUT, AGAIN, WE CAN GRAB AN HOUR HERE AND GRAB AN HOUR THERE. SO STARTING MARCH 15, WE...EVERY DAY OF THE WEEK WE WILL BE STARTING AT 9:00 IN THE MORNING. AND THEN I LIST THE DATES--15th, 17th, 21, 22, 29, 30, 31, 4th, 5th, 6th, AND 12th--I'M GOING TO CONTINUE THE PRACTICE THAT I INSTITUTED LAST YEAR. WE WILL TAKE A SHORT BREAK FOR LUNCH, A 20-MINUTE BREAK FOR LUNCH. AND WE WILL ADJOURN BY 7:00 UNLESS THERE IS SOMETHING REALLY PRESSING THAT WE HAVE TO GET DONE OR SUCH AS THAT. SO YOU CAN PLAN YOUR SCHEDULE ACCORDINGLY AT THAT POINT IN TIME. I WOULD BE HAPPY LATER TO ANSWER ANY QUESTIONS ABOUT THE SCHEDULING AND SUCH AS THAT. BUT AGAIN I WANT TO REEMPHASIZE THAT MY GOAL IS TO GET THE PRIORITY BILLS THROUGH. I HAVE THIS BELIEF THAT IF A SENATOR DESIGNATES A BILL AS A PRIORITY BILL OR A COMMITTEE DESIGNATES ONE OR THE SPEAKER DESIGNATES ONE THAT THAT IS A BILL WE NEED TO GET TO. AND I KNOW THERE ARE SOME IMPORTANT BILLS THAT ARE JUST ON THE WORKSHEET, BUT WE WILL PROBABLY NOT GET TO MANY OF THOSE THAT ARE JUST SITTING ON THE WORKSHEET AT THIS POINT IN TIME. WITH THAT, I WELCOME YOU BACK. AND WE'LL GET THE REST OF THE DAY ACCEPTING BILLS AND MOVING ON. AND WE WILL START AGAIN TOMORROW AND THE NEXT DAY AT 10:00. AND I WISH YOU THE VERY BEST. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SPEAKER HADLEY. WE'LL NOW PROCEED TO THE INTRODUCTION OF NEW BILLS. MR. CLERK.

CLERK: MR. PRESIDENT, NEW BILLS. (READ LB665-684 BY TITLE FOR THE FIRST TIME, LEGISLATIVE JOURNAL PAGES 126-130.) [LB665 LB666 LB667 LB668 LB669 LB670 LB671 LB672 LB673 LB674 LB675 LB676 LB677 LB678 LB679 LB680 LB681 LB682 LB683 LB684]

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PRESIDENT FOLEY: CHAIR RECOGNIZES SENATOR KRIST. MEMBERS, PLEASE COME TO ORDER.

SENATOR KRIST: THANK YOU, MR. PRESIDENT. JUST A QUICK WORD AS PART OF OUR SAFETY AND ONGOING SAFETY EFFORTS IN THE CAPITOL. WE ARE NOW ISSUING VISITORS' BADGES SO THAT SOMEONE WHO COMES INTO THOSE GLASS DOORS WILL HAVE A LANYARD WITH A RED TAG ON IT THAT SAYS VISITOR. THAT OBVIOUSLY WILL SLOW DOWN THE FLOW OF PEOPLE COMING IN THE BACK, PARTICULARLY FOR THE STATE OF THE UNION, THE STATE OF THE JUDICIARY. AND IF YOU HAVE A LARGE GROUP THAT YOU WANT TO HAVE COME IN, IT MAY TAKE AWHILE. BUT AS YOU RECALL, ONE OF THE CONCERNS THAT WAS ECHOED AT OUR OFF SITE AS WELL AS ON A DAILY BASIS IS THAT PEOPLE WALKING IN THE BACK DOOR UNKNOWN TO US, AND SO THAT SHOULD HELP. AND ON BEHALF OF THE SENATORS, I WANT TO THANK SECURITY AND THE RED COATS AND THE CLERK'S OFFICE FOR PROVIDING THOSE TAGS FOR US FOR VISITORS. AND WELCOME TO ALL THE VISITORS. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. (VISITORS INTRODUCED.) CONTINUATION OF INTRODUCTION OF NEW BILLS, MR. CLERK.

CLERK: THANK YOU, MR. PRESIDENT. (READ LB685-712 BY TITLE FOR THE FIRST TIME, LEGISLATIVE JOURNAL PAGES 130-135.) [LB685 LB686 LB687 LB688 LB689 LB690 LB691 LB692 LB693 LB694 LB695 LB696 LB697 LB698 LB699 LB700 LB701 LB702 LB703 LB704 LB705 LB706 LB707 LB708 LB709 LB710 LB711 LB712]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE'LL STAND AT EASE FOR AWHILE AS THE SENATORS BRING THEIR BILLS FORWARD. THANK YOU.

EASE

PRESIDENT FOLEY: (VISITORS INTRODUCED.)

EASE

PRESIDENT FOLEY: CONTINUATION OF INTRODUCTION OF BILLS, MR. CLERK.

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. NEW BILLS. (READ LB713-748 BY TITLE FOR THE FIRST TIME.) AND THAT'S ALL I HAVE AT THIS TIME, MR.

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PRESIDENT. (LEGISLATIVE JOURNAL PAGES 135-141.) [LB713 LB714 LB715 LB716 LB717 LB718 LB719 LB720 LB721 LB722 LB723 LB724 LB725 LB726 LB727 LB728 LB729 LB730 LB731 LB732 LB733 LB734 LB735 LB736 LB737 LB738 LB739 LB740 LB741 LB742 LB743 LB744 LB745 LB746 LB747 LB748]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. CONTINUATION OF INTRODUCTION OF NEW BILLS, MR. CLERK.

CLERK: (READ LB749-771 BY TITLE FOR THE FIRST TIME.) AND NEW RESOLUTIONS, MR. PRESIDENT: LR378CA BY SENATOR KUEHN IS A PROPOSED CONSTITUTIONAL AMENDMENT TO GUARANTEE THE RIGHT TO ENGAGE IN CERTAIN FARMING AND RANCHING PRACTICES; LR379CA BY SENATOR BLOOMFIELD IS A PROPOSED CONSTITUTIONAL AMENDMENT TO PROVIDE FOR THE RECALL OF HOLDERS OF STATE ELECTIVE OFFICES PRESCRIBED BY LAW; LR380CA BY SENATOR BLOOMFIELD IS A PROPOSED CONSTITUTIONAL AMENDMENT TO CHANGE THE DISTRIBUTION OF STATE LOTTERY PROCEEDS; LR381 BY SENATOR EBKE IS A PROPOSED AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES AND CALLING FOR ITS RATIFICATION; LR382 BY SENATOR GLOOR CONGRATULATING CASE NEW HOLLAND AMERICA FOR ACHIEVING THE MILESTONE OF PRODUCING INDUSTRY-LEADING EQUIPMENT, THAT WILL BE LAID OVER; LR383 BY SENATOR BRASCH CONGRATULATING DARCEY SIMONSEN FOR THE THIRD PLACE IN CLASS D STATE TRACK; LR384 BY SENATOR BRASCH, THAT WILL BE LAID OVER; LR385 BY SENATOR BRASCH PERTAINING TO THE 1,600-METER RUN; LR386 BY SENATOR BRASCH CONGRATULATING ASHLEIGH CARR; LR387 BY SENATOR BRASCH CONGRATULATING BANCROFT-ROSALIE PUBLIC SCHOOLS; LR388 BY SENATOR BRASCH AND OTHERS IS TO HONOR JOSEPH LEMM FOR HIS SERVICE TO THE COMMUNITY, COUNTRY, AND WORLD AND EXTEND SYMPATHY TO HIS FAMILY. IN ADDITION TO THAT, WE HAVE A NEW BILL. (READ LB772 BY TITLE FOR THE FIRST TIME.) AND A SERIES OF NAME ADDS: SENATOR CAMPBELL TO LB166; SENATOR STINNER TO LB166; SENATOR KOLOWSKI, SCHEER, MELLO, PANSING BROOKS, MORFELD, AND HOWARD ALL TO LB166. (LEGISLATIVE JOURNAL PAGES 141-153.) [LB749 LB750 LB751 LB752 LB753 LB754 LB755 LB756 LB757 LB758 LB759 LB760 LB761 LB762 LB763 LB764 LB765 LB766 LB767 LB768 LB769 LB770 LB771 LR378CA LR379CA LR380CA LR381 LR382 LR383 LR384 LR385 LR386 LR387 LR388 LB772 LB166]

FINALLY, MR. PRESIDENT, A PRIORITY MOTION. SENATOR BLOOMFIELD WOULD MOVE TO ADJOURN UNTIL THURSDAY, JANUARY 7, 2016, AT 10:00 A.M.

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

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PRESIDENT FOLEY: SENATORS, YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. WE ARE ADJOURNED.