

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

Floor Debate
March 03, 2017

[LB1 LB2 LB3 LB4 LB5 LB16 LB30 LB45 LB46 LB46A LB56 LB72 LB74 LB80 LB85A
LB131 LB132 LB134 LB148 LB184 LB185 LB186 LB244 LB339 LB409 LB415 LB447
LB496 LB515 LB518 LB628 LB638 LB647A LR56]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fortieth day of the One Hundred Fifth Legislature, First Session. Our chaplain today is Senator Brewer, Colonel Brewer. Would you please rise.

SENATOR BREWER: (Prayer offered.)

SPEAKER SCHEER: Thank you, Senator Brewer. My apologies, old age is starting to hit. I call to order the fortieth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There is a quorum present, Mr. President.

SPEAKER SCHEER: Are there any corrections for the Journal?

ASSISTANT CLERK: No corrections this morning.

SPEAKER SCHEER: Any messages, reports, or announcements?

ASSISTANT CLERK: Oh, there are, Mr. President. The Retirement Systems Committee has selected LB415 and LB30 as their committee priority bills. Business and Labor has selected LB518. Your Committee on Enrollment and Review reports LB184 to Select File with amendments, LB185 to Select File, LB186 to Select File, and LB46 to Select File with amendments. New A bill. (Read LB85A by title for the first time.) New resolution, LR56 by Senator Harr. That will be laid over. Agency reports have been filed for the past week, have been filed on the Legislature's Web site and are available from that source. A list of registered lobbyists for the current week, as required by law. Business and Labor Committee is changing rooms for hearings on Monday, March 6, from Room 2102 to Room 1510. That's all I have at this time, Mr. President. (Legislative Journal pages 595-597.) [LB415 LB30 LB518 LB184 LB185 LB186 LB46 LB85A LR56]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Watermeier, for what purpose do you rise?

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

Floor Debate
March 03, 2017

SENATOR WATERMEIER: Thank you, Mr. President, for a point of personal privilege, please.

SPEAKER SCHEER: You have five minutes.

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraska. I think as we're all well aware of, last night an incident in Tecumseh happened, TSCI, Tecumseh State Correctional Institution, happened yesterday. Unfortunately, two lives were lost. Two lives were lost and that's always more than unfortunate. It's our responsibility to address it, to be aware of it, and to be mindful of it. I commend the corrections officers and all of the administration for the job that they have played during the incident and getting it under control. I believe the role of the staff is better today defined than it ever has been in the past, but it is constantly improving and it needs to improve. We are making progress, but this progress takes time. The facts are the Tecumseh State Correctional Institution is the only maximum security prison in Nebraska. It's confined into usually typically one of the three housing units. These things can happen and they probably will happen in the future, but the loss of life is unfortunate, and it's something we need to work on. Two years ago when this happened, it seemed like a stumbling block for Nebraska, that the Department of Corrections was on the down. But I think we have learned from that incident. We are better today. And think about what happened yesterday. At 1:00 in the afternoon there was an incident. The staff acted according to their new protocols, their new training. No staff was injured. Public safety was never at risk, and I feel good about that. They are on the mend. They are doing better. But there is always room for improvement. Yesterday, Warden Hansen's comments were, we've been...made so many improvements over the last year and half and I am proud of my team. This incident is a reminder that this is a dangerous business and we must remain vigilant as we keep people safe. Last night I spent quite a bit of time walking around the prison and trying not to obstruct what they were doing. But in their moments of rest and their moments of catching their breath, I tried to encourage them. But in their eye I can see a sense of purpose. I can see a sense of their mission. They feel purposed. I hope that this body doesn't meddle with that. They have a job to do. Let's do ours and allow the process to work. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Watermeier. Mr. Clerk, we'll move to the first item. (Visitors introduced.) In preparation for Final Reading, would members please return to their seats in preparation for that, according to Rule 2, Section 3(h). Mr. Clerk.

ASSISTANT CLERK: Mr. President, with respect to LB1, I do have a motion to return the bill to Select File, that being strike the enacting clause. Motion made by Senator Chambers. (FA30, Legislative Journal page 597.) [LB1]

SPEAKER SCHEER: Senator Chambers, you're welcome to open. [LB1]

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

Floor Debate
March 03, 2017

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I have an amendment, a motion like this on every bill. I don't know how many of them I will take up. But if the mood hit me, I could take 50 minutes on each one of these bills and we wouldn't get to anything else, but that's not my purpose this morning. I want to show you that if I chose to do things just because I can do them, I can stop us from getting to business, and that's for some of those people who may be doing their little plotting. Make sure you know what you're doing if you cast the first stone, because once that stone is cast at me there is no backing away by me. I didn't want to ask for a point of personal privilege to respond to what Senator Watermeier said, so I'll do it on this motion. I'd like to ask Senator Watermeier a question before I start. [LB1]

SPEAKER SCHEER: Senator Watermeier, would you please yield? [LB1]

SENATOR WATERMEIER: Yes, sir. [LB1]

SENATOR CHAMBERS: Senator Watermeier, you brought this issue before us. Has the investigation of this incident, which the administration refuses to call anything other than a disturbance, has the investigation been completed? [LB1]

SENATOR WATERMEIER: No. [LB1]

SENATOR CHAMBERS: Who is conducting the investigation? [LB1]

SENATOR WATERMEIER: State Patrol. [LB1]

SENATOR CHAMBERS: Was any inmate hurt as a result of the action by any employee? [LB1]

SENATOR WATERMEIER: I don't know that. [LB1]

SENATOR CHAMBERS: Then how can you say they acted in the way that you said? You were talking about what a great job had been done and so forth. If the investigation isn't completed and you don't know whether an employee hurt an inmate, and if so, whether that was done in accord with rules and regulations, do you think maybe you said a little bit more than was warranted based on what is available for the public to actually know, because you don't even know it yourself? [LB1]

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

Floor Debate
March 03, 2017

SENATOR WATERMEIER: I don't know anything about the investigation. My intention was that the public safety was not at risk. That was my judgment call from what I had seen last night and the interpretation from the warden and the director of the Department of Corrections. [LB1]

SENATOR CHAMBERS: But you took it on the base of what they told you rather than what you knew? [LB1]

SENATOR WATERMEIER: And I would say from the mood of the body around the entire facility, the volunteers that I spoke with, saw working, and the look in the eye of the individuals that I shook hands with last night. [LB1]

SENATOR CHAMBERS: What about their eyes made you draw the conclusion that you drew? [LB1]

