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Executive Board Committee
January 25, 2017

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The Executive Board of the Legislative Council met at 1:00 p.m. on Wednesday, January 25, 2017, in Room 2102 of the State Capitol, Lincoln, Nebraska. Senators present: Dan Watermeier, Chairperson; John Kuehn, Vice Chairperson; Kate Bolz; Sue Crawford; Dan Hughes; Tyson Larson; John McCollister; Jim Scheer; and John Stinner. Senators absent: Ernie Chambers.

SENATOR WATERMEIER: Okay. I'd like to go ahead and get the meeting started this afternoon. This is a meeting of the Executive Board convened with one thing on the agenda today as far as the qualifications challenge that was presented to us from the Referencing Committee. We have all of the members here today that are going to be here. Senator Chambers has excused himself because it's part of his election challenge. I've spoken with several of you over the last couple of weeks as far as when we got started we had, I believe in my mind, an obligation to continue on with the qualifications challenge. We have some steps that we have to do. If you have some question about that right now, it would be fine. We're not going to have any public input to this today. But we are here today in my mind to select a special investigative committee and then move forward at that point in time. So unless there's any other suggestions, I would offer...not offer a motion but entertain any motions that someone may have or discussion so. Senator Crawford, did you have a question or want to start?

SENATOR CRAWFORD: No.

SENATOR WATERMEIER: Okay. I know, I see that. Senator Larson.

SENATOR LARSON: I really don't have an interest being on it so I move that the Exec Board minus Senator Chambers, myself, and Senator Stinner are on the committee. There will be seven of you and Senator Watermeier be the Chair.

SENATOR WATERMEIER: I have a motion on the floor for that list of seven members.

SENATOR SCHEER: Second.

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SENATOR WATERMEIER: Seconded by Speaker Scheer. Further discussion?

SENATOR McCOLLISTER: Could you read the motion, please?

SENATOR WATERMEIER: The motion is that the special investigative committee--Senator Larson, listen closely in case I repeat it incorrectly--that the special investigative committee for the elections, excuse me, the qualifications challenge would be the seven members on the Executive Board that includes Speaker Scheer, McCollister, Bolz, Senator Hughes, Senator Watermeier, Senator Kuehn, less Senator Chambers, with Senator Crawford, less Senator Larson and without Senator Stinner as well. So it would be those seven members. We are obligated to have an odd-number group. And so the qualifications are that it has to be a minimum of five or so an odd-numbered group of five...

SENATOR McCOLLISTER: So it's five members less...

SENATOR WATERMEIER: Five would be an option, seven is another option.

SENATOR McCOLLISTER: Without Senators Larson and Chambers.

SENATOR WATERMEIER: But (inaudible) seven members.

SENATOR LARSON: And Stinner is an ex-officio. So the people that would not be on the committee would be Chambers, Larson, and Stinner.

SENATOR WATERMEIER: Right.

SENATOR LARSON: The rest.

SENATOR WATERMEIER: Senator Stinner is a nonvoting member, an ex-officio of Executive Board, but he could serve in this capacity and would have known a little bit of the conversation as far as the qualifications challenge.

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SENATOR LARSON: And I nominated Senator Watermeier to be the Chair.

SENATOR WATERMEIER: We need just a chairman, not a vice and a Chairman. Senator Bolz.

SENATOR BOLZ: Just to take a quick step back.

SENATOR WATERMEIER: Yes.

SENATOR BOLZ: I think it's important that we talk about what this committee is and why it's a committee. And before we came to this conversation, several of did our homework trying to understand what we're doing and why we're doing it. And to me, the first question to be explored is whether or not this is a valid challenge because it's my understanding that the individual filing the challenge missed a deadline. So if we are creating a committee to explore that initial threshold question, I support the creation of such a committee. So I think perhaps it's a friendly amendment to the motion to say that we want to create a committee specifically for the purpose of validating the claim around this issue if that makes sense. That's where my thinking is.

