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Floor Debate  
January 06, 2017

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[LB13 LB28 LB102 LB103 LB104 LB105 LB106 LB107 LB108 LB109 LB110 LB111 LB112  
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LB125 LB126 LB127 LB128 LB129 LB130 LB131 LB132 LB133 LB134 LR5]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the third day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Senator Hilkemann. Please rise.

SENATOR HILKEMANN: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Hilkemann. I call to order the third day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections, Mr. President.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Are there any messages, reports or announcements?

CLERK: At this time, Mr. President, I have neither messages, reports, nor announcements.

PRESIDENT FOLEY: Thank you, Mr. Clerk. We will now proceed to first item on the agenda. Mr. Clerk.

CLERK: Mr. President, Senator Krist would move to withdraw LB13. [LB13]

PRESIDENT FOLEY: Senator Krist, you are recognized. [LB13]

SENATOR KRIST: Good morning, Nebraska, and thank you, Mr. President. Colleagues, this is pretty simple. This bill was submitted by me as the Chairman of the Executive Board and it's for

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the past senators who take great pride in staying active with this building and the care of this building. It is more appropriate to be introduced by the current Chair of the Executive Board, so I ask for unanimous consent to withdraw LB13 and they can speak with Senator Watermeier and reintroduce if he so chooses. [LB13]

PRESIDENT FOLEY: Thank you, Senator Krist. Motion before the body is to withdraw LB13. All those in favor say aye. I'm sorry. This requires a machine vote. All those in favor vote aye, all those opposed vote nay. Record, please, Mr. Clerk. [LB13]

CLERK: 39 ayes, 0 nays, Mr. President, on the motion to withdraw LB13. [LB13]

PRESIDENT FOLEY: Thank you. The motion is adopted. Mr. Clerk, next motion. [LB13]

CLERK: Mr. President, Senator Kolterman would move to withdraw LB28. [LB28]

PRESIDENT FOLEY: Senator Kolterman, you are recognized. [LB28]

SENATOR KOLTERMAN: Thank you, Mr. President. I know it's hard to believe, but on occasion senators make mistakes. I dropped a bill that I had prepared; I actually prepared two bills, I dropped the wrong one. So I am asking that this one be withdrawn and I will put the other one in. Thank you. [LB28]

PRESIDENT FOLEY: Thank you, Senator Kolterman. The motion before the body is to withdraw LB28. All those in favor vote aye, those opposed vote nay. Record, please, Mr. Clerk. [LB28]

CLERK: 39 ayes, 0 nays, Mr. President, on the motion to withdraw LB28. [LB28]

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Doctor of the day and visitors introduced.)  
Senator Krist, you are recognized.

SENATOR KRIST: Again, good morning, Nebraska; good morning, colleagues; and thank you, Mr. President. It is with great sorrow that I must announce the passing of a great American and a great public servant, Senator John Wightman. I had the pleasure of serving as John's vice chair of the Executive Board. Senator Williams' office and mine will be preparing a resolution and we'll send it around for everyone to sign to present to the family. Let me tell you about dedication. John Wightman had an infection in his knee and had to have his knee removed for a period of

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time. He sat right back there in that corner with his knee elevated and made every session and voted every vote. He continued to function as the Executive Board Chair. We miss you, John. Thank you.

PRESIDENT FOLEY: Thank you, Senator Krist. Mr. Clerk, you are recognized for introduction of new bills.

CLERK: Thank you, Mr. President. (Read LB102-109 by title for the first time.) That is all that I have at this time, Mr. President. (Legislative Journal pages 74-75.) [LB102 LB103 LB104 LB105 LB106 LB107 LB108 LB109]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, at this time, if you have bills you wish to submit, please bring them to the Clerk's desk. Thank you. Senator Craighead, you are recognized for a motion.

SENATOR CRAIGHEAD: Thank you, Mr. President. I move to approve the following final Committee on Committees report.

PRESIDENT FOLEY: Thank you, Senator Craighead. Senator Krist, you are recognized.

SENATOR KRIST: Thank you, Mr. President, colleagues. Good morning, Nebraska. In my time here in the Legislature, I have never seen the Committee on Committees take more than one afternoon to clearly define who was on each committee. It has never been a really contested area, it's been an attitude of cooperation to make sure that everyone, at least in the second, got either their first or second choice; that we spent time looking at mentorship and made sure in this term-limited environment that those new people got to learn what it was to be a legislator. I am disappointed in the way that the Committee on Committees has gone. I have never been aware of a committee chair, in the time that I have been here, who is trying to stack the deck to make sure that he or she had the votes. You see, because it's always traditionally been about fairness, equal representation, the third, the first, the second, out-state Nebraska, eastern edge of Nebraska, talking about issues. That didn't happen this time. The first day of this session for me was probably the blackest day in this Chamber despite the long hours that I have spent in here in pitch black. And I think you will see some of those hours in the next few years where you go until 11:59 and come back the next morning at 9:00. Senator Kintner has succeeded in the time that he has been here as a stated goal to make this a partisan Legislature. It is now officially a partisan Legislature. Congratulations. The problem is, now that you got it, what are you going to do with it? I completely support the report that came out of the Committee on Committees. I think there's a balanced, fair, somewhat fair, load on each committee. I've always said, even when I was the Chair of the Exec Board and I was the Chair of the Referencing portion of this

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body, that I can't care where anything went because I was sure that no matter which committee got that bill, there would be a fair, honest committee hearing and the right pieces of legislation would come to the floor in the right form. I'll reserve judgment on that statement as we go forward with this session. And I will closely watch what's coming out of each committee, and I will read every bill, as I always do, with the scrutiny of serving 1.9 million people across this state and the 42,000 people that are in my district. My vote will be to accept this report and move forward. But those things needed to be said and a legislative record needed to be established. Today, officially, I declare this a partisan body. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Friesen, you are recognized.