SENATOR WATERMEIER: I saw no desperation. I saw no anger. I saw no regret in their job. I just saw a sense of purpose. Several of the individuals I knew personally and I just saw a sense of purpose. That would be my best description. [LB1]

SENATOR CHAMBERS: What's the longest amount of time you spent with any specific employee? [LB1]

SENATOR WATERMEIER: On site or off site? [LB1]

SENATOR CHAMBERS: Either one. You can specify based on your answer. [LB1]

SENATOR WATERMEIER: Oh, five or six hours probably. [LB1]

SENATOR CHAMBERS: Say it again. [LB1]

SENATOR WATERMEIER: Probably five or six hours would be off site. [LB1]

SENATOR CHAMBERS: Five or six thousand? [LB1]

SENATOR WATERMEIER: Five or six hours. [LB1]

SENATOR CHAMBERS: Oh, hours. [LB1]

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

Floor Debate
March 03, 2017

SENATOR WATERMEIER: Excuse me. [LB1]

SENATOR CHAMBERS: With one specific employee? [LB1]

SENATOR WATERMEIER: Yes. [LB1]

SENATOR CHAMBERS: And that didn't leave time for you to talk to any others, did it? [LB1]

SENATOR WATERMEIER: No. Well, there were several at the same time probably. [LB1]

SENATOR CHAMBERS: So they gathered together and you spoke to a group of them? [LB1]

SENATOR WATERMEIER: I'm talking...I was trying to address the longest period of time that you had asked me about whether I had been around one specific individual. That would have been off site, years ago probably. [LB1]

SENATOR CHAMBERS: No, here's what I mean. With reference to this specific incident that you talked about, with reference to the employees whose eyes you looked into and drew certain conclusions, how many such employees did you talk to yesterday subsequent to the incident that you described? [LB1]

SENATOR WATERMEIER: Probably a hundred in probably different...hundred different individuals I spoke with, but I made it a point not to specifically talk about the incident because that is under investigation. I was there for support last night. [LB1]

SENATOR CHAMBERS: Were they assembled, this hundred and something employees? [LB1]

SENATOR WATERMEIER: In different parts of the facility. [LB1]

SENATOR CHAMBERS: Did they make comments to you? [LB1]

SENATOR WATERMEIER: Not about the incident. Just "thank you" for being here, but there was a point in time when they were there to rest and I really felt like I was walking on an edge at that point in time. I didn't want to spend anymore time distracting them from their job and I knew they had to go back out to work yet. [LB1]

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

Floor Debate
March 03, 2017

SENATOR CHAMBERS: What I'm trying to get at, your conclusions are not based then on anything employees told you about this incident but, rather, the perceptiveness you had in looking into their eyes that led you to express the conclusions that you did? [LB1]

SENATOR WATERMEIER: Can I just comment on that? [LB1]

SENATOR CHAMBERS: Sure. [LB1]

SENATOR WATERMEIER: I would say two things. Look at their eye, but the correlation to what we had two years ago, 22 months ago we had staff injured. We had the facility was not locked down as quickly as it was yesterday. So based on those two observations that I had, we have shown improvement in our reaction to the incident. [LB1]

SENATOR CHAMBERS: We hadn't had...and when I say we, I'm using that term in the same way you do, that the state at large. [LB1]

SENATOR WATERMEIER: Yes. [LB1]

SENATOR CHAMBERS: We hadn't had these kind of problems before Mr. Frakes got here, had we,... [LB1]

SENATOR WATERMEIER: I'm not aware of... [LB1]

SENATOR CHAMBERS: ...until many, many year...many, many years ago. But in the...during the term of Mr. Houston, we didn't have an incident like this, did we? [LB1]

SENATOR WATERMEIER: You know, I'm just not able to...the whole prison population and issue was not on my radar six years ago before I came as Senator. [LB1]

SENATOR CHAMBERS: Okay. [LB1]

SENATOR WATERMEIER: So I would not be able to comment on that. [LB1]

SENATOR CHAMBERS: Okay, thanks. Members of the Legislature, I don't want the public to get a false impression of what may have happened. I would liked to have asked Senator Watermeier, but he may not have known the answer and if he did, he may not have felt free to give it, but I have serious questions. One of them is whether or not an employee killed one or

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

Floor Debate
March 03, 2017

both of the inmates. And maybe the answer is no. But if an investigation is underway, I don't think any official, who may have been on the scene, should make comments when he or she does not have all of the facts. Maybe I will ask Senator Watermeier another question if he will yield. [LB1]

SPEAKER SCHEER: Senator Watermeier, would you please yield again? [LB1]

SENATOR WATERMEIER: Yes. [LB1]

SENATOR CHAMBERS: Senator Watermeier, do you know that no employee shot an inmate? Do you know that no inmate was shot by an employee? [LB1]

SENATOR WATERMEIER: No, I don't know that. [LB1]

SENATOR CHAMBERS: Do you know whether any of their weapons were discharged? [LB1]

SENATOR WATERMEIER: No, I don't. [LB1]

SENATOR CHAMBERS: Thank you. Members of the Legislature, as I said, Senator Watermeier introduced this subject. The Governor brought Mr. Frakes here. Ever since Mr. Frakes has been here, things have gone steadily downhill. I have been on more than one committee where we looked into what was happening in the Department of Corrections. It was difficult and has been difficult to get sometimes the kind of information we requested. People have been fired, but there is one particular female whom Mr. Frakes put...made, I guess, his second in command, who, based on conversations I've had with employees, is largely responsible for the disintegration and deterioration going on. And the reason I'm saying this, Senator Watermeier opened the way. So I'm going to be looking at Mr. Frakes's apparent incompetency in operating the prison system. The Governor who sits in the office now and the previous Governor had indicated that the overcrowding is manageable. Since those comments were made, a number of inmates have been killed. There have been two very serious outbreaks, however they be characterized. There have been firings of employees. The Nikko Jenkins matter unraveled at Tecumseh while a person who holds a higher position now was there and oversaw that. [LB1]

SPEAKER SCHEER: One minute. [LB1]

SENATOR CHAMBERS: And when you have this many problems and it's on the watch of a Governor who said he's running the state like a business, Ameritrade would be out of business by now if there was this much incompetency among the employees, such dire consequences resulted

Floor Debate
March 03, 2017

that damaged not only the reputation, but the very structure of the company itself. A prudent CEO would not have let that happen because it doesn't just spring up. But if it had happened, heads would be rolling and there would not be an attempt to make the public think that everything is all right because, clearly, everything is not all right. And I'll try to wrap this up when I'm recognized. [LB1]

