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Transcriber's Office

Floor Debate
May 23, 2017

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighty-sixth day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Pastor Tom Starkjohn of the Louisville Evangelical Free Church in Plattsmouth, Nebraska, Senator Clements' district. Please rise.

PASTOR STARKJOHN: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Starkjohn. I call to order the eighty-sixth 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: Mr. President, on page 1531, line 2, strike "roll call" and insert "record" vote. That's all that I have, Mr. President.

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

CLERK: There are. I have messages from the Governor to the Clerk. Engrossed LB10, LB10A, LB268, LB268A, LB289, LB289A, LB512, LB512A, LB519, LB578, LB578A, LB647, LB647A were received in my office on May 16. These bills were signed and delivered to the Secretary of State on May 22. The second communication. Engrossed LB72, LB333, LB415, LB415A, and LB644 received in my office on May 18. These bills were signed and delivered to the Secretary of State on May 23. Sincerely, Pete Ricketts, Governor. Mr. President, a series of confirmation reports. Natural Resources Committee has three separate reports. Enrollment and Review reports LR127 as correctly enrolled. Your Committee on Revenue chaired by Senator

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Smith reports LB295 to General File with amendments. I have a communication from the Executive Board regarding the appointment of the LR127 Committee. Lobby report is required by statute, and an acknowledgment of agency reports received and available to members on the legislative Web site. That's all that I have, Mr. President. [LB10 LB10A LB268 LB268A LB289 LB289A LB512 LB512A LB519 LB578 LB578A LB647 LB647A LB72 LB333 LB415 LB415A LB644 LR127 LB295]

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following nine Legislative Resolutions: LR247, LR248, LR249, LR250, LR252, LR253, LR254, LR255 and LR256. (Visitors introduced.) We will now proceed to the first item on the agenda, legislative confirmation reports. Mr. Clerk. [LR247 LR248 LR249 LR250 LR252 LR253 LR254 LR255 LR256]

CLERK: Mr. President, the Business and Labor Committee reports on the appointment of Dallas Jones to the Commission of Industrial Relations.

PRESIDENT FOLEY: Senator Albrecht, you're recognized to open on the confirmation report.

SENATOR ALBRECHT: Thank you, President Foley. Colleagues, today I come with the confirmation of Dallas Jones for the Commission on Industrial Relations. This would be a new appointment. Mr. Jones testified in person during the public hearing on Thursday, May 18th. Mr. Jones is an attorney and received his JD from the University of Nebraska. He currently practices at Baylor Evnen Law Firm and has been employed at that firm since 1985. Mr. Jones's law practice is primarily in the area of workmen's compensation. Mr. Jones is active in the community and shared with the committee his interest in organizations that serve children. Mr. Jones is qualified to serve on the Commission and answered many great questions posed by the committee members. The committee supported his confirmation with 5 ayes, 0 nays, and 2 present, not voting. I would ask your approval of this appointment to the Commission. Thank you.

PRESIDENT FOLEY: Thank you, Senator Albrecht. Debate is now open on the confirmation report. Senator Chambers.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, sometimes life has a symmetry. To me the perfect symbol of symmetry is a circle. It's an unbroken, curved line, and each part of it is equidistant from its center, so we end as we started. I think it's appropriate to say that because the session was a virtual shambles. And I was very upset about the way things were done, and I put together something that's on your desk. By the way, I support this

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confirmation. This is called "FINAL 'ERNIE-GRAM' OF THE 2017 SESSION/ LEGISLATIVE SESSIONS: A CRITIQUE"/ By the way, the evil one, and that is not one under the ground, tried to incapacitate me by breaking one of the stems off my glasses. But since I have two hands and can multitask, I'm able to hold my papers in one hand and my glasses with the other.

"LEGISLATIVE SESSIONS: A CRITIQUE/ More than four DECADES ago, was my FIRST./ Far and away, THIS session was WORST./ GOVERNOR RICKETTS--the Session's MASTER,/ Orchestrated a Moral Disaster./ Whether hailing from Farm, Ranch, or City,/ 'RICKETTS-ITES' mangled Compassion and Pity;/ So cheaply purchased, they sold off Free Choice,/ Supinely succumbing to their MASTER's voice./ Never before, such Heartache and Rue/ Were dealt to so MANY by so FEW." I am very serious about what I'm saying. And as serious as what some of you obviously wish would happen to me, but since I don't have a heart, it can't. The expression is, I'm as serious as a heart attack. I have one more item of my composing that I'm going to read. "BITTER LAMENTATION OF SENATOR ERNIE CHAMBERS/ THE 'RICKETTS-LEGISLATURE'/ LEFT ITS 'MARK'--/ AT WHAT GREAT MORAL COST!/ WITH CONTEMPT/ FOR ALL THAT'S G O O D,/ IT CRUSHED:/ THE L E A S T, THE L A S T, THE L-O-S-T.. What did Gentle Jesus say?/ (JESUS, to Whom they prayed each day. . .) From Matthew, 25/ 41 Then shall he say also unto them on the left hand, Depart from me, ye cursed, into everlasting fire, prepared for the devil and his angels: 42 For I was an hungred, and ye gave me no meat: I was thirsty, and ye gave me no drink: 43 I was a stranger, and ye took me not in: naked, and ye clothed me not: sick, and in prison, and ye visited me not. 44 Then shall they", meaning you all, "also answer him, saying, Lord, when saw we thee an hungred, or athirst, or a stranger, or naked, or sick, or in prison, and did not minister unto thee? 45 Then shall he answer them, saying, Verily I say unto you, Inasmuch as ye did it not to one of the least of these, ye did it not unto me." The failure of this Legislature to override that bill that would have allowed our wayward brothers and sisters who had served their debts to society to vote was unconscionable. And he made a fool out of the Legislature and he wondered...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...if anybody would catch it. I did. He knew I would. But I waited to see if anybody else would. And in order not to have my train of thought broken, I'll put my light on again. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. (Doctor of the day introduced.) Senator Chambers, you may continue.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, but for the fact that I don't want to give anybody a heart attack, "Professor" Schumacher, I'm not going to stand on the desk so that all of you can see the trousers that I'm wearing. They are tattered and torn, but