SENATOR WATERMEIER: We can take, let me interrupt, we can take that as an offer as an amendment to it or a friendly amendment, but I believe that would be the charge of the investigative committee because they are charged with looking at the qualifications challenge. And I would defer to legal counsel if you want input. []

JANICE SATRA: Well, I just want to remind you what the rule says and the rule says that the qualification challenge shall be created. It doesn't say for a limited purpose. It just says for purpose, you know, it's for the purpose of handling the qualifications challenge. If you limit it, I'm not sure you follow the rule, but it's up to you. Then it goes on, of course, to say odd number, minimum of five, and the Chair. But the purpose is to handle the qualifications challenge.

SENATOR BOLZ: That's fair and perhaps it makes more sense to simply create the committee. I just want the dialogue to be about what I understand it to be, which is that the first question or the first threshold that needs to be crossed is validating that this is a legitimate challenge despite

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the fact that there was a missed deadline. That's the first question that we don't have an answer to as a committee.

SENATOR WATERMEIER: I think it's a fair analogy and a fair question, too, that that would be answered and with what direction the actual committee would like to go and how to proceed with that, getting...there's lots of questions that we'll have to have...we'll have to answer ourselves I think. Senator Crawford.

SENATOR CRAWFORD: Thank you, Senator Watermeier. And just for the record I think it's important to reinforce the point that members have been doing some homework, looking into the case and it appears that that is an important question for the committee to examine. And so I think it's important to recognize that's going to be one of the key first tasks of the committee. I don't think that we need to amend the motion, but I just think it's important to acknowledge and recognize that's going to be a key task that the committee will identify a way of moving forward on addressing that question.

SENATOR WATERMEIER: Okay. Thank you for your comments. Senator Stinner, you waved your finger there. []

SENATOR STINNER: No.

SENATOR WATERMEIER: Okay.

SENATOR STINNER: Just scratching my eye.

SENATOR WATERMEIER: It was moved by Senator Larson and seconded by Senator Scheer, Speaker Scheer. Senator Bolz.

SENATOR BOLZ: Just a point of clarification I suppose. The committee as proposed I think makes sense because there is representation from all of the caucuses. We've got the Chair and the Vice Chair. And if Senator Larson is of his own choosing, choosing to step back and respond to the information brought to him by the rest of the committee, I think that's appropriate. I think

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sometimes it's challenging when you're getting--and I'm not an attorney--when you're getting...when you're not an attorney getting information from an attorney, sometimes things get lost in translation. And so I'd like us a larger committee compared to a smaller committee. So if the purpose of just leaving one off is just a numbers game, I'm comfortable with the motion.

SENATOR WATERMEIER: Okay. Thank you. Further discussion. Call the roll.

LAURA OLSON: Senator Kuehn.

SENATOR KUEHN: Yes.

LAURA OLSON: Senator Bolz.

SENATOR BOLZ: Yes.

LAURA OLSON: Senator Chambers absent. Senator Crawford.

SENATOR CRAWFORD: Yes.

LAURA OLSON: Senator Hughes.

SENATOR HUGHES: Yes.

LAURA OLSON: Senator Larson.

SENATOR LARSON: Yes.

LAURA OLSON: Senator McCollister.

SENATOR McCOLLISTER: Yes.

LAURA OLSON: Senator Scheer.

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SENATOR SCHEER: Yes.

LAURA OLSON: Senator Watermeier.

SENATOR WATERMEIER: Yes. Motion passes. Just to make it clear to everybody, I'll treat this like a special investigative committee like we've had in LR34, different groups. It will be open to the public. We certainly have our homework to do. We've got some things to work on behind the scenes. But I fully intend to make this a public...available to the public as best as we possibly can with anything we do in the Legislature. If there's any further questions on that. So I guess I'd be looking for an e-mail in the next couple of days. I'm hoping that we could get together and visit about the next step. I'll start a conversation with the Clerk and we'll continue with that. Let's see, we do need to have...I guess Thursday we're going to have...tomorrow committee hearings and I would like to exec right after that tomorrow as well. So if we can slip in my three bills and then exec right after that, Senator Krist is anxious to get his bill out. We do have an amendment to it. If anyone would have a question about it, I can make that available before tomorrow if you want to.

SENATOR _____: (Inaudible).

SENATOR WATERMEIER: I think we should probably because it's an important bill.

JANICE SATRA: Send it out on both of those two bills.

SENATOR WATERMEIER: We'll do that so be prepared to exec possibly on all five of those bills, but for certain Senator Krist's two bills. Okay, thank you.