SENATOR FRIESEN: Thank you, Mr. President. As a member of the Committee on Committees and a first-year member, not knowing what to expect going into the meeting, the Third District has, from my initial experience with our caucus process, I studied that issue before I got here. We understood, kind of, how it works, but yet still the Committee on Committees portion of it was rather secretive or whatever and so it was kind of a learning experience going into it. So I read through the rule book. I studied up a little bit on what was expected of the Committee on Committees. And, basically, the rules lay out the fact that the Committee and Committees will assign senators to their seats and we will send out a preliminary report for approval of the body. And so it really spells out no rules or processes other than maybe historically what has been done. And so I will say that I think this is one of the things, probably, that term limits is still having an impact on because we lack that historical knowledge. And some of us that come in here, we come in here knowing that we have maybe only four years or eight years at the most, and we came here to get work done. And so along with some others, I think, I, too, am extremely disappointed with how that process worked. When I look at my committee, I would have to say that I couldn't disagree with the members that were placed on it, but, basically, it's totally loaded up with...and, you know, we can talk the partisanship thing to death here if we want, but this has been a partisan body for 40 years. The newspapers, each election cycle, make the headlines with this many Republicans were elected, this many Democrats were elected, and this many Independents. It is on every front page of the paper everywhere. It is a nonpartisan election, but it is a partisan body. We all know who we are and it's nothing wrong with that. And you can skew it how you want, you can say we're liberals, we're conservatives, we're ideologues, whatever. I like to think of us...we are...Nebraskans are very independent minded. And we are not necessarily, on bills we have seen, we go all over the place. When we do get something to the floor, we work on it. So I look at my committee and it's loaded up with like-minded individuals, every one of them. They're all Republicans. I would have wanted at least somebody of a different mindset on my committee. If I am to send out the best legislation, I need someone on there that is going to think in a different manner or method, look at it from a different perspective so I as committee chair, I can decide whether I want to take their comments into consideration and make my bill a better bill, or I can move it forward as I so fit with one dissenting vote. But I

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know as I came here and I look at a bill when it comes to the floor, I immediately look if it came here by unanimous consent of the committee, that takes the red flags away. If there were one or two dissenting votes, suddenly I start to read, I start to try to figure out what's wrong with the bill, so it raises red flags. So I would love nothing better than to have Transportation to send out a unanimous bill all the time, this is going to be easy, everybody should just send them through. I'm going to have a good time. But I was disappointed that I didn't get some diversity of opinion on my committee.

PRESIDENT FOLEY: One minute.

SENATOR FRIESEN: And then when I look at the process of the caucuses, we have to somehow come up with better defined, maybe rules, of how we're going to approach that process. I think there were some members of caucuses who were very disadvantaged by some things that were happening to them that did not probably allow them the same opportunity as it allowed others. So, yes, I am disappointed. I think we have intentionally set up some committees to fail. And we have set up some committees to just send everything and anything through. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Hughes, you are recognized.

SENATOR HUGHES: Thank you, Mr. President; good morning, colleagues. I'm going to agree with Senator Krist this morning. I, too, am disappointed in how the committee process has unfolded. It has come to light that there were changes made after the chairmen were elected, and that's not right. That's not the rules that I agreed to. I agree with Senator Friesen, there are committees that have been set up to fail, and that is an incredible disservice to the state of Nebraska, the people of the state of Nebraska that we're sent here to represent. This is a nonpartisan body, but we are partisans. We have to declare when we sign up--are we an R, are we a D, are we an L, are we...you know, nonpartisan? We all come to this body with core values. We don't leave them at the door when we walk in. We have things that we believe in. That's what drove us to get to this position so that we can craft legislation that's best for the state of Nebraska. We're not just Republican or Democrat senators, we are Nebraska senators. And we're sent here to do what we think is best for the state of Nebraska. There's been a lot of talk in the papers about partisanship. It's not any different than it's ever been. It's always been this way. And you can talk to a lot of past senators, it's always been there under the surface. That is what government is, is people getting together who have different philosophies, different ideas, coming together, reaching a compromise. And it's like an election, you build a coalition and the one with the most votes wins. That is our system. If you don't like it, I don't know what to tell you. But we need to make sure that this body is successful in what we accomplish for the citizens of the state of Nebraska that sent us here to do our job. Thank you.

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PRESIDENT FOLEY: Thank you, Senator Hughes. Senator Brasch, you are recognized.

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor, and good morning, colleagues, and good morning to our second house. I rise to speak on this because I do want the second house who is watching to understand what was just said and what is happening. Our committee process, I also agree, has been broken. But the break did not start then. I believe bridges were burned when we formed into our official caucuses, and tradition and protocol was broken. As a senior member of starting my seventh term here, I was outvoted in secrecy to be on the Executive Committee. I was extremely disappointed because I had waited patiently. I had been accepted to the Council of State Government, special educational legislative leadership committees, not every senator gets into those. I have also received awards on management and things like that, but when it came to our caucus, the numbers weren't there. It was very partisan. The votes bent the other way. The secrecy was a part of the demise, I believe. And I believe it's also a part of term limits. I am...it is brought up of I served on this special committee, I served on that special committee. I have applied to so many special committees, but I believe there's partisanship, and these are special legislative committees that I was turned down on so many that I quit applying for the special committees within the appointments because I could see the reality. The reality is there is a division here, a true division. That is why I have always upheld and always encouraged transparency. We don't always like what we vote. We get over it basically. But I don't think there's much getting over here when the respect of the institution that keeps coming up repeatedly is not being honored. It's not. And partisanship has become something that term limits has turned against everyone. And I think, especially, the second house is now seeing the greatest fault there. The protocol has been important. I have not once heard Senator Kintner say that he's turning this into a partisan body. I have heard him say a lot of things. I have rolled the eyes in the back of my head on a few of the things he has the said, but this is not one of them. And this is not something I heard. So if it's on record somewhere, I would like to see it. I do want to say that the committees could have been done differently. I am so grateful that when I came in, it was Speaker Flood and a group of individuals who still honored the institution and the committee process where new individuals were able to get at least one of the committees or most of the committees they were on. I got the committees I wanted to be on year one. But knowing that I am leaving in two years, I do want to have all of my new colleagues be confident that this new process will catch up with you unless things are turned around. And if bridges are burned, I would like us to build those bridges, and I think it will start with honoring our protocols and knowing that those who have been here more years, even their 11th term, have some institutional knowledge where when you're just starting that proceed cautiously. Again, I am not going to support this report. I would like to see more of our freshmen get into some of the committees they had hoped for. Thank you, colleagues. And second house, you are the salvation of our state. Keep watching. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Chambers, you are recognized.