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I'm not forlorn. If you go to the store, you will pay more for these than you pay for those that are not tattered and torn. And one of the most sophisticated stores is selling soiled jeans, mud spots, for \$400. I have about four pair of jeans. I'm going to become an entrepreneur probably next week sometime. But in all seriousness, when the Governor wrote his letter and talked to the media, he said it would not be good to allow these ex-felons to vote as soon as they had finished serving their time. He said that if you delay in allowing them to vote that gives them an incentive to stay out of trouble in order that they can vote. How did that make a fool out of the rest of you? He told some of you, including my good friend Senator Geist, and the rest of you, that the bill was unconstitutional. That it's unconstitutional for the Legislature to allow felons to vote. Why is he going to say that it would be an incentive to do the right thing to allow these felons to do that which is unconstitutional? In other words, why would he hold an unconstitutional carrot in front of them? If it's unconstitutional, there are no circumstances under which he would have advocated these people voting. See what a fool he made out of you? One other thing I want to read, and this is from the "Bible" in the Old Testament. And since my good friend, "Parson" Groene reads the "Bible", he will be familiar with this, but for the sake of everybody who doesn't, it comes from the book of Amos, the second chapter, the sixth verse, and I will read the portions which are pertinent to the Legislature: Thus sayeth the LORD, and this Lord, this word is written in all caps. When the Old Testament writes the word LORD in all caps, that is referring to Jehovah, to God, to the top dog, to the head man, to the Ricketts of the universe. Thus sayeth the LORD, for three transgressions of Israel and for four, I will not turn away the punishment thereof. Because they sold the righteous for silver and the poor for a pair of shoes that pant after the dust of the earth on the head of the poor and turn aside the way of the meek. Throughout that book, there's condemnation of those who oppress the poor, the weak, the friendless, those in prison, those who are sick who cannot be ministered to, and we are a Legislature with the power to do all of these things that you all pray about, every morning. Yes, Senator Hilgers, you all pray about that every morning. And then because the Governor, with his serpentine 16, can tell you uphold my vetoes, I am going to balance this budget on the back of the children, the disabled, the sick, and the elderly. And I insist that you all bow down and do what I order you to do...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...for I am your master. And I'm showing you and the world, at least that part that comprises Nebraska, that I am your master. You talk about the poor, the sick, the aged, the disabled, and then you turn your back on them. And that's what I'm going to make you do and make all of your words as ashes and show what hypocrites you are. That's what I intend to do; and as the master, I can do it. And when I say bow, you bow. When I say bend your neck, you bend your neck. When I say you cry hosanna, you cry hosanna. And then when I say you praise God, then you praise God. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. You may continue.

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SENATOR CHAMBERS: Mr. President, members of the Legislature, when the sun is shining and you all are at your political rallies and everybody there is on your side and the Governor is there telling you he's going to give you money, except some people who will tell the Governor in nice words what he can do with his money and win election anyway and keep his integrity intact, but for the rest of you, he owns you. And I'm going to say about all you gentlemen who wear neckties, it comes from the car commercial, it's talking about the guy with the bare brass knuckles attitude. What became of him? Is that a tie around his neck, or is it a leash? Is it a necktie that you wear or is it a leash? One end of the leash is in the hand of the master. The other end of the leash, Senator Lowe, is on a collar around the neck of the cur or whatever other animal is to be constrained, restrained, and ordered about by the master. He is not my master. I have no master. And I will correct the prayer that was given this afternoon. You all may come here in humility, but I do not. I have no reason to be humble. And I would rather be arrogant and knowledgeable than ignorant and humble. I don't know whom you all are trying to praise when you pray. I don't think any of you are so blasphemous, so sacrilegious that you would deliberately fashion a prayer to the Governor. There's a cartoon in this Ernie-gram and it depicts the Governor saying to this person, who is obviously not of the governor's ilk, we all--don't take this personally--we all must give up something. And this person with words that I added, rich man, what is this "we all" that you're talking about? This last, then I am through. And you all can look this verse up. It's in Matthew. I'll give you a hint. "And again I say unto you, It is easier for a camel to go through the eye of a needle, than for a rich man to enter into the kingdom of God." Matthew, the 19th chapter, the 24th verse. And as I added, the camel can go through a needle before a rich man can go into heaven, and a boot licking lackey, running dog flunkie will find it harder to go into heaven than a rich man. And me having unburdened my conscience, cleansed myself of the wickedness that was done in this place, the disrespect shown to the most vulnerable among us, the ones who are most vulnerable having been abased, debased, and cast aside, I am going to take my leave of this place where such horrible things have taken place. And when that rich man comes in here this afternoon, strutting, preening, and boasting about he and how his serpentine 16 socked it to the poor...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...the disabled, the children, the sick, the elderly, I'm going to be watching you as you stand up and honor one who deserves no honor and who dishonored this place. But since this is you all's home, your house, and you invited him here, I'm not going to embarrass you before your master in your hovel. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Albrecht, you're recognized to close on the confirmation report. She waives closing. The question for the body is the adoption of the confirmation report of the Business and Labor Committee. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk.

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CLERK: 44 ayes, 0 nays, on adoption of the confirmation report.

PRESIDENT FOLEY: The confirmation report is adopted. Next report, Mr. Clerk.

CLERK: Mr. President, Natural Resources Committee has a report with respect to the appointment of Chuck Hutchison to the Nebraska Power Review Board.