SPEAKER SCHEER: Thank you, Senator Chambers and Senator Watermeier. Senator Schumacher, you're recognized. [LB1]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. I guess this is an appropriate topic of discussion, it already having been begun. The Legislature four years ago started down a path of investigation of the corrections issues. Four years of work, countless legislative hearings, many of us spent hours and hours trying to get to an accurate reading of the system. Last December a report was issued, the final report, and I'll read you now the epilogue, the final word on all that work, for your consideration in policymaking into the future. The Legislature, in response to the horrendous and needless murder of four people as a direct consequence of the release of an inmate under highly irregular circumstances, authorized a study of the circumstances of the inmate's release in LR424 in 2014. Added by excellent investigative reporting by the regional media, LR424 Committee was alerted to crisis level malfeasance and neglect...negligence in the operation of the Nebraska Department of Correctional Services. Multiple hearings revealed mushrooming inadequacies in staffing, overcrowding, parole, behavioral health, programming, and solitary confinement. The hearings exposed a bureaucratic contagion, which impeded decision making, clogged information flow, and promoted an environment of plausible deniability. The initial hearings also revealed that inmate discipline was largely assigned to custodial staff to be administered in a highly discretionary fashion according to improperly promulgated rules or no rules at all. Thoughtful analysis suggested the root cause of the crisis was the inevitable clash of a culture of fiscal austerity with at least two decades of statutory changes and judicial decisions intended to get tough on crime through increased use of incarceration. Subsequent to the LR424 report, LR34 was adopted to facilitate further study and oversight of the department. The results of its continuing mission are laid out in this report and largely confirm the observations of the LR424 Committee. Note the new administration's effort to deal with the ongoing crisis and comply with initial statutory responses by the Legislature and acknowledge the preservation of the many dedicated corrections employees who daily go above and beyond to enable the continuing functioning of the department, which is most definitely still in a state of crisis. Much frustration exists with the pace of corrective action and the extended timetable for departmental rehabilitation, a timetable longer than the time needed to win World War II. Underscoring it all is a sobering reality of the continuing incompatibility of the politics of austerity, with the public pressure for the use of high-cost incarceration as a remedy for multirooted social dysfunction. The Legislature has the ability to perform oversight, modify laws, and fund the undertaking, but that ability will stand for naught in the face of a policy that

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

Floor Debate
March 03, 2017

defers spending at the risk of life, loss of life or limb by staff, inmates, and the public, as well as a risk of the intervention of the federal courts. The acceptance of that risk, or not, is squarely placed by our constitution within the purview of the executive branch. [LB1]

SPEAKER SCHEER: One minute. [LB1]

SENATOR SCHUMACHER: The LR34 Committee strongly recommends that the executive branch take immediate action. Thank you, Mr. Speaker. [LB1]

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Morfeld, you're recognized. [LB1]

SENATOR MORFELD: Thank you, Mr. Speaker. Colleagues, I know that Senator Ebke and I had some communications last night and many of you saw those and I want to explain the rationale behind those and my frustration that led to those. I've sat on the LR34 Committee. I often watched the hearings of my predecessors on the prison investigative committee before that with Nikko Jenkins. And my frustration is that often when we have concerns with the Department of Corrections, they are often downplayed, they are often minimized, and I fail to see the decisive action that should be taken to ensure the public safety. Anytime that there is a fire in a public institution and it has been taken over violently, the public safety is at risk. Anytime that two individuals that are in the care of the state of Nebraska are killed and murdered in the institution that we manage, the public safety is at risk. So for the department to say that the public safety was not at risk is untrue and disingenuous. And to also note that this is simply a minor disturbance but not a riot is untrue. The definition of a riot is a violent disturbance of the peace by a crowd. How can what happened yesterday be described as anything but a riot? How can what happened yesterday be described as anything but the public safety being at risk? All too often our concerns with the Department of Corrections are minimized and decisive action is not taken, and I've seen that in the last year or two that I've been on the LR34 Committee and we have seen this year after year before many of us were in this body. The time to simply let the dust settle has passed. The time for the administration and the Department of Corrections to take decisive action is now. How many more people are going to have to die, both within the walls of our institution and outside the walls of the institution in our cities and our towns, before we get the message and before we take that action? Thank you, Mr. Speaker. [LB1]

SPEAKER SCHEER: Thank you, Senator Morfeld. Senator Ebke, you're recognized. [LB1]

SENATOR EBKE: Thank you, Mr. President. In light of all of the comments today and I'm not going to speak directly about what happened in Tecumseh, certainly an unfortunate event that occurred yesterday. But what I do want to do is call your attention to the letter from the Speaker

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

Floor Debate
March 03, 2017

and myself regarding a JRICC, or Justice Reinvestment update that we would like to have. What's happening in the corrections system and for many of us who have either not...for many of you who have not been on the Judiciary Committee and for those of you who are new, you may not be very familiar with sort of the framework of the Justice Reinvestment activity that the Legislature began before I came here. So we're going to try to hold a bit of a briefing to get some historical knowledge to provide you with a little bit of a historical outlook of Justice Reinvestment. We also want to make sure that you understand when we start talking about some of the legislation that is coming out of the Judiciary Committee, how this fits within Justice Reinvestment. And so I would invite you, on March 13 in Room 1023 at 9:00 a.m., Speaker will bring us back into session at 10:00, so you should be able to be here at 9:00. Put that on your calendar to come and learn more about Justice Reinvestment. Thank you, Mr. President. [LB1]

SPEAKER SCHEER: Thank you, Senator Ebke. Senator Chambers, you're recognized. [LB1]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I hope you all paid attention to what I was trying to get across. No investigation has been completed. I think it was inappropriate for Senator Watermeier to make the kind of statements he made. I think it was inappropriate for the Governor, the director of Corrections, the warden, if he was only quoted, to suggest to the public, don't worry about this, it's not a big thing, the staff behaved flawlessly. When you have this kind of confusion, nothing is done flawlessly. That was an overstatement. There is no need to downplay what happened and pretend that something other than what happened took place. I am inundated by mail, not just from the inmates, their families. I even get mail from employees, from even a judge or two, defense attorneys and prosecutors. And none of them want their names used because they have various activities that bring them, and their clients where lawyers are involved, with the Correctional Department and its employees. That is one of the worst set of circumstances in a prison that I've become aware of and I was on these committees. I spent hours and hours in hearings and reading and writing semi-reports of my own and helping to pave the way for some of the wrongdoing upper-echelon people to be terminated. I didn't do it alone. I'm not suggesting that. But I know how much work I put in. You all can see how much work I put in here on piddling things. We were talking literally about life and death. When Nikko Jenkins' case first started, and that's what led to the formulation of one of the committees because everything that could be done wrong was done wrong in his case, it gave us a discrete incident and all of the factors surrounding it were available. We didn't have to go to a lot of cases. The denial, the withholding of psychological, mental, whatever kind of help you want to characterize it as being, was withheld. He...I tried to tip Mr. Frakes off. I'm jumping to a modern set of circumstances. He was given a razor blade, Nikko Jenkins, by an employee. And he used it the way they wanted him to. He cut his throat. And it took 20-some odd stitches at the hospital emergency room to close that wound. The quacks who call themselves state doctors said he's acting out and he's pretending. You don't do things like that if you're pretending. The deep wounds that he has made in his own body would not be pretense. An employee left a badge on a