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SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I listen to everybody who speaks. I take note of what everybody says. I read comments that they make in the newspaper. I read where Senator Groene was upset because a committee was not divided ideologically to his satisfaction. Well, it wouldn't matter if his side had gone that direction. So I watch people and I listen to them portray themselves as being the protectors of the constitution, of principles, of processes, but I look at how these things work out. And although I don't have a religious corpuscle in my body, thank goodness, I quote things that Jesus said because people in here pretend to believe what Jesus said. But their conduct does not reflect that belief. The one thing he said, or it was said of him, he had no need that anyone speak to him of man for he knew what was in man. I know what's in you all. I don't look for more out of you than you're going to give. Water cannot rise above its level. I know that. If something is suspended from this ceiling by a piece of string and the string is cut, I cannot describe for you in technical terms how what is called the law of gravity works, but I know it does work and if that which is sustaining something in midair is cut, that which is being sustained will fall. It's not really falling. Everything is drawing everything else to itself. So when I hear certain people, like my friend Senator Brasch, say the things she said, were it not for the rancid...I didn't say...rancid partisanship, she wouldn't have her chairpersonship. She wouldn't have...that's what got her that position without being opposed. I'm a grown man. I'm an adult. And I will not take being treated like a child, and I don't want you all to expect to be able to treat me like a child and get away with it. I'm courteous to everybody when they allow me to be. But I don't care how big somebody is. I don't care how tough they think they are, but if they mess with me, the biggest giant looks like Tom Thumb. And if you want to put me to the test, do so. Treat me with respect and you cannot show more respect to me than I will show to you. But don't mistake my being nice for being weak, or my being courteous for being a fool. And when you all don't like me to refer to things you said, don't say them to the media. It gives an index into your character. I know there are some of you who campaigned against me, Senator Halloran, for example. Ask the people in his district, who did Senator Seiler stand with? Chambers. I never was the only person on any issue with Senator Seiler. There were white people, but they never mentioned the white people. White people who run down here have done that all the time and I keep articles on it.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: Senator Kolowski was running against a fella and that fella had a statement on the radio. Who did he stand with? Chambers. My good friend, Loran Schmit, even did that when he was here and John DeCamp. Why do they mention Chambers? Because you all know how racist your people are and that's why you bring my name up, so don't call me a racist when I call you what you are. A tree is known by the fruit it bears. Senator Halloran, if you look at the record and see the kind of positions that Senator Seiler took, if you can show where he and I were the only two on it, I'll give you \$100. You know why you use my name. And you know why those who advise you told you to use my name. Because he knows the people who are

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voting for you. That is why you all have term limits because these racists saw that black people had somebody with integrity who they would send here as long as I was willing to run...

PRESIDENT FOLEY: Time, Senator. Thank you, Senator Chambers. Senator Morfeld, you are recognized.

SENATOR MORFELD: Thank you, Mr. President. I rise in support of the Committee on Committees report, and I will vote to adopt. I do want to give a little bit of context. I understand some of the concerns that were brought up about the process. And I have talked to Senator Hilgers and other people, Senator Kolterman as well, and Senator Friesen as well, about the need to create more clear guidelines and perhaps rules, but at the very least guidelines on the Committee on Committees process. For instance, in our caucus, after people submitted their preferences, when we selected our leadership on the Executive Board and Committee on Committees, which was about a month or so ago, several people came up to some of us and said, I would like to change my preference. And I told them they need to e-mail the entire Committee on Committees for the caucus so that can be noted in the record and the preference sheet can be updated. Senator Schumacher's office then updated the preference sheet. And before we met as Committee on Committees for the First Caucus, we sat down and had an updated sheet. And quite frankly, colleagues, that process took maybe 15, 20 minutes because everybody kind of fell into place after people who were currently on committees were slotted in, after people who were current members of the body wanted to move were slotted in, and then after the freshmen's own preferences were taken into account. That being said, I think in the future, we should have some guidelines. So for instance, what are the guidelines if you want to change your preference after you submit them to the caucus? I think that would be useful. And I understand that not everybody is happy with their committees. I get that. I remember my first year here I was passionate about being on the Appropriations Committee. My district is northeast Lincoln and it encompasses the University of Nebraska-Lincoln and several important state institutions. So that was a committee that was particularly important to my constituents. I "preferred" it. And then two days before one of our colleagues who was here today decided to use her seniority to take the spot that I would have liked. And that is fine. That was her prerogative. She had seniority. And while I was a little bit disappointed, I certainly did not oppose the Committee on Committees report because of that. I understood that it's a little bit of give and take, and that, as a freshman senator, I have more time to get on those committees than some of the senior senators. I would like to address Senator Friesen's comment a little bit. I understand how he wants more diversity on his committee. That being said, having diversity of political ideology and thought on committees should only be one factor. While that sounds like a good idea in theory and while I think agriculture is incredibly important to this state, my constituents, quite frankly, don't have a lot of issues with agriculture directly, so I don't preference to be on that committee. But rather, I preference to be on Appropriations, Judiciary, and Education, where there are more direct interests, in my mind, in my constituencies. Now, Senator Friesen, I understand what he's talking



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about when it comes to having a diversity of political ideology and thought, but if we're looking at this in partisan terms, I think I count only 15 more progressive senators, and there is only so many different committees that we can spread them around. Now, I would love to see 10 more, not that I want to see anybody here leave, and that's why I have brought some voter registration cards. I would love for anybody to come up here and change their party affiliation and then we can diversify the committees more. And I say that jokingly. But that's the reality. The reality is that there's only so much political ideology and diversity of thought to go around. I believe the Committee on Committees report that we have come up with is fair, it is balanced, there was give and take...

PRESIDENT FOLEY: One minute.

SENATOR MORFELD: Thank you, Mr. President. I was not satisfied with all the committees myself. But rarely am I ever satisfied entirely with anything in this body. And I think that you will find the same as well. It's about coming together and compromising, give and take, working together. And I don't think that these committees were set up to fail. I think having this diversity of political thought that Senator Friesen talks about will actually challenge the committees to work together to bring bills onto this floor that have been compromised and fully vetted. The Committee on Committees report is good. It's not perfect. It never is. I urge you to support it. Thank you.

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Kolterman, you are recognized.

SENATOR KOLTERMAN: Thank you, Mr. President. I had the privilege to sit on Committee on Committees, and I will tell you from my perspective it is a flawed system. We made it work. And we came up with a proposal that you have before you. When we were in the meeting, I gave my word that I would support that proposal. But I will tell you that we need rules and regulations in there, and I indicated that during the committee, from the very start of the caucuses all the way through. To substantiate what Senator Morfeld has said, I did receive in advance, the day of the first committee meeting, that there were two changes requested at the Committee on Committees. In other words, two people sent me an e-mail via Senator Schumacher that they wanted to change their preferences. I didn't have a long time advance notice on that, but I did have advance notice on that. And if that is what everybody is hanging their head on, then it is incorrect and I apologize. But the idea...I don't believe that there was anything changed in the First District that would have...I mean, people didn't get some of the committees they wanted, and I don't agree with that necessarily, but at the same time, I think it was fair from our caucus. Flawed? Yes, went back to the day one. Are we going to honor seniority or we're not going to honor seniority? But that has nothing to do with what we came up with. We came up

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with...Senator Craighead came up with a recommendation and I gave my word in that committee that I would support it, and I intend to stand behind that. Thank you.

PRESIDENT FOLEY: Thank you, Senator Kolterman. Senator Groene, you are recognized.

SENATOR GROENE: Thank you, Mr. President. Bipartisan/partisan, there is nobody in this country that isn't partisan. No one. To clear something up about the chairmen in the room and votes: I went out and asked my colleagues that I knew were like-minded to vote for me. They did. Other chairmen did, too. I didn't talk to all the members of this body. They knew I was running. I made sure I had my votes. Never once did a Republican Party official talk to me in the last five months. The last time I talked to a Republican Party official is when I picked up a Trump sign. Did the Governor's Office talk to me? No. Did the Governor call me and ask me to support certain people for chairmanships? No. I investigated the freshmen senators; I seen where they stood. They shared my beliefs. I voted for three of them because they shared my beliefs as chairmen. Bipartisan/partisan. How do we vote? Lobby? Did the lobby contact me? Never. There wasn't one lobbyist...they're not real friendly with me anyway, but anyway, asked me to try to control a committee. Not one. But I hear rumors and editorials because finally this body, as a whole, represents the mindset of the state at whole. Is that wrong? Seventy percent in my district voted for Trump; statewide it was 60-some. You look at our governor; look at our Speaker, when we have statewide votes, it follows a certain philosophy. This Chamber should follow that majority philosophy. And it did with the chairman votes this year. Bipartisan/partisan, that's reality. As to the Committee on Committees vote, you read in the Lincoln Journal Star that Senator Burke Harr, his colleagues, that each one of them had pledged to support the preliminary assignment list if he would volunteer to be moved off the Education Committee. Absolutely true. I will tell you one person who acted bipartisan in that committee for sure, it was Senator Harr. He did. He preached to us a bunch about it. But he did the right thing. I agreed because we were at an impasse after I repeatedly asked another caucus, did you really give the number one preference or the closest preference to number one positions on my committee? They said yes. What they did not tell me is that a couple of senators, I don't know how, all of a sudden decided that they were going to change their preferences. I asked, after we met again, were all the Committee on Committees members of your caucus given that opportunity? Were they told? No answer. You want to talk partisanship? There's nine R's and seven D's in Omaha caucus. There's eight and eight in the Lincoln caucus. I received three D's on the Education Committee from the Lincoln caucus. Judiciary received three D's from the Lincoln caucus. Do you want to talk partisan, bipartisan? Fine. I'm not arguing it.

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SENATOR GROENE: But don't talk to me about bipartisanship. In the final vote of the committee, it did not come out 13-0; it came out 11. I did not vote. Senator Erdman voted against it. Public vote--we believe in that. So when you read that article, I make agreements on truth and facts. When I repeatedly asked the question--was Senator Bostelman, was Senator Geist given a fair chance to be on Education Committee? I was told they didn't come, and they picked it number two. In the past, the First Caucus has always at least gone two-one. There is bipartisanship in this body and it's everywhere, but don't preach to me bipartisanship. This is government. This is freedom. This is free speech. And by golly, all of you should use it. And you should try to get something done while you're down here that reflects the ideology of the state of Nebraska. Thank you.

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Pansing Brooks, you are recognized.

SENATOR PANSING BROOKS: Thank you, Mr. Speaker...Mr. President. I just am rising in support of the report from the Committee on Committees. Again, we can go back and forth. The First Congressional District was the only district to send out the list to the rest of our CD to show what we were doing. So actually it was quite transparent and it was based on preference. And then it was also based on seniority. And the fact that one of the people we're talking about is Senator Hansen, who did change his preference because he realized he had seniority. That was a decision. Other people had...we had not been told that we couldn't accept a change that was before our vote. So we went forward. So maybe some rules need to be changed. I don't want to get into that exactly right now. What I really want to talk about is this body and how important it is to work back and forth. And I am hearing that all sorts of things, we know that we're all hearing rumors. We're hearing that some of the freshmen are being told not to bring a bill because you'd have to set up a coalition with the horrible people that we are, representing our own districts. So I just want to tell one story as the main thing. When I finished my first year, Speaker Hadley appointed me to go to the University of Virginia at Darden School of Business for an emerging leaders conference. And at that conference we read Plato; we read The Second Machine Age, which I hope everybody will take a minute to read. But another thing that we did was at the very end, there were 50 brand-new legislators and 50 brand-new...and new senate members from various states around the country. And they put us in a circle and we went around and they said: What did you do this year? What was your year like? And one person said, oh, it was awesome, I got to work with a minority caucus, and we helped create legislation and language for the senior representatives. Another person said: Oh my gosh, I got to work with the Minority Whip and we went around and told everybody how they were to vote when the bill came up. And it went around exactly like that with everyone. And then it came to me. And I said: Well, I had 10 bills, 5 of them passed, and I co-sponsored 20. And there was literally an audible silence. And then somebody said, oh, well, because the Speaker let you. I said, no, we have a nonpartisan body. We're able to work back and forth across the aisle. There are things that I worked with, with Senator Hughes on; there are things I worked with Senator Morfeld on. I've

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worked with all the people in this body. Senator Brasch and I have worked together on things. And we have a precious gem in the middle of this country. We have had a lot of pressure, as progressives, to meet, as we have heard, some of the conservatives have done. We have fought that. The only group that I have met with is the women which was a broad, partisan group. We did it at lunch two different times. And it was just a fun lunch to get together. It wasn't a plot. It wasn't a plan. And I will tell you that I don't...I do not believe that the progressives have done this. I am still fighting. I have people calling me saying...

PRESIDENT FOLEY: One minute.

SENATOR PANSING BROOKS: ...you need to do this now. I don't want to do it. I want to work back and forth with Senator Linehan. I want to be able to joke with Senator Riepe, tell him he's full of it sometimes (laugh)...full of really great wisdom. But we have to be able to represent our entire state. Yes, Senator Groene is right. He is representing a good portion of the state by the number of people that voted a certain way, but that doesn't mean that my constituents need to be silenced. It doesn't mean that we have to have a slaughter of all the committee chairs and of all the committee people on every committee. Our voices are important. I am not speaking for myself. I am speaking for the 31,000 to 36,000 people I represent.

PRESIDENT FOLEY: Time, Senator.

SENATOR PANSING BROOKS: Thank you very much, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Chambers to be followed by Senators Smith, Schumacher, Scheer, Kuehn, Hansen, and Hughes. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President, I am going to take up where I left off, because as I stated yesterday, everything we say is recorded and transcribed. I was mentioning term limits. I am probably the only one that a national organization got involved with in order to show why there should be term limits. It's some outfit called Term Limits U.S.A (sic-US Term Limits). And they came here and told people, white people primarily, how to get me out of the Legislature. And after it was done, white people now want to disavow what was plainly the practice at that time. People were brought here from other states. They were given a card when they were trying to get the signatures to get the item on the ballot. And my name was mentioned. The people with the card had no idea who Ernie Chambers is, was, or had been. But they were told, tell people this is the only way you can get Chambers out of the Legislature. You know why I know it? Because a woman approached me at the post office down here in Lincoln and asked me, did I know this Chambers person? I said, well, probably people in Nebraska know. She said,

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well, I know they must know because we all got these cards. I said: What does the card say? And I knew what it said. I said, well, you get a chance to talk to Chambers because I am that person. She said, I didn't know he was a black man. This is a black woman. I said, um-hum, you ought to be aware of who you take money from and who you decide to work against and with whom you decide to work. There were editorials in newspapers telling white people--don't gut the--they didn't use the term gut--don't change the Legislature to get one man. He can't be there forever. Prepare yourself to do a better job of coping with him. I've got the editorials because I knew white people were going to deny that it happened that way. I got my degree at Creighton in history and I read history. And this is the European methodology. You do something. Then you whitewash history and say it didn't happen the way it did, so I keep articles from white people's newspapers. And I'm going to put a packet together and give them to you all. There were senators who went around the state and told their constituents, you're going to get me out of here when you get Ernie. He can't stay here forever. And then he asked: Why do you want term limits? Well, the people are controlled by lobbyists. He said, Ernie doesn't take anything from lobbyists. Well, they work with special interest groups. He doesn't work with special interest groups. Well, they get together and make deals. Ernie might not have two people at one time that he can talk to. So I was the image of the perfect person except for my color. That is how you got term limits. Then when they got the proposition on the ballot, my name was utilized, as Senator Halloran and others have done. I know those of you who said you're going to tame me and control me and put me in my place when you get down here, but some of you, to your chagrin, have found out I'm not the person I had been portrayed to you as being. They do it every time. They're going to come down here and control me. You know why they say that? Because they know that there are at least 47 white people, and when there are that many, they can use the mobbing tactic white people have always used. To get one black man, they would take a mob. The master race coming with a mob after one man. I use the white people's rulebook. They wrote the rules, not me, and as...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...and as a lesson teacher, I would always vote no against adoption of the rules. And I tell them, I vote no to show you that I don't even support the rules by my vote, but I will comply with those rules better than anybody in here. And it's known that I do follow the rules. And you all don't have to. Because if the rule pinches you, you can get enough white people to suspend the rules so it doesn't apply to you. And that is why when they say, well, the rule is in the book and it applies to everybody, not just Ernie, that is not true. When you need to do something, you suspend the rules. I can't get enough to suspend the rules. And I don't have to because I learn your rules and beat you at your own game. And I'll say it like this and you're offended now, but before your time is up here, you're going to come to me for some help. And you're going to find out that you'll get help. Poor little Senator Schnoor who once told me to have my resignation on the desk at 9:00 the next day came to me on three different occasions,

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and you can ask him, to explain the rules to him so he would know what he could do to oppose a bill.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: And I helped him. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Smith, you are recognized.

SENATOR SMITH: Thank you, Mr. President. And I do sit on the Committee on Committees and we have had a couple of meetings to produce the preliminary report and then the final report that's before you today. And, yeah, we had some very tough discussions that took place in there. But it worked and we have a bill...or report that's in front of you that I think it's ironic that it has been charged with being partisan, yet it's receiving bipartisan support. So, I do want to thank Senator Morfeld and Senator Patty Pansing Brooks. I think they've had some very reasonable voices on the mike today. And I will stand in support of this report as I had committed in committee. And I ask you to support it as well. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Smith. Senator Schumacher, you're recognized.

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I would like to take just a second to welcome and to address my new colleagues who are here for the first time and who, undoubtedly at this point, are, at least some of them, asking the question--what the heck did I get myself into? Well, folks, the other day I was watching TV, don't watch too much of it, but there was one of these nature programs on and they were talking about the deer mating season. I think they call it rut. And at the beginning of the mating season, the deer hoot and holler and kick up all kinds of dirt and knock their antlers and horns against the tree and...folks, we're in rut. It will pass. There's some hard feelings that probably originated from a couple days ago regarding this chairman thing. And maybe the chairman thing was a big deal before term limits because the chairs have been around forever. And when you came in you really realize that you better not cross a chair because he probably or she probably was going to be here your entire term here and was going to be able to take a big stick to you. And the chairs were a bastion of knowledge and experience and they guided their underlings as they exited the system. I would guess that Senator Chambers could probably tell us stories about how that system worked. Don't underestimate the wisdom of this man. But that's changed. In the short time that I've been here, I've seen, for example, a chair would actually been chair for six years. Last personal priority bill of the last session this chair would be in, shot down by three speeches by a freshman senator. Okay? I've seen chairs not get their own personal priority bill out of committee. I've seen chairs flip-flop from being chair of this to chair of this to chair of that. All that is small in comparison

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to the power of the microphone before you. Who's on a committee or who's not, you know, we all have got to kind of look at each other and say we're all probably halfway smarter than the average bear or we wouldn't be here; either that or we've been bought off, one or the other, but probably most of us smarter than the average bear. We're going to work together. We're going to put this Mickey Mouse beside ourselves. And if Senator Friesen wants diversity and opinion on Telecommunications, let him bring a bill that favors those phone companies more than I think it will and we'll have a discussion, because I know a little bit about telephone and internet and communications. That's what the floor is about. That's what the debate is about. You're about to have a great, great experience. And while you're just beginning to warm your chairs, before you can blink your eyes three times, you're going to be waiting for the door to hit you on the butt on the way out because it goes that fast. Let's all work together and do a good job. This is a good report. Yeah, there was, you know, stuff back and forth that happened in the process. It happens all the time. I was on the Committee of Committees before. It all happens. Everybody does a little rut, and then we get on with life. Thank you very much.

PRESIDENT FOLEY: Thank you, Senator Schumacher. Speaker Scheer, you're recognized.

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. I rise to support the Committee on Committees. I've gone through this two other times. I'm not a long-term person. None of us will be. Every time the Committee on Committees has issued a report, there are always people that are disappointed. There's always people that are elated, and there's a lot that just felt they got what they were supposed to. We can vote this down, but by voting it down what we're doing is telling the same people to go in the same room and come up with a different product. It would be extremely hard for them to do. Whatever they came up with, again, there would be people that would be upset that they were switched from wherever they were to something different. They would be disappointed that they would have been moved. There is not a perfect system. I think what has been brought up this morning is that there needs to be some better, more specific guidelines to help the Committee on Committees make those decisions, and we can accomplish that through rules. But let's not throw away the work that was done. Was it partisan? Was it nonpartisan? It really is immaterial. We all have a seat at the table. We all have a chair to go...to sit in committees and to do our best on whatever the topic is that we're seated at. We need to move on. We need to go on to the business of the Legislature. We cannot do that if we do not have committees. So I'm asking you all please to think deeply and come to the conclusion that what we have, although is not perfect, every piece of legislation we will pass is not perfect, but we pass that. This is not perfect, but I urge you to support the committee's report. Thank you, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Kuehn, you're recognized.

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SENATOR KUEHN: Thank you, Mr. President. First, to start off as the veterinarian in the body, I do believe I need, off the mike, to have an important discussion with Senator Schumacher about the biology of the rut in cervids. Good lord, I hope we're not experiencing a rut. We'll talk about that later. In truth, however, as a member of the Committee on Committees representing the Third Congressional District, I, too, understand and echo many of the sentiments expressed by members of the body today about the need for consistency in the process, parity among how the process is handled between the three congressional districts. And I think our discussion within both meetings of our Committee on Committees was productive and fruitful in identifying many of those issues. And I look forward to working with the Rules Committee to adopting a set of guidelines that bring that parity, bring that process, and make sure everyone is playing on the level playing field. That said, I do firmly believe that we had a robust discussion in the committee process. In the committee process in approving the report I voted to support the report to advance it to the floor. While as a member of the committee, I fully respect whatever the wishes of this body are, whether to accept or reject that report, and we'll do the work in front of me that is assigned to me by the body. I will be supporting the report of the Committee on Committees as I said I would do in committee, as I voted on the final report, and as we will see when it comes to a vote in a moment. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Kuehn. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. First, let me just say, colleagues, I am appreciative that we are now taking freshmen's desires so much more highly. Last year, I think I got my sixth, eighth, and fourteenth choices in my caucus. And I understand that's just something that happens in terms of what I preferred was already filled by more-senior members who wanted to stay. I'm very appreciative of the work that our First Congressional District caucus and our Committee on Committees, as a whole, has put into this. So I will be supporting the committee's report. The real reason I rose right now was I had been referenced as one of the people who had sent an e-mail clarifying my choice on Committee on Committees. And the reason I had to send that e-mail is because I made a math mistake, which as someone who spent a couple of years teaching elementary school math was kind of embarrassing. I had indicated that HHS was my number one choice and I was thinking that with Senator Campbell leaving the body that that would leave an open spot in the First Congressional District. However, I forgot to realize that both chairs were from the Second Congressional District and per our rules that would mean this First Congressional District would only get two members, both of whom planned to stay. And so all I realized was I have no possible way of getting my first choice; this is what I would prefer instead. And I made sure to send that to all members of our Committee on Committees. And I am very appreciative of all of their hard work on this issue. With that I would be supporting the Committee on Committees report and urge my colleagues to do the same. Thank you.



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PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Hughes, you're recognized.

SENATOR HUGHES: Thank you, Mr. President. Colleagues, the reason I got on the mike early today was to make sure that the entire body understood that we have a flawed process and we need to try to fix it before two years from now, and that's all of our jobs. You know, it's unfortunate. I think there are committees that are set up to fail, but it's the system we have. As long as we're all aware of that, we need to make sure that we come up with a solution so that the people who are in these seats after we're gone don't have the same problems we do. With that being said, I urge my colleagues to vote green, as I will be, to advance...to accept this report. Thank you.

PRESIDENT FOLEY: Thank you, Senator Hughes. Senator Brasch, you're recognized.

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor. I feel I would be remiss if I did not stand once more. I was hoping that Senator Morfeld would be on the floor, I don't see him anywhere. But to address our good senators and colleagues from Lincoln and Omaha who believe that the Agriculture Committee does not affect them, I am sorry. I imagine when you get up in the morning, sometime during the day, you will look for us sustenance, and that is the major economy. One out of every four jobs in our state is affected by agriculture. I applaud those senators from Omaha or Lincoln that choose to be on the Ag Committee. They are wise representatives. I, too, was once from a neighborhood where I looked out the window and saw my neighbor's window. I had no idea that there was someone getting up before the sun in the freezing cold to go out and feed that livestock, that you could sit down and enjoy a meal, piece of meat with your vegetables and whatever your diet may be, but someone put in sweat equity, fixed some barbed wire fences. They were out working while you were boating on the lake, enjoying the sun, someone was cultivating that field. So to believe that it's partisanship that got me my position, whatever it may be, I am on a mission. The senators in Omaha and Lincoln need to wake up and know that there's a farmer that's out there busting their you-know-what so the world will be a better place. And I learned that--you want to call it the hard way. I have had my rubber boots stuck in manure trying to hold a fence...a gate open. I know how to feed calves. I wish everyone would come on out to the farm. Roll up your sleeves and know what we're doing for everyone. I don't diminish what you do, but to say that the Ag Committee is not of importance, I think it's the most important committee. So please, you know, when you talk about partisanship, there's a few farmers out there that need the help of all the state. You're saying there's a few Democrats in here that need the help of all the body. It's not good to be outnumbered, I'll agree. We have worked and worked and worked to try to get some balance in our tax system, but because the people in Lincoln and Omaha don't care, don't understand, not my circus, whatever your thoughts are, change your thinking. We're all in this together. If the farms go, so does our state. I've had my word and said my piece. Thank you.

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PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Chambers, you're recognized. This is your third opportunity, Senator.

SENATOR CHAMBERS: I know, and thank you, Mr. President. Even though I graduated from OPS schools I can count at least to three. I also graduated from Creighton. The only thing Creighton University hates more than the fact that I graduated from Creighton is that I tell people I graduated from Creighton, and I did not attend classes, nor attend classes in law school. I attended some of them, but not very many, and I passed law school. Never flunked a class. Never flunked an exam because for some reason the knowledge of Europeans, I can absorb it like a sponge. Maybe it's because I have an empty head and everything just comes right in to it, but those whose origin would date back to Europe had trouble with European knowledge. But here's the point I want to make based on what Senator Brasch just said. You all don't know me. You don't know anything about me. Were it not for me there would not be an Ag Committee in this Legislature. They were going to roll the Ag Committee into Public Works or Natural Resources. And I went to the farm-area senator, I said, what is this that's going on? They said, well, they don't get many bills and people don't like the Ag Committee. I said, well, why don't you stop it? One of them said, I'm not going to get in front of the train. I said then I'm going to show you how to not only get in front of the train but stop it and derail it. And I railed and I humiliated the senators. And here was the main point that I offered. You all boast about this being an agricultural state and make the comments similar to what Senator Brasch did here today, and you are not going to have an Agriculture Committee. If it didn't get a single bill, the symbolism is important. And to a lot of ordinary people, symbols mean more than the reality, and you're going to call this an agricultural state and you don't have an Ag Committee. You ought to be ashamed of yourselves. And beyond that you shouldn't have to have a black man from the city come and tell you how to maintain the dignity in your white state and uphold the integrity of white agriculture. And you know what happened? That whole plan that they had made went away, and you kept an Ag Committee. You think I'm lying--check it. And the reason you don't know about me because you don't read. If you read about me, you'd think that I could walk on water, not when it's frozen as ice, which anybody can do, but on liquid water, more than a tenth of an inch deep. See, you got to be careful what you say, because if the sidewalk is wet and you walk on a wet sidewalk, you're walking on water. Think. And when it comes to freedom of speech, I exercise that freedom again and again and again. You will never see me sit down in the chair ever. And you will see me when I think it's necessary take the microphone and seize the day. And as old as I am, and I do this for all of the people who call themselves old, to show that age means what you let it mean in terms of what you're able to do. Since we are living, sentient or feeling creatures in an existential environment, we know that every living thing comes to an end. It's called dying or death.

PRESIDENT FOLEY: One minute.

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SENATOR CHAMBERS: And human beings, from what the scientists tell us, are the only ones who can anticipate dying and dread it. So, there's certain infirmities that will befall me when I get older. I'm only 79 now, but I mean when I get to be an old man, there are going to be some things that will happen to me. Maybe I'll walk with a limp. Maybe I will shuffle. Maybe I'll let people push me around. But while you're in the legislature, you can do as much as your will allows you to do. If you let people sit on you, intimidate you, and control you from the outside that's what they're going to do. And before my few seconds run out, those of you who behaved in a treacherous fashion have shown what you are. And on another occasion, I'm going to explain why Senator Groene didn't have to go around and talk to anybody.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Groene, you're recognized.

SENATOR GROENE: Thank you, Mr. President. Freshmen, I get passionate, you'll find that out. I hope nobody misconstrued what I said as an attack on Senator Morfeld. If anybody in the state of Nebraska think we're all smart enough to plot and scheme, early this morning I had a meeting with Senator Morfeld about the Education Committee and how we're going to work together. I walked up here and I had no idea anybody was going to make an effort to do anything about the Committee on Committees. I was prepared to do what I did in committee, to not vote. I actually admire Senator Morfeld because he never used the word bipartisan in the Committee on Committees. He was honest, as I was. There's partisanship. We're passionate about what we believe. We came down here to get things done. I can work with a man like that. You will find that too, freshman, don't cower to anybody. Do not make deals with anybody. Do not try to kiss up to Senator Chambers. He doesn't like it.

SENATOR CHAMBERS: Thank you.

SENATOR GROENE: He's an honorable man, and he'll tell you where he stands too, and I will too. So I'll work with my 4-4 committee, and I again thank Senator Harr for his bipartisanship. But tell me the truth, look me in the eye, and we'll get things done. I think if we all work on that basis, this session of the Legislature will be very, very successful. So I will sit, like I did in the committee, and not vote on the Committee on Committees report, but I will work with the results. Thank you.

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PRESIDENT FOLEY: Thank you, Senator Groene. Senator Brasch, you're recognized. This is your third time, Senator.

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor, and thank you once more, colleagues. I realize that Senator Chambers would love to have the last word on this, and now he's already had his three times, but I do want to thank him for fighting for the Agriculture Committee being from Omaha. But that question still comes up. It's come up in my time. Do we need the Ag Committee? That's ridiculous to ask that question. We do. And we need to bring bills to the Ag Committee. We need to get reports from Innovation Campus, Department of Agriculture. We have taken ag bills and put them into Natural Resources when it comes to water for farming. This Legislature has slowly but surely diminished the role of agriculture, not the state, but it's been by the off balance, I believe, of the outmigration from the farms to other areas. And I do want to clarify one more thing for Senator Chambers. I am an American. I was born right here in Lincoln, Nebraska, and when he keeps referring to some European ancestry, I'm sorry. I have not even been to Europe. I'm a Nebraskan through and through, Senator, and do represent the entire state and my district. But I do want to thank him for his diligence and intelligence to keep agriculture as a committee in Nebraska. Thank you, Mr. Lieutenant Governor, thank you, colleagues.

PRESIDENT FOLEY: Thank you, Senator Brasch. Seeing no other senators wishing to speak, Senator Craighead, you're welcome to make a closing statement or you may waive that opportunity. What is your discretion? She waives the opportunity. The question before the body is the adoption of the report of the Committee on Committees. All those in favor vote yes...aye...

SENATOR KINTNER: Roll call vote.

PRESIDENT FOLEY: Excuse me?

SENATOR KINTNER: Roll call vote.

PRESIDENT FOLEY: Roll call vote has been requested. Mr. Clerk, please call the roll.

CLERK: (Roll call vote taken) 39 ayes, 3 nays, Mr. President.

PRESIDENT FOLEY: The adoption...the Committee on Committees report has been adopted. Mr. Clerk, if you have items for the record you may read those at your discretion.

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CLERK: Mr. President, an announcement that the Committee on Committees has selected Senator Smith as Vice Chair of the committee. And, Mr. President, new bills if I might.

PRESIDENT FOLEY: Senator Riepe, your light is on. For what purpose do you rise? The vote is closed, Senator, sorry. Speaker Scheer, you're recognized.

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Just wanted to let you folks know that I will adjourn on Tuesday at 11:00 to give those that wish the opportunity to attend Senator Wightman's funeral. It's about a two-hour drive, so that should give us ample time to get there. I would ask anyone that is wishing to attend to contact Senator Williams' office and he will take the lead. If there are enough of us, perhaps we'll rent a bus. If there's a smaller amount, then we'll just simply carpool, but please contact Senator Williams' office so that we can get a number of those that might be wishing to attend. Thank you, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Mr. Clerk, you may read new bills or other items for the record.

CLERK: Thank you, Mr. President. A couple of announcements, Mr. President: Senator Brasch would like the Agriculture Committee to meet now underneath the south balcony, the Agriculture Committee now. And Senator Lindstrom would like the Banking Committee to meet under the south balcony at 11:35, Banking at 11:35. Mr. President, new bills: (Read LB110-130 by title for the first time.) Mr. President, couple of announcements. Mr. President, General Affairs, chaired by Senator Larson, would like to meet under the north balcony at 11:35, that's General Affairs, north balcony at 11:35. Senator Ebke would like to remind members that Judiciary is meeting at 1:00, Judiciary at 1:00. And Senator Watermeier, Reference Committee will meet 10 minutes upon adjournment, Reference Committee to meet 10 minutes after adjournment. (Legislative Journal pages 77-80.) [LB110 LB111 LB112 LB113 LB114 LB115 LB116 LB117 LB118 LB119 LB120 LB121 LB122 LB123 LB124 LB125 LB126 LB127 LB128 LB129 LB130]

PRESIDENT FOLEY: Mr. Clerk.

CLERK: Thank you, Mr. President. (Read LB131-134 by title for the first time.) Mr. President, in addition to those items, new resolution: Senator Larson offers LR5, that will be laid over at this time. Some announcements: Judiciary will meet at 1:00 in Room 2022, Judiciary at 1:00 in 2022. Senator Riepe would like to have Health Committee meet under the north balcony at 11:45, Senator Riepe and Health Committee at 11:45. Last reminder, Reference Committee in 10 minutes in Room 2102. (Legislative Journal pages 81-83.) [LB131 LB132 LB133 LB134 LR5]

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CLERK: Mr. President, I have a priority motion: Speaker Scheer, excuse me, would move to adjourn the body until Monday morning, January 9, at 9:00 a.m.

PRESIDENT FOLEY: Members, you've heard the motion to adjourn until Monday morning at 9:00 a.m. All those in favor say aye. Those opposed say nay. We are adjourned.