PRESIDENT FOLEY: Senator Hughes, you are recognized to open on the confirmation report.

SENATOR HUGHES: Thank you, Mr. President. Good afternoon, colleagues. I present for your approval the appointment of Chuck Hutchison to the Nebraska Power Review Board. Chuck came before the Natural Resources Committee for his confirmation hearing on May 18. Mr. Hutchison lives in Bellevue and is employed with the U.S. Strategic Command in operations research. Mr. Hutchison is a longstanding...Mr. Hutchison has a longstanding interest in public policy and energy issues and now upon retirement wants to show his support of public power in Nebraska by serving on this board. The Nebraska Power Review Board is comprised of five members all appointed by the Governor. The board must include an engineer, an attorney, an accountant, and two laypersons with no geographic boundary restrictions. Mr. Hutchison will be filling one of the lay member roles on the board. The Nebraska Power Review Board is a state agency created in 1963 to regulate Nebraska's publicly owned electrical utility industry. As we know, Nebraska is the only state in the country served entirely by consumer-owned power entities. These utilities include public power districts, cooperatives, and municipalities. The board's duties and responsibilities are set out in Chapter 70, Article 10 of the Nebraska Revised Statutes. One of the board's main responsibilities is the creation and certification of retail and wholesale service area agreements between electric utilities operating in Nebraska. Any amendments to existing agreements must be approved by the board. The board also maintains the official records pertaining to these agreements. The committee advanced Mr. Hutchison's appointment by an 8-0 vote. I ask for your confirmation of Chuck Hutchison to the Nebraska Power Review Board. Thank you, Mr. President.

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: Thank you, Chairman Hughes. Senator Larson, you're recognized.

SENATOR LARSON: Thank you, Mr. President. Will Senator Hughes yield to a question?

SENATOR WATERMEIER: Senator Hughes for a question.

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SENATOR HUGHES: Of course.

SENATOR LARSON: Thank you, Senator Hughes. In the confirmation hearing, in your opening you talked about how public power is consumer owned. Cities oftentimes have their own choice to go and buy power from whomever they want, correct?

SENATOR HUGHES: That is correct.

SENATOR LARSON: Thank you, Senator Hughes. And I guess this comes back to a similar question I asked Senator Bostelman not too long ago on a previous public power. Did you guys discuss in the hearing on what this individual's thoughts are on cities or municipalities trying to go outside of NPPD and purchase power or essentially build their own power generation facilities? And we have a public power entity objecting to a municipality trying to build their own facility because they want that...essentially my estimation, that municipality to force them to buy NPPD power. Was that ever discussed or their thoughts on that or...?

SENATOR HUGHES: Those questions did not come up.

SENATOR LARSON: All right. Thank you, Senator Hughes. Colleagues, again, I ask these questions because of the concern of what one of our public power entities are continuing to do and the importance that the Power Review Board has in that decision making. We have municipalities that want to purchase their power, or in this case specifically build their own power, and we had two of our public power entities, NPPD and OPPD, objecting to that because they want to force this municipality to jump through more hoops and essentially buy the power from NPPD. And colleagues, to me that's wrong and one of the things that we have to continue to look at in our public power state of what the control and the power that these few entities have as our municipalities and people look to have the cheapest power possible. So I hope that this individual continues to look at that and I understand that he supports public power so hopefully he supports municipalities choice to build their own power generation. Thank you, Mr. President.

SENATOR WATERMEIER: Thank you, Senator Larson, Chairman Hughes. Seeing no one else in the queue, Senator Hughes. Senator Hughes waives closing. The question is the adoption of the report offered by the Natural Resources Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 44 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

SENATOR WATERMEIER: The report is adopted. Next item.

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CLERK: Second report, Mr. President, from the Natural Resources Committee involves the appointment of James Shields to the Natural Resources Commission.

SENATOR WATERMEIER: Chairman Hughes, you are recognized to open.

SENATOR HUGHES: Thank you, Mr. President, members of the Legislature. I present for your approval the appointment of James Shields to the Nebraska Natural Resources Commission. Jim came before the Natural Resources Committee for his confirmation on May 18. Mr. Shields is a civil engineer who lives in Fort Calhoun and is the vice president of water operations at Metropolitan Utilities District, the organization with which he has been employed for 34 years. Jim is looking forward to serving as the Metropolitan Utilities representative on the commission. The Nebraska Natural Resources Commission is comprised of 14 members appointed by the Governor representing different areas of interest. There are also 13 members that are elected by Natural Resources Districts to represent the different river basins. The Natural Resources Commission is the state agency housed under the Department of Natural Resources. It is a broad-based commission which has the knowledge of, has experience with, and is representative of every sector of Nebraska's water use and economy. It also serves an advisory role to the Natural Resources Department for water funding decisions, most significantly the Water Sustainability Fund which is in place to help Nebraska achieve its goal for sustainable use of its water resources. The commission is also responsible for revising, adopting, and promulgating rules and regulations as necessary to administer the funds of the department. The committee advanced Mr. Shields appointment on an 8-0 vote. I ask for the confirmation of James Shields to the Nebraska Natural Resources Commission.

SENATOR WATERMEIER: Thank you, Chairman Hughes. The floor is open for debate. Senator McCollister, you're recognized.

SENATOR MCCOLLISTER: Thank you, Mr. President. Good afternoon, colleagues. I am well-acquainted with Jim Shields having served with him at MUD during my time there. He is incredibly well-qualified and he will be an outstanding member of the committee, so I would encourage your green vote for Jim Shields. Thank you very much.

SENATOR WATERMEIER: Thank you, Senator McCollister. Seeing no one in the queue, Senator Hughes waives closing. The question is the adoption of the report offered by the Natural Resources Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 44 ayes, 0 nays on adoption of the confirmation report.

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SENATOR WATERMEIER: The report is adopted. Next item.

CLERK: Mr. President, Natural Resources reports on two appointments to the Environmental Trust Board.

SENATOR WATERMEIER: Chairman Hughes, you're recognized to open.

SENATOR HUGHES: Thank you, Mr. President and members of the body. I present for your approval the appointments of Paul Dunn and Quentin Bowen to the Nebraska Environmental Trust Board. Paul and Quentin came before the Natural Resources Committee for their hearing on May 18. Mr. Dunn has been the recycling coordinator for the city of Omaha for more than 22 years. Mr. Bowen is a farmer in Humboldt, Nebraska, who engages in a number of conservation practices on his land and other farms. The Nebraska Environmental Trust Board is comprised of nine members all appointed by the Governor. Three districts are represented by three members each. Mr. Dunn is a reappointment to fill the seat in District 2. Mr. Bowen is a new appointment to fill the seat in District 3 on the board. The Nebraska Environmental Trust Board was established in 1992 to conserve, enhance, and restore the natural environments of Nebraska. It was created on the conviction that a prosperous future is dependent upon a sound, natural environment and that Nebraska could collectively achieve real progress on real environmental issues if seed money was provided. The trust especially seeks projects to bring public and private partners together cooperatively to implement high quality, cost effective projects. The committee advanced Mr. Dunn and Mr. Bowen's appointments by both an 8-0 vote. I ask for your confirmation of Paul Dunn and Quentin Bowen to the Nebraska Environmental Trust Board. Thank you, Mr. President.

SENATOR WATERMEIER: Thank you, Chairman Hughes. Members, you have heard the opening to the confirmation report. Seeing no one in the queue, Senator Hughes waives. The question is the adoption of the report offered by the Natural Resources Committee. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: 45 ayes, 0 nays, Mr. President, on adoption of the confirmation report.

SENATOR WATERMEIER: The report is adopted. Senator Riepe for a point of privilege.

SENATOR RIEPE: Thank you, Mr. President. I ask for a point of privilege. On May 4, 2017, I came before the body to inform you that the Department of Administrative Services rejected both bids for the eastern service area for child welfare. The Nebraska Families Collaborative had been awarded the contract in early April. I want to inform you today that the body...inform the

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body the Department of Health and Human Services signed and executed an emergency deviation contract with Nebraska Families Collaborative on May 18, 2017. This contract will commence on July 1, 2017. Since this contract has now been executed, Nebraska Families Collaborative and DHHS can work to improve child welfare for the eastern service area. The HHS Committee will continue to provide oversight over the department regarding child welfare and I anticipate there will be no disruption regarding the emergency deviation contract. Thank you, Mr. President, and colleagues.

SENATOR WATERMEIER: Thank you, Senator Riepe. Mr. Clerk, next item.

CLERK: Mr. President, resolutions. The first, Senator Riepe offers LR258. It asks the Legislature to extend its sympathy to the family of Dee Huff. [LR258]

SENATOR WATERMEIER: Senator Riepe, to open. It's my understanding you wanted to debate this. Senator Riepe, because this does not have a carry-over day, you need to at least open on it to inform the body what the resolution is. [LR258]

SENATOR RIEPE: Thank you, Mr. President, and colleagues. This resolution is in honor of Dee Huff who was a longtime board member of the Ralston High School and also a member of the...a staff member of the Ralston Library and very active in the Ralston community. So I wanted to take this opportunity to simply recognize her and her funeral will be held tomorrow. So thank you, Mr. President. [LR258]

SENATOR WATERMEIER: Thank you, Senator Riepe. Seeing no one in the queue, Senator Riepe to close. Senator Riepe closes. The vote in front of you is the adoption of LR258. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LR258]

CLERK: 43 ayes, 0 nays, Mr. President, on the adoption of LR258. [LR258]

SENATOR WATERMEIER: The resolution is adopted. Senator Brewer. [LR258]

SENATOR BREWER: Thank you, Mr. President. Good afternoon, colleagues. I rise this afternoon to introduce LR259. This LR is a congratulatory resolution that recognizes the teachers and students of Chadron Public Schools for outstanding academic achievement. It includes superintendent of the year, distinguished educator award for excellence in teaching, high state scores, and a perfect 36 on ACTs. Since there isn't enough time in the session for this resolution to be laid over, the number of days required by rule, I rise today to introduce it and ask

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for your green vote on LR259. Thank you, colleagues, and if there is no one in the queue, sir, I waive closing. [LR259]

SENATOR WATERMEIER: Thank you, Senator Brewer. You've heard the opening on LR259. Seeing no one in the queue, I will allow that waive closing. All those in favor...the question is the advancement of LR259. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LR259]

CLERK: 44 ayes, 0 nays, Mr. President, on the adoption of LR259. [LR259]

SENATOR WATERMEIER: The resolution is adopted. Next item, Mr. Clerk. [LR259]

CLERK: Mr. President, LR260 was introduced by Speaker Scheer. WHEREAS, Ron Witkowski began working for the Nebraska Legislature as Assistant Sergeant at Arms in January 1997; WHEREAS, Ron Witkowski was promoted to acting Sergeant in February, 2003, and first elected Sergeant at Arms in January of 2004; WHEREAS, Ron Witkowski has served the Nebraska Legislature for 29 years, provided security in the Chamber and hearing rooms and assisting legislators and the public; WHEREAS, Ron Witkowski has managed his staff in an exemplary manner, paying special attention to detail in his management and administrative duties; WHEREAS, Ron Witkowski has implemented improvements to provide better security for legislators and the staff in the Capitol Building, developed a strong working relationship between the legislators and the Nebraska State Patrol, and enhanced the professionalism of his staff; WHEREAS, Ron Witkowski retired as a Major from the Nebraska State Patrol in 1996 after 37 years of service; WHEREAS, Ron Witkowski served our country in the United States Marine Corps; WHEREAS Ron Witkowski married Susan on July 6, 1963, and they are parents of four children, Mike, Mark, Jennifer and Matt; WHEREAS, the strength and resiliency of our Legislature depends, in great measure, upon the dedication of people like Ron Witkowski, whose dedication and desire to serve his state is admirable; NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS that Ron Witkowski's 58 years of public service to the state of Nebraska and the Nebraska Unicameral Legislature exemplify the highest standards of responsibility, character, and commitment; that the Nebraska Unicameral Legislature honors Ron Witkowski and expresses its deep appreciation for his contribution and service to the state of Nebraska. [LR260]

SENATOR WATERMEIER: Thank you, Mr. Clerk. Speaker Scheer, you're recognized to open on your resolution. [LR260]

SPEAKER SCHEER: Thank you, Mr. President. Today, we take a few minutes to recognize Ron Witkowski, our Sergeant of Arms for the last 14 years, a man who has served Nebraska for

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nearly six decades. During that time he has been an example of courtesy, decorum, and reliability. Now, Ron has decided to take time to...has come time for him to retire in order to spend more time with his wife Susan and his family. In my time here in the Legislature, I've been seated in the rear of the Chamber and had the opportunity to watch Ron, the way he performs his duties, the warmth and professionalism he shows to everyone he comes in contact with as his interaction with legislators and visitors to the Chamber, the public, and the lobby. Ron has brought the management skills that he acquired during his 37 years with the State Patrol. He oversees a special group of men and women who support the Legislature every day it meets, both on the floor and in committee hearings. He has strengthened this staff in the way that they enjoy and respect each other, and work cooperatively together. Ron has fostered the development of a camaraderie in which the Assistant Sergeants look forward to returning to the Chamber every January. Even though the job sometimes requires long days and great patience, as a leader, Ron has developed procedures and expectations for when circumstances require change, Ron will adjust and be successful. He has enhanced the relationship between the State Patrol and the legislative branch, and implemented recommendations that improve safety and security within the Capitol. Our Capitol Building is a better and safer place as a result of Ron Witkowski. Ron, on behalf of my colleagues, we would like to thank you so much for your time and service to the members and the staff of the Nebraska Legislature. Please come back to visit. The chair is always there. We extend our very best wishes for a long and happy retirement. [LR260]

SENATOR WATERMEIER: Thank you, Speaker Scheer. Members, you have heard the opening to LR260. Those in the queue, Senator Lowe and Senator Krist. Senator Lowe waives. Senator Krist, you are recognized. [LR260]

SENATOR KRIST: Thank you, Mr. President. Good morning, Nebraska. Good morning, colleagues. I had the pleasure of working with Mr. Witkowski, with Ron, for several years addressing some critical safety issues within the building and within this Chamber. And I can tell you that there has never been a more dedicated Marine, servant, of the state of Nebraska. Unfortunately, he's not following the protocol of the Red Coats. In my eight years here the only Red Coat that's actually retired, retired at the age of 101. What's up? And my last point, I think, is if you will excuse me, Ms. Witkowski, for a deviation from church and state, in nomine Patris et Fili et Spiritus Santi, amen. He's all yours. [LR260]

SENATOR WATERMEIER: Thank you, Senator Krist. Seeing no one in the queue, Speaker Scheer waives. Members, the question is the advancement of LR260. All those in favor vote aye; all those opposed vote nay. Have you all voted? Record, Mr. Clerk. [LR260]

CLERK: 45 ayes, 0 nays on adoption of LR260. [LR260]

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SENATOR WATERMEIER: The resolution is adopted. And thank you, Mr. Witkowski. [LR260]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Mr. Clerk, next item. Senator Hilkemann for a motion.

SENATOR HILKEMANN: Thank you, Mr. President. I move that a committee of five be appointed to notify the Governor that the One Hundred Fifth Legislature, First Session of the Nebraska Legislature is about to complete its work and to return with any messages the Governor may have for the Legislature.

SPEAKER SCHEER: You have heard the motion. All those in favor please say aye. All those opposed say nay. The aye's have it. I hereby appoint Senators Brasch, Hilkemann, Stinner, Crawford, and Geist to please meet in the rear of the Chamber to escort the Governor in. Mr. Sergeant.

SERGEANT AT ARMS: Mr. President, your committee...Mr. Speaker, your committee now escorting the Governor of the great state of Nebraska, Governor Pete Ricketts and first lady, Susanne Shore.

SPEAKER SCHEER: Colleagues, the Governor of the great state of Nebraska, Pete Ricketts.

GOVERNOR RICKETTS: Good afternoon. Good afternoon. Speaker Scheer, thank you very much. Members of the One Hundred Fifth Nebraska Legislature, it is a privilege and a pleasure for me to join you here today in the Legislative Chamber as you wrap up the first session of the One Hundred Fifth Legislature. Before we get started here today, I'd like to just take a moment of silence to recognize the victims of the terrorist attack last night in Manchester, England. Our hearts are just broken by that tragedy, and our prayers go out to the families of all the victims. Public service is a high and noble calling. Our friends, our family, neighbors, and coworkers, send us here with the expectation that we are going to represent their interest as we work here in the Capitol. I want to thank each and every one of you for your dedication to serving your fellow citizens. I want to thank you for your willingness to step up to that calling and spend time away from your families to be able to serve your fellow citizens. My vision for Nebraska is to grow Nebraska, to invest in our people, be more customer and user friendly, make government more effective and efficient, control our spending, and relieve the tax burden on our hardworking families. As we look back on this session, we have been successful working together as two different branches. We have accomplished many of those things to be able to help us grow our state. For example, we passed a bill into law that will create a grant program for our

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communities or our counties of 100,000 people or less to encourage work force housing. Many of our small towns and rural communities struggle to attract people because they don't have the appropriate housing and this bill will help them do that. We passed the first pro-life bill in this Chamber in about five years, with the choose life license plates bill. And also further reflecting the character and nature of our state and how we respect life and care for people, Senator Albrecht passed into law a bill to help families who are going through the tragedy of realizing their baby has been diagnosed with a fatal fetal anomaly and directing them to the resources to get perinatal hospice care. That demonstrates how we think about our people. And I've had a number of families already come up to me and tell me how grateful they are that we passed that. Also in my budget recommendation, it's been my prerogative to put the budget priorities for my administration in there. Specifically when it comes to the Title X funding to direct those funds toward organizations that are going to provide a broader range of healthcare services. And I will continue to make that a priority in the future. We've made the state more user friendly or customer friendly by passing occupational licensing reform. For example, now if you are an audiologist, you don't have to have that additional license to be able to sell medical equipment. And as part of that overall package, we've made our state more friendly to active military. For example, if you're the spouse of an active military member and you've got a profession under the Uniform Credentialing Act, we can issue you now a temporary license to help you get to work faster, or through Health and Human Services, we can have a reciprocity agreement so that we can speed up the nurse licensing. Many of those bills in occupational licensing were in Senator Blood's bill. We can also thank Senator Bostelman for the work in making sure that the spouses of active military members can get the same preference when it comes to hiring here at the state that our veterans get. All of this makes us a state where people can move, create new jobs, and have it easier to be able to get started. Senator Kuehn also helped pass entitlement reform specifically around our unemployment benefits. Now you have to quit for cause, thus reserving those funds for people who truly need it and helping control costs on our Nebraska businesses. We have made government more effective and more efficient. Senator Friesen led the charge to put together our Department of Roads and our Department of Aeronautics into a new Department of Transportation to allow us to leverage the resources of both those agencies to put more money into roads and runways. Senator Murante worked with the Government Committee to move our division of veterans homes out of Health and Human Services into the Nebraska Department of Veterans Affairs. And thus creating a one-stop shop, one agency serving our 143,000 veterans, one united team focused on improved customer service. But perhaps the most important work that we did in this session had to do with the budget. You may all recall that last January people were talking about a \$900 million problem that we had to solve. And working together, we did something that was unprecedented. No one can ever remember when we have passed two budget bills in one legislative session. I want to thank Senator Stinner and the Appropriations Committee for their diligent work in turning around that first budget bill. They got that out in what had to be record time, six weeks from introduction back to my desk. And that set the foundation by getting this year's budget back into balance and the foundation for the

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next two-year biennium. Yeah, I think that's worth a round of applause. And then we worked on the next two-year biennium and we demonstrated Nebraska grit by coming together to prioritize the funding for K-12 schools, property tax relief, corrections reform, and making the tough decisions so we could maintain that 3 percent balance, get a budget together on time, and not every state can say they do that, and do that all without raising taxes. And that's key because we've got the fifth highest property taxes in the country and the 14th highest income taxes. And as Ronald Reagan said, simple fairness dictates that government must not raise taxes on families that are struggling to pay their bills. And right now, I can tell you our farm and ranch families are struggling. Farm income in the state has gone from being about \$7.5 billion in 2012 and 2013, down to \$4.5 billion in 2015, probably closer to \$4 billion in 2016. That's a 40 to 45 percent decrease. They are tightening their belts, and they are expecting us to tighten our belts as well, and we did not disappoint them. That's exactly what we did. We demonstrated that Nebraska grit to tighten the belts. And again, I just want to put this in perspective that if you look at this year's budget, we are actually going to collect less tax dollars this year. We are forecasted to collect less tax dollars this year than the previous two years. We made those tough decisions. Now, there's still more work to do. If you look at our farm and ranch families, they have seen the valuations on ag land over the last ten years go up 252 percent. Many of them have shown me their profit and loss statements. And up to 30 to 40 percent of their top line revenues is going to property taxes and it's probably the expense they have the least control over. It's putting a real burden on our farm and ranch families. The tax bill failed to advance this year. We need to continue to work on how we're going to provide that tax relief to our Nebraska families. This bill would have reduced if it had been in place this year, ag land valuations by 12 percent or about \$12 billion. It would have meant, had it been in place, 71 current equalized school districts would have gone to 111 equalized school districts. And if we look at our income taxes we know that the only state around us that has got a higher income tax rate than us is Iowa, and that Wyoming and South Dakota have no income taxes. If we want Nebraska's families to expand, we want people to move here, we want businesses to grow, we have to be more competitive. And my commitment is to work with Senator Smith, Senator Brasch, Senator Lindstrom, and other senators on this tax bill over the course of the summer to make modifications to bring that back next year and to be over...and to overcome the filibuster to provide tax relief for our hardworking families. Now, while we know we have an ag economy that's struggling, it's also important to remember the successes that we've had this year as a state. Our population has grown to 1.9 million people for the first time ever according to the U.S. Census Bureau. In 2016, Nebraska received the Governor's Cup from Site Selection Magazine for the most economic development projects per capita. In fact, we had more than North Dakota, South Dakota, and Kansas combined. And in the last few weeks, we have seen Cargill announce a \$100 million expansion of their facilities in Columbus. Becton Dickinson is also investing in their facilities in Columbus on top of the \$100 million that they announced they're investing in their facilities in Holdrege last fall. Novozymes is investing \$36 million in their Blair facility to create more jobs. Last week Kawasaki announced they're investing \$12.6 million to create 50 new jobs here in Lincoln. And for the first

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time ever, through their brand new aerospace division in the United States, they will be building airplane parts right here in Nebraska, the first time they have ever done that in the United States. And, of course, we're all aware of Facebook starting their data center in Papillion, Nebraska, joining us here on the Silicon Prairie. These companies are demonstrating their faith, their confidence in our state, their confidence in our people to be able to help their companies be successful in our user friendliness here in the state and our commitment to being more tax competitive. This is how we create the opportunities for our young people. When these companies invest in our state, they create jobs and those are the careers that our young people then have the opportunity to pursue right here at home. And folks, that's how we grow Nebraska. So, thank you again for your dedication to public service. Thank you for working together our two branches to put the policies in place that help us invest in our people, become more user friendly, make government more efficient, to control our spending, demonstrate that Nebraska grit in making our budget work, and for your dedication to public service here in our state. God bless you all in what you do. And God bless the great state of Nebraska.

SPEAKER SCHEER: Will the committee please escort the Governor back to his office. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR127, LR258, LR259, and LR260. [LR127 LR258 LR259 LR260]

SENATOR KRIST PRESIDING

SENATOR KRIST: Speaker Scheer, you are recognized.

SPEAKER SCHEER: Thank you, Mr. President. Colleagues, I promise to be somewhat brief. Mr. President, colleagues, friends all across the state, and I really do mean, friends all. Okay. Just seeing if you're awake. The One Hundred Fifth Legislature, First Session, is now complete. It has certainly been an interesting session. There have been points in the session where the 90 days might have seemed as an eternity, others where 90 might have seemed way too short. We started out by debating the rules for 30 days. Remember Ground Hog's day? I do believe that that was a good debate to have. We ended the session with a number of line item veto overrides, votes, and again, that was healthy debate to have as well. The public expects us to be our own independent branch of government. However, they also expect us to work well with the Governor and the Judiciary to govern the state. I believe we've had a very productive working relationship with both those branches during the session. We are a much different body than we were last session, or four years ago when I arrived. As a body, there is a greater push to challenge the status quo, to take a step back and ask why are we doing this, or why don't we do things this way? As a legislative body, it is our duty to be deliberative and deliberate in everything we do. I have seen this body do just that. We have had a few changes to how we operate this year. We continued Senator Hadley's process of spending six hours on General File bills. Select File was cut to three

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hours and Final Reading to one and a half. These changes allowed us to buy back some time that we spent early on. We also instituted a change where contentious bills were scheduled in three-hour segments on General File. Every single priority bill was guaranteed at the very minimum, its initial three hours of debate. However, in order to come back for debate, the sponsor of that bill had to show that they had a clear path to success. This was known to both the supporters and the opponents of every bill. This change was initially set up to help buy back time and be a more efficient body. However, after the first few weeks, something else became clear to me. Maybe it was due to the change. Maybe it was the body, but we began to have real discussions on the merits of bills instead of spending time on procedural maneuvers to simply run out the clock. Opponents of bills knew that as long as they kept their numbers above 17, there was no need to kill a bill. So we didn't see the IPPs in the brackets that we have in the past. Let's look at two bills. They were brought back this year and compared them to the quality of debate they received last year. Last year's version of LR6, Senator Ebke's convention of the state's bill was killed after just 40 minutes of debate last year. Senator Ebke barely even had a chance to get started before the show was over. This year no one made a single motion to kill the bill. The entire debate on the bill, dare I say, was germane and purposeful. And while the bill did not go to cloture, both sides of the issue spent their time debating and outlining public policy positions. Let's look at the second one. LB173, Senator Morfeld's sexual orientation and gender discrimination bill as well. Last year this bill was bracketed after about the same amount of time of debate as it received this year. However, last year we spent almost all of the time discussing the bracket or the reconsideration motions. This year, like LR6, there was not one bracket proposed on the bill. The bill did not advance, but it received the deference that it deserved as a priority bill, and it had a high quality of debate. Of course, none of these changes can work without a buy-in from you, the body, so I thank you for having faith and trusting me to try out this new idea and to run it fairly. I know each of you, of us, have probably found ourselves on the winning or losing side of an issue more than once this year. Many of us are walking around with one or more disappointments. It's not fun, I know, but we pick up and we press on. Thank you again for the trust that you placed in me. We've had several other successes this session as well despite our slow start and the sentiment going into March that the session might as well be written off, every single bill that was advanced out of committee with the exception of one which the principal introducer asked that I hold until next year, was heard on the floor. That being said, I'm not one to measure the success of this legislative body by the number of bills that it passes. In my opinion, not every bill should pass. Rather, I look at the debate that took place and what was considered in the quality thereof. We passed a bill from Senator Williams to address rural work force housing shortage that's hampering economic development in much of the state. Senator Krist was successful in delivering another juvenile judge to Douglas County. These judges often deal with child abuse and neglect cases and having another on their court will greatly increase the number of those cases that are heard in a more timely manner. Senator Murante and Friesen both shepherded bills that merged and streamlined executive departments of the government to reduce costs and increase efficiency. Senator Crawford had a bill that allowed for cities to create new economic

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development districts on the river fronts to help spur economic development and growth. Senator Albrecht, Blood, Erdman, Geist, Lindstrom, Lowe, Riepe and others carried bills that eliminated barriers to employment in many different professions across the state. We had a 45-bill consent calendar this year. These bills are often our smaller issues, but they are also the ones that allow us to keep government running. Senator Quick's bill, LB455, to update the electrical code comes to mind along with Senator Pansing Brooks's LB645 that reiterates that dyslexia is covered as a learning disability in the Nebraska Special Education Act. Senator Watermeier brought LB44 to address the issue of individuals not reporting and remitting taxes due from on-line sales. Senator Smith was able to bring a comprehensive tax package out of the Revenue Committee that addressed both income and property taxes. Senator Groene brought LB640 as a way to address property tax problem by addressing how much revenue school districts are allowed to collect through property taxes. Although these three bills did not pass, we had a significant amount of purposeful debate on our overall taxing structure. There are even more bills introduced by Senator Briese, Friesen, Harr, Morfeld, Schumacher, and others that had impactful debate in the committees. During these debates we showed that while we may have many different ideas for what our tax structure should look like, we can and should have productive debate on this issue. The body is very different this year than my first year. Two-thirds of those who were here four years ago have been replaced. We've changed ideology on both sides. But I believe we're also in a better position to tackle those big issues in front of us. Finally, we addressed what was seemingly the overwhelming issue of the entire session, the looming budget deficit. At the start of the session, I asked everyone to be considerate of the fiscal notes attached to those bills as we would not have extra money to spend. Thank you all for your restraint in your judicious use of those dollars. Thank you to all the committee chairs, who knowing this, acted as the filter to keep the spending down. Thank you to Senator Stinner and the Appropriations Committee for your extremely hard work to advance a balanced budget to the floor for passage. I think it's fair to say that not a single member of this body was completely happy with the final budget. Many wanted more cuts. Some wanted fewer cuts. But we did what we were able and what we had to do. We passed a budget for the next biennium that is balanced and did not increase taxes. Before I can leave you to enjoy the lives in the real world that we have outside of here, I would be remiss if I didn't thank a few individuals who have really kept this system running. I would like to...those as I recognize them to please stand and be recognized as I call upon you. First, Patrick O'Donnell, the Clerk of the Legislature; Dick Brown, his assistant; Carol and Vicki who sit up there every day and I'm sure would rather be somewhere else; the rest of the Clerk's Office; the Bill Room, I believe they're up above somewhere perhaps; the Transcribers; The Unicameral Information Office; and, of course, the Legislative Technology Center. What would we do without them? And, of course, the Sergeant at Arms, Ron Witkowski, and the rest of the Red Coats. And the pages, of course, led by the able Kitty Kearns. And, of course, I have to thank my security, the Nebraska State Patrol. The Fiscal Office led by Mike Calvert and Tom Bergquist upstairs; the Revisor's Office led by Joanne Pepperl and Marcia McClurg; the Legislative Accounting and Budget Office led by Diane Nickolite; the Legislative Research Division led by Nancy Cyr; the

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Legislative Audit Division led by Martha Carter; the Ombudsman Office led by Marshall Lux; our ever-present presiding officer, Lieutenant Governor Foley, who obviously is not here, the only time he's not been here all year. And Senators' staff...all the Senators' staff and committee staff, please stand. And finally to NET for their gavel to gavel coverage so that the rest of the state can watch what we're doing every day and some nights. I would be remiss not to thank my staff for all that they've done for me this year. They make my job look relatively easy, and make me better than I am, so I thank my staff, Patty, Spencer, and Laurie. And again, I thank you for the opportunity that you've given me this year. I will never be able to repay you. I hope that I've lived up to your expectations. Mr. President, thank you.

SENATOR KRIST: Thank you, Senator Scheer. Mr. Clerk, motions in preparation of sine die.

CLERK: Mr. President, the first motion is from Speaker Scheer. Speaker Scheer would move that...suspend Rule 6, Sections 3 and 5, Rule 7, Sections 3 and 7, and indefinitely postpone the following bills whose provisions have been included in other enacted legislation or whose companion bill has been indefinitely postponed. Those bills include LB6, LB31, LB32, LB38, LB61, LB89, LB110, LB145, LB164, LB167, LB178, LB187, LB188, LB191, LB196, LB219, LB230, LB244, LB273, LB278, LB282, LB283, LB287, LB293, LB296, LB297, LB298, LB301, LB336, LB341, LB342, LB395, LB413, LB418, LB425, LB454, LB483, LB526, and LB549. [LB6 LB31 LB32 LB38 LB61 LB89 LB110 LB145 LB164 LB167 LB178 LB187 LB188 LB191 LB196 LB219 LB230 LB244 LB273 LB278 LB282 LB283 LB287 LB293 LB296 LB297 LB298 LB301 LB336 LB341 LB342 LB395 LB413 LB418 LB425 LB454 LB483 LB526 LB549]

SENATOR KRIST: You have heard the motion. All those in favor vote aye; opposed, nay. Please record, Mr. Clerk.

CLERK: 42 ayes, 2 nays, Mr. President, with respect to the Speaker's motion.

SENATOR KRIST: The motion is adopted. Senator Schumacher for a motion.

SENATOR SCHUMACHER: Thank you, Mr. President. Before I make this motion, I would like to note in the record the presence of my 94-year-old mother in the Chamber; my sister, Annette; and my niece, Catherine. Mr. President, I move that the Legislature approve the preparation and printing of the permanent Legislative Journal, session laws, and indexes by Patrick J. O'Donnell and that he be directed to send to each member of the Legislature a copy of the permanent Legislative Journal and session laws. Thank you.

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SENATOR KRIST: You have heard the motion by Senator Schumacher. All those in favor say aye. Opposed nay. Approved. Senator Harr for a motion.

SENATOR HARR: Thank you, Mr. President. I move that the Journal for the eighty-sixth day as prepared by the Clerk of the Legislature be approved.

SENATOR KRIST: You've heard the motion. All those in favor aye. Opposed nay. It's approved. Senator Smith for a motion.

SENATOR SMITH: Thank you, Mr. President. Senator Harr, it is my pleasure to have the last word this session.

SENATOR KRIST: Just the motion, please.

SENATOR SMITH: Senator Harr, colleagues, and friends all, it is with great pleasure that I move that the One Hundred Fifth Legislature, First Session, of the Nebraska Legislature, having finished all business before it now at 2:29 p.m., adjourn sine die.

SENATOR KRIST: You have heard the motion. All those in favor aye. Opposed nay. We are adjourned sine die. You don't have to go home, but you can't stay here.