Floor Debate
March 03, 2017

jacket where he could get access to it and he did and he cut himself severely. Keys were left where he could get them and he swallowed keys. Is that something you do if you're pretending? You're going to swallow a key? A restraint that they had him in when they were going to let him go for a walk or to a shower, he managed to work his way out and used the restraint to try to hang himself and they said, well, he was just kidding... [LB1]

SPEAKER SCHEER: One minute. [LB1]

SENATOR CHAMBERS: ...because there was nothing for him to stand on so he knew he couldn't strangle himself. That's what they did under Mr. Frakes. And I questioned Frakes about this at one of our hearings and he said that should not have happened. That's all they...they always told us that. They would say, we're studying. We're putting together a plan. And the committee and various members had made suggestions, all rejected. These things will continue to happen and you heard the Governor say bad decisions by inmates, these things happen and they will happen. Dismissed it. That the way he runs a business? He told people that he's going to run the state like a business. He's going to ruin it. It's ruined now. Why do you think the employees are so demoralized? They're not demoralized by the inmates. They're demoralized by the working conditions, the way that they're treated,... [LB1]

SPEAKER SCHEER: Time, Senator. [LB1]

SENATOR CHAMBERS: ...inadequate salary. [LB1]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Hansen, you're recognized. [LB1]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I rise today to continue this discussion of the most recent incident, riot, disturbance at Tecumseh. I just wanted to say, Senator Watermeier said in his first remarks, which inspired me to speak, that it was unfortunate. Colleagues, it is more than unfortunate. It is unacceptable. We as a state, I do not know how we as a state can inspire confidence in our justice system on any step of the line from police to prosecutors to defense attorneys to judges if we cannot provide the minimum safety for people in the correctional system. How do we talk to a family who is having someone who maybe committed a minor crime and say, we're sending you to the State Penitentiary where people are dying with, in my mind, alarming frequency? This is something we're going to have to look into and something we're going to have to fully investigate. I am certainly not willing to assign more blame or more information than I currently have. I do not know what happened to cause the riot, how the deaths happened, and I hope we will have a full, open, and fair investigation to find that out. Related to this, we have said several times that the public was never at risk. I think I must have to get up and disagree with the definition of public. Obviously, obviously, when I think

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

Floor Debate
March 03, 2017

people mean public, they mean citizens of Nebraska who were not actually inside the prison. Well, colleagues, our guards are most certainly at risk, our correctional officers are most certainly at risk, and as evidenced by the deaths of two of the inmates, the inmates in the institution were at risk. And those...those, if we're defining public as members of Nebraska who were not inside the prison, unless those two particular inmates were on death row or had life sentences, they were members of the public at some point in the past and they were going to be members of the public at some point in the future. This is not an acceptable standard. This is not an acceptable casualty. I understand that statistically, it's likely a reality, just with how correctional systems work. But that does not mean we can just call it unfortunate or in any way condone it as acceptable. Moving forward, I think we as a body have an opportunity to address the many faceted issues of our corrections and I'm very happy to be able to have a hand in that here in the body and on the Judiciary Committee and I think there are avenues to bring forward and support multiple avenues. We as a body have to take a holistic approach. We obviously have to support our public employees, our correctional officers. I know there's legislation this year to do that. We obviously have to provide reform to the criminal justice system in terms of school to prison pipeline. I know people are addressing that in terms of providing successful integration and rejoining the community when people are released. I know there is legislation on that. This is an issue that has so far through my tenure, we've had, to my knowledge, we've had two prison riots with four people dead. We've had escapes. We've had escapes that have led to assaults in my district, and this is not a trend that seems to be improving. So, colleagues, I just...these deaths continue to be unacceptable and we will have to continue to monitor that as a body, and I implore all of you to continue to work on this issue. Thank you, Mr. President. [LB1]

SPEAKER SCHEER: Thank you, Senator Hansen. Senator Halloran, you're recognized. [LB1]

SENATOR HALLORAN: Thank you, Mr. Speaker. So where were we all Thursday, March 2? Were any of us in this institution called Tecumseh? No, we weren't. We were either here or on our way home when this happened. And so far all I've heard is a lot of posturing from people that seem to think that correction facilities are a preschool. It's a dangerous job. And there has been a lot of posturing that's gone on here and I, for one, am just simply willing to wait for an investigation so that we know the facts. And then we can deal with the facts and move on to try to make corrections, if necessary, if possible. Is this a unique thing to Nebraska? Are we the only state that has prison riots? No. Simply, we're not. No one should think that's the case. Massachusetts, January 10, 2017, officers from the special operations unit used a chemical agent to gain control of the inmates, first- and second-degree murderers, officers used a show of force; February 7, 2017, Bakersfield, California, a riot involving approximately 125 inmates. This isn't preschool. Officers recovered seven inmate-made weapons. February 22, 2017, Dover, Delaware: More than two dozen medical workers at a Delaware prison have quit their job in the aftermath of an inmate uprising and hostage taking in which a prison guard was killed. Eight correctional officers also have resigned this month and eight others have submitted retirement paperwork. It's

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

Floor Debate
March 03, 2017

not preschool. It's a dangerous job. And I, for one, unlike several senators that have stood up and prejudged this, I, for one, am willing to wait for an investigation. Thank you, Mr. Speaker. [LB1]

SPEAKER SCHEER: Thank you, Senator Halloran. Senator Bolz, you're recognized. [LB1]

SENATOR BOLZ: Thank you, Mr. President. I've served on the Special Investigative Committee on the Department of Correctional Services since 2014. Along with colleagues in the body, we spent hours in hearings, we spent time with employees, and we've toured multiple institutions. The problems are many and the solutions are varied. They include culture change, contract negotiations, recruitment, and other strategies. The Appropriations Committee preliminary budget grants the Department of Correctional Services' request for more employees, resources for additional training, radios, facilities improvements, programming, and more. Resources are not the only solution, but they are a part of the solution and, colleagues, in some ways, in many ways, they are our part of the solution. I guess I rise to ask for your support for the work in the Appropriations Committee for these investments in public safety and for your understanding of the pressures and demands that are on our appropriations budget. We need a balanced approach. And we need the support of the whole body to invest in these important priorities. Colleagues, this is one incident that is a part of the bigger system. And in order to prevent incidents like occurred yesterday, we not only need to respond to the Department of Correctional Services' resources and needs. We also need to make sure that we're investing in the system as a whole. You heard from the Chief Justice about the needs in probation, the needs in community-based responses to crime. We need resources for behavioral health and juvenile justice and I look forward to working with all of you on these priorities in our budget. We'll have to bring the resources and the good thinking of this body as a whole and of other committees. We'll have to not only work on the revenue side and on the appropriations side, but also on the policy side to make sure that we are moving forward to make our city, our state, our communities more safe. I think in many ways, that's the heart of the matter. And as we continue to work through our appropriations process, I look to you for your support. Thank you, Mr. President. [LB1]

SPEAKER SCHEER: Thank you, Senator Bolz. Senator Krist, you're recognized. [LB1]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. And good morning, Nebraska. And my condolences to the families of those yet unnamed who were fatalities in one of our corrections facilities in Tecumseh yesterday. But I won't dwell on what happened yesterday. To some extent, I am in step with Senator Halloran. Senator Halloran and I were yesterday, as this was happening, in a JRICC meeting, as was Senator Pansing Brooks, and not a word was spoken about this. There wasn't enough detail to talk about it. And I respect the fact that it was ongoing, and we couldn't have done anything about it at the time. But I'm going to start what I hope will be the discussion that happens in the meeting that is being hosted by the

Floor Debate
March 03, 2017

Speaker and Senator Ebke on Monday. I'm going to start by giving you again what I think is a very important perspective in history. LR424 started out to be an investigation into the happenings and the life of Nikko Jenkins. It was a case study in how to build a monster. When we started to peel back the onion, we found so many problems in corrections. Senator Schumacher, Senator Bolz, Senator Chambers, myself, Senator Mello, Senator Lathrop were shocked at the kinds of things that we heard. As a perspective, you all know, because you've just gotten paid a couple of months, what your driving back and forth or what being here will pay you. Those few months during that interim were just about as big an investment for me here during the interim as it was...as it is during a session. That's how much time we spent over a three-month period. We found problems in corrections that were unfathomable. We ended up subpoenaing several people, including Governor Heineman, so far I think in modern times almost unprecedented. But we heard what it would take to fix the system. That special investigation went on for almost two years before a report was actually put together, followed by CSG, phase 1. Council of States Government came in and pointed out the things that we were doing wrong and the ways that we could solve our overcrowding situation and the things that we needed to do, followed by LR34, again, Special Investigative Committee. You've heard the members of that. I served on that. Followed by CSG, phase 2, which was internally trying to solve the problem. That CSG visit, which is still ongoing, created some acronyms: JROC, Justice Reinvestment Oversight Committee, that's made up of senators; JRICC, Justice Reinvestment Committee, an overall group of stakeholders, approximately 25, from all over the state, all different kinds of stakeholders, defense attorney, prosecutors, law enforcement, corrections, probation, parole. And someplace in-between there was this bill called LB605. And before you come to that session on Monday, I invite you to take the clean copy of what passed as LB605 and look at the parameters that we tried to change in terms of sentencing structure,... [LB1]

SPEAKER SCHEER: One minute. [LB1]

SENATOR KRIST: ...in terms of keeping the worst of the worst in prison, and not the worst in detention and alternatives out there. You all received a letter that I presented yesterday at a JRICC. It's an open letter to the Justice Reinvestment Committee. I will reinforce...I won't read the letter to you, but I will reinforce some key spots, some key notions. The only way we're going to get out the other side of this without having DOJ, Department of Justice, from coming in and solving our problems is fidelity to the system. It is investing, as Senator Bolz said, in the process, in both juvenile justice in corrections and adult correction systems. The only way we solve this problem is maintaining true to a course that we have set up. This is up to us collectively. This isn't us against them. There is no us against them in this Chamber on this issue. [LB1]

SPEAKER SCHEER: Time, Senator. Thank you, Senator Krist. Senator Pansing Brooks, you're recognized. [LB1]

Floor Debate
March 03, 2017

SENATOR PANSING BROOKS: Thank you, Mr. Speaker. I rise today to talk a little bit about the riot as well. I led the LR34 Committee this past summer. And I know there are a lot of new people here in this body, some who are not listening right now, but it's important that all of you take some time to read the LR34 report. I think if you ask every single member of the LR34 Committee, I don't think any one of us would have been surprised that this happened. Sorry? Yes. Terrified for people? Yes. But surprised? I don't think so. And if we continue to sugarcoat something like this, refusing to call it a riot, it's a crisis, colleagues. This is a crisis and emblematic of a crisis in our state. The problems facing the Corrections Department are all directly related and without exception due to the lack of funding and sufficient resources. That was the common cause to all the problems that we dealt with in the LR34 Committee. And it's a totally vicious cycle. And just to...on page 10 of the report, which again, Senator Krist wants you to read LB605, I want you to read the LR34 Committee report before the 45 minutes that we've given to probably one of the most complicated issues facing our state, but...on Monday. I'm glad we're having 45 minutes. I'm not being critical of that, but it's nowhere near sufficient for people to truly understand what's going on. But according to Dr. Frakes, and this is a quote from the report and this was from the transcript with Director Frakes on 8/31/16. According to Director Frakes, an additional factor related to inmate behavior is the lack of programming and other pro-social activities that if in place would manage behavior. Director Frakes stated that the staff vacancies and shortages are directly hindering the ability to provide pro-social activities and are hampering the effectiveness of programming that does exist. Staff assaults in 2016 have significantly increased when compared to recent years. This is a vicious cycle, colleagues. What we have is we have overcrowding and the overcrowding relates to a failure to provide programming. And you think, well, wait, why would programming affect it? But the fact that there is not sufficient programming relates to the fact that we don't have the inmates parole ready. And the fact that they're not parole ready relates to the fact that they cannot be discharged with sufficient resources to be able to prepare them to become productive members of our society and contributing members of our society. And then the fact that we discharge them without those resources then relates directly to the high recidivism rate that we have. And the high recidivism rate, of course, then brings more people back into the prisons, which relates to the overcrowding. And then remember that the overcrowding relates to programming. We're back at the whole vicious cycle. I hope you can see that. That was discussed throughout the whole LR34 Committee. This is...we have understaffing issues and, yes, they have tried to address some of it with an increase of funds, which is an important thing to have done. But we have so many problems. We're looking at our budget with our deficit spending. [LB1]

SPEAKER SCHEER: One minute. [LB1]

SENATOR PANSING BROOKS: Thank you. And the report, I will quote from the introduction from the executive summary. We also believe that the cost of fixing these problems will be in the tens to hundreds of millions of dollars and that such dollars are better spent in the areas outlined

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

Floor Debate
March 03, 2017

herein rather than just building a new prison to deal with the overcrowding. Again, we have so many issues. We're looking at this deficit funding and this deficit budget and we haven't even begun to talk about the problems in corrections. And finally, I just have to mention the fact that we have the threat of litigation overhanging us and out there. I don't know when it will come. I have the feeling that the fact that two more people have died, that's four in one year, and these...we can't look at the prisons as throwaway people. The prisons... [LB1]

SPEAKER SCHEER: Time, Senator. [LB1]

SENATOR PANSING BROOKS: ...are for rehabilitation. [LB1]

SPEAKER SCHEER: Time, Senator. [LB1]

SENATOR PANSING BROOKS: Thank you. Rehabilitation. [LB1]

SPEAKER SCHEER: Thank you, Senator Pansing Brooks. Senator Chambers, you're recognized. [LB1]

SENATOR CHAMBERS: Thank you, Mr. President. And for Senator Halloran and some of those others who want to downplay this, including the Governor, I started by saying that it was inappropriate for Senator Watermeier to raise the issues before an investigation had been completed. It would be good for Senator Halloran to keep his mouth shut since he's not going to listen to what has been said. He may not know what is going on, but we spent hours and weeks and months dealing directly with these issues, employees, union workers, even on occasion inmates. So he doesn't know anything, he's right. He ought to just shut up. And he's going to chastise somebody and knows nothing. The Governor helped get him in office. So he's one of those who wants to smooth it over and talk about what's happening in other states. We don't have to talk about what happened in other states. We're talking about what happened right here in Nebraska. He doesn't know what happened in Nebraska and he reads about what happened in other states. So when people fat mouth and don't know what they're talking about, it would be good to be quiet. This is a serious matter and the Governor should not have said the kind of statements he's uttered without an investigation. Anybody knows that when you approach a law enforcement agency about a specific matter, they will say, we will not comment about the investigation; we will not make any statements until the investigation is completed. This was brought into the Chamber by one of the Governor's allies. I was not going to say anything and I made it clear, but since something had been said, I didn't want the public to get the impression this was just a ho-hum situation, you're in a situation where there are bad people who made bad decisions. Well, you know inmates made bad decisions or they wouldn't be there. That's not what this is about. Deaths occurred. Senator Watermeier does not know and I'm not saying...he does

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

Floor Debate
March 03, 2017

not know whether an inmate could have died at the hands of an employee. Why did he talk about what a great job had been done? And the public will wonder, well, what are the people in the Legislature upset about? This is something that was not even a riot. This was just a little disturbance. Two of the people you throw away anyway happened to be killed, but that's the price that you pay. The staff locked doors. And that was flawless handling of this situation. I don't know that Senator Halloran and his ilk could have spent the amount of time that those of us spent on more than one committee. The reports that were prepared, he will not read them, and others won't read them. The miscalculation of the time that inmates had to serve, the fact that the head lawyer had not even read the Supreme Court decisions that discussed how time should be calculated before somebody can be released. The head lawyer, he was fired. Well, he quit before action was taken. A former employee in the Attorney General's Office quit for the same reason. The one who was in charge of the calculating had held 13 positions out there before that, including one in the kitchen. [LB1]

SPEAKER SCHEER: One minute. [LB1]

SENATOR CHAMBERS: But when I asked him, how did somebody as dumb as you are get this job? He said nobody else wanted it. That was at a hearing. That's what we saw. That's what we heard. So for somebody like Senator Halloran to stand up, in his splendid ignorance, and lecture us about what we ought to say on a matter brought up by one of the Governor's allies should reveal something about what we have to contend with in this Legislature. But I intend to continue pushing and I think that Mr. Frakes has shown that the situation is beyond his ability to deal with. And that's based on facts that were established apart from that incident that took place yesterday. And he doesn't know where the rest of us were or what we were doing. I'm talking about Senator Halloran. [LB1]

SPEAKER SCHEER: Time, Senator. [LB1]

SENATOR CHAMBERS: Thank you, Mr. President. [LB1]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Harr, you're recognized. [LB1]

SENATOR HARR: Thank you, Mr. President, members of the body. I'm not going to prejudge what happened yesterday. I don't know if what happened was right or wrong, but it was a result of many bad policy decisions, some of them of our making, some of the department's making. I will also say some bad decisions probably made by those individuals who are in custody. But the fact of the matter is, we are on now day 40 and we are handling on Final Read Revisor bills. Our time is limited. What we see is, we can waste a lot of time on wedge issues, whatever those are. And you can decide what a wedge issue is. But what I'm seeing today is when we don't take care

Floor Debate
March 03, 2017

of the big picture, and when we don't take on the big issues and try to solve those and, instead, waste our time on others, we're doing not just ourselves a disservice, but we're also doing the people of Nebraska a disservice. We are coming up to, very shortly, determining what our priority bills are. I have looked at some of those priority bills. I think some of them are wedge issues. They're meant to divide us and they don't really advance the state. When you pick your priority bills, those who have not, pay attention. Look at what are the big issues facing the state this year and the next ten years, and what is your bill doing that you are going to prioritize to address those issues? Or are they an election wedge issue bill that you want to either be able to go to one faction and say, look at what I did, or be able to use against someone else in a campaign? That doesn't make this body better. Doesn't make you better. Let's really focus on what's important. I want to thank all those senators who have done work on our prisons. I am neither pleased nor satisfied of what is going on. I will tell you we are further than we were two years ago. There is a lot of work to be done and there is a lot of work that has been done and, hopefully, we're building the foundation so that we can improve our prison and have the proper resources and the proper culture there. And that's the other thing I want to talk about is when we get to our budget, think about what we are doing. Are we being penny wise and pound foolish? Are we saving money today that we're going to have to spend triple, quadruple down the road? You know, by the time someone gets to prison, they have probably already been in the system once or twice before, whether it's probation, whether it's drug court, whether it's juvenile court. The system hasn't worked. They've probably been in our public schools or in schooling, and they haven't seen the light there. Look at what we are...our priorities are as a state over the last 20 years. The two largest increases are in HHS and prisons. Those are reactionary. Our two smallest increases are in K-12 and postsecondary. That's investing in our kids. That's investing in our future. Ask yourself, why is that? We are not going to be able to just cut our taxes to solve our prison problem. We are going to have to make some hard decisions this year. And I'll be honest with you, I don't think any of the decisions we're going to make are going to be good. I think they're going to be tough. I think they're going to be used against you, if you are unfortunate enough to have to face reelection. I'm term limited. But they aren't easy choices, but these, we have to be serious with each other, folks, and decide which is the worse of bad decisions. We're past the easy points. So, I thank you for the time and ask, again, when you choose your priorities, choose them well. Thank you, Mr. President. [LB1]

SPEAKER SCHEER: Thank you, Senator Harr. Senator Quick, you're recognized. [LB1]

SENATOR QUICK: Thank you, Mr. President, and I'd like to yield my time to Senator Pansing Brooks. [LB1]

SPEAKER SCHEER: Senator Pansing Brooks, you are next in the queue as well, so I will just continue your time if you would like. [LB1]

Floor Debate
March 03, 2017

SENATOR PANSING BROOKS: Thank you. Thank you, Senator Quick. I just want to reiterate some of what Senator Harr said. We are reacting and we're in crisis management mode rather than working and being visionary and figuring out how we're going to deal with the problems. But, of course, that's what being a senator is about. That's why we came here, is to be able to work on very difficult issues like that. So I would agree wedge issues that are controversial, that take a lot of time, which we have already had some this year, waste the time that we have on the state's budget, waste the time that people care about property taxes, and waste the time to deal with something so important as this, where we can work together and have all the best minds in this body come together and work together, work together on the prison's issue. I would like to respectfully disagree with Senator Halloran. If he had been there this past summer, we do have some responsibility on what's going on. We do have some responsibility for the lives in our state institutions. That includes the safety of officers and the people who are working there, but it also includes the safety of the inmates. And if we have a situation where we have a pattern that continues to have assaults, continues to have violence, continues to have deaths, this is something where we have to step up and make some decisions that affect the situation and make everyone safer. Again, as I was saying before, 96 percent of the people who go to prison come out into our communities, 96 percent, just about. So our prisons are to be rehabilitative and not just a place to lock bad people up and throw away the key. That has been the mantra, sort of, since the '90s and it hasn't worked. It hasn't worked nationwide. And so we have to have a better vision about how to go forward. And I don't think this is a matter of laying blame, but we do have some responsibility. Because if we aren't funding the dollars, as the LR34 Committee suggested, then we're just brushing it under the rug and saying, well, you know, isn't that too bad. They are sort of rotten people and that's what happens when you put rotten people in a place. That's not true. These are human beings that have committed crimes, and they are worthy of our concern and of protections just like the people who are working there beside them are certainly worthy of our concerns and our protections, as well as the people out in the community. There is an unprecedented number of staffing vacancies and that's mentioned throughout the LR34 report, and it's throughout the correctional system. So that's one of the issues that's going on. Staff is being asked right now to perform multiple functions and, of course, that makes it more dangerous for the staff. They're being asked to do things that they weren't trained to do necessarily. Caseworkers end up devoting time at...to correctional officer duties that takes them away from the work they're supposed to be doing in helping to rehabilitate inmates. And so it's avoiding the time that's necessary to get the programming that the inmates need to become positive, contributing members of our society. And that stems from a wide variety of issues and factors, including agencywide turnover rate of 24 percent, which Director Frakes said is high, and a turnover rate for protective staff services being 31 percent, 31 percent. So, if we...that's why I said my last time at the mike, not one of us is surprised that worked on the LR34 Committee. We've had a total increase in assaults. Director Frakes talked about it. It...yesterday is not surprising. It's disturbing. It's dismaying. It's hideous. I'm, again, I would like to say that we're sorry for the families of those who have been killed. Because you commit a bad act doesn't

Floor Debate
March 03, 2017

mean that you get to just have all your rights take away and that you don't deserve to live. Remember, we have due process. We have a constitution that we follow. That gives all people rights, even people in prison that we want to throw away and lock away. These people are coming back to work beside us. We have work force issues. We need them to be rehabilitated, productive members who come back out and thrive. Yes, we want inmates to thrive upon release. So again, overcrowding in our prisons remains a huge obstacle and a whole vicious circle. And it will become even bigger...it will become a huger issue in 2020...a larger issue, excuse me, because that's when Nebraska will be required by state statute to be at no higher than 140 percent of capacity. I don't know if all the new people know that. Nebraska will be required in 2020 to somehow release enough inmates that we get to 140 percent of capacity. And if not, the Governor is required by state statute to declare a state of emergency and release prisoners. I hope you all know that. These are the big issues that you've been brought here to discuss, and deal with and work on together. So, again, I don't think that we're sitting here trying to blame anybody. We're not trying...these are our problems as well as the executive branch's problems. We are all culpable. We're culpable with the lives that were lost yesterday; we're culpable in the lives that were lost last spring. In my opinion, I don't want to be responsible for those lives. I want to move forward. I want to make these inmates productive people who could come and work beside us. And I think that each of you wants that as well. Certainly not one of us wants another Nikko Jenkins issue. And by not dealing with the programming, by not dealing with funding the things that need to be funded and paying for behavioral health and mental health experts, by not paying the guards sufficiently, and we have made an increase and I appreciate that the executive branch has done that in some salaries for staff, but that's the tip of the iceberg, my friends. Please read the LR34 report. Become cognizant and able to discuss this with us so that good minds can come together and solve these really important issues for our state. Thank you, Mr. Speaker. [LB1]

SPEAKER SCHEER: Thank you, Senators Quick and Senator Pansing Brooks. Senator Krist, you're recognized. [LB1]

SENATOR KRIST: Thank you, Mr. President, colleagues, and Nebraska. I just want to finish up on the thought that I started with. I'll be brief this time on the mike. If you go back to 2013, actually late 2012, and come forward, and as Senator Pansing Brooks has asked you to do, to read LR34 report, I'll give you some more bedtime reading. You can pull up LR424 as well as the first CSG report, phase 1, and the recommendations that they made at the end of their time here. You'll have a snapshot and have a good picture of where we came from and how much progress we have made. And we have made some progress. There is no question about it. But as Senator Pansing Brooks said, this is the tip of the iceberg. When you lose, and all of you who are small business people or have been in smaller level of government, lower level of government, when you lose 25 percent, 25 percent of your work force on an annual basis, think about that. Think about what it takes to train someone to do a job. And then you lose 25 percent and you

Floor Debate
March 03, 2017

start over every year. Put yourself in the position of a man or woman who lives an hour away from Tecumseh, and that's a good portion of the folks who work there, who are prison corrections officers, who are officers. And you're working a 12-hour shift, followed by a 12-hour shift, followed by a 12-hour shift, followed by a 12-hour shift. How much time do you have at home? You do the math. We have a problem with overtime. And you know yourself, in whatever job you're in, you make mistakes, you react differently when you don't have the proper rest. In my profession, crew rest is sacred. You don't want somebody flying the airplane that hasn't had the proper amount of rest. This is the tip of the iceberg. And it is the result of, as several people have said, the result of policy decisions, lack of funding, lack of manpower, major turnover in the institutions. I'll finish with just one notion. Senator Colby Coash, four years ago, and two years ago, carried a bill that would have funded a...I believe a two hundred and sixty to three hundred million dollar facility which would have added beds. And he put it in every year under the pretense that if we didn't do something to try to reform corrections, he was going to drop it in the bucket because it was either-or. The ACLU is going to sue us. DOJ is going to come in and do our job for us. We don't want that to happen, so we have no choice but to build new facilities. You don't have that option today. We can't afford to spend \$300 million and keep up some of the other programs we have. We have to have fidelity to the system that's in place. You need to understand the issues so that you can pay attention and prioritize these things and have fidelity to the system. And the worse the forecast gets, the less money we're going to have to have that alternative in place. That is the reality of being between a rock and a hard spot. Thank you, Mr. President. [LB1]

SPEAKER SCHEER: Thank you, Senator Krist. (Doctor of the day introduced.) Seeing no one else in the queue, Senator Chambers, you're welcome to close on your amendment. [LB1]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I appreciate what the senators have said for the record in terms of the work that legislators, even if the Legislature as an institution, what they have done through the hard work. They've produced reports, recommendations, suggestions, and many of those things have been totally ignored. If the Governor can sweep this latest incident under the rug, it won't even be thought about during this session. Things that we as policymakers have to look at, or should look at, are different from those things that a pure politician looks at. And when I say pure, I don't mean without fault but one who is strictly and totally a politician. A Governor likes to be able to say, I didn't spend a lot of money here or there. And Corrections is the invisible agency in government. Cuts can be made there and who even cares? These people committed crimes. That's the attitude. They shouldn't even be there. Governors will order different directors not to make requests of the Appropriations Committee commensurate with what is needed. On those committees, some of the meetings that I was at, we would tell Director Frakes, this is the money that's needed. We are going to see if it's...that it's appropriated. But suppose we appropriate the money. We don't spend it. If it's not spent the way it should be, what then? There's a limit to what the Legislature can do

Floor Debate
March 03, 2017

in exercising oversight. And many people in the Legislature really don't care what happens in the correctional facilities. But when you have people working there, Senator Krist was laying out the amount of hours they have to spend on the job officially and formally without much choice if they want to keep their job. The inmates are locked up and they're prisoners, pursuant to what a court said. The employees are prisoners also. They are right there with the people who are behind bars. So if you won't do it for those whom you feel are outside the pale as far as being a human being, think about the ones who do the work. How can the Governor so casually say that's a dangerous job? Director Frakes, that's a dangerous job. And yet there are things that can be done to diminish the danger and that is not done and the Governor is not going to allow it to be done. Mr. Frakes cannot do it because he's got chains on him and he's limited in terms of what he is allowed to do. I read...excuse me. I read about Mr. Frakes before he came here and I saw some of the programs he had implemented in Washington State. So I knew he knew more than what he was allowed to manifest in terms of how he was going to operate that prison. But now he's become a part of the culture. And when you're not part of the solution, you're part of the problem. And that is something that needs to be considered. Excuse me a minute. I'm going to pull most of those motions that I have up there, but I'm not going to pull all of them. [LB1]

SPEAKER SCHEER: One minute. [LB1]

SENATOR CHAMBERS: I think what is being discussed here this morning is more important than any bill on that agenda. And I don't think that when a very important subject comes before the Legislature we should deal with things that are of less importance. I have to anticipate what might be needed to be discussed and create a way for it to be discussed, so I made out a return to strike the enacting clause motion on every bill on Final Reading to allow that discussion to occur. And when serious matters such as what took place yesterday happened, I don't think the Legislature can ignore those things. My only regret is that... [LB1]

SPEAKER SCHEER: Time, Senator. [LB1]

SENATOR CHAMBERS: ...it was introduced by Senator Watermeier... [LB1]

SPEAKER SCHEER: Time, Senator. [LB1]

SENATOR CHAMBERS: ...and the way he did it. Thank you, Mr. President. I will withdraw that pending motion on this bill. [LB1]

SPEAKER SCHEER: Without exception, so noted, so removed. We are in Final Reading. I would ask the members to please return to your desk and check in so that we can verify that we

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

Floor Debate
March 03, 2017

have the house here. Would all members please hit your green light to check in so that we can verify that the body is in place for Final Reading. Senator McCollister, could you please hit your light? Senator Riepe, could you please hit your light for us? Is Senator Morfeld on the floor? Mr. Clerk. Final Reading. [LB1]

ASSISTANT CLERK: (Read LB1 on Final Reading.) [LB1]

SPEAKER SCHEER: All provisions of law relative to procedure have been complied with, the question is, shall LB1 pass? All those in favor please vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB1]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 598.) The vote is 46 ayes, 0 nays, 3 excused and not voting, Mr. President. [LB1]

SPEAKER SCHEER: Thank you, Mr. Clerk. LB1 passes. We will now proceed to LB2. [LB1 LB2]

ASSISTANT CLERK: Mr. President, LB2. Senator Chambers would move to return the bill to Select File for specific amendment, that being strike the enacting clause. (FA31, Legislative Journal page 598.) [LB2]

SPEAKER SCHEER: Senator Chambers, you're welcome to open on your amendment. [LB2]

SENATOR CHAMBERS: Thank you. Mr. President, before I do, I would like to ask Senator Pansing Brooks a question if she would yield. [LB2]

SPEAKER SCHEER: Senator Pansing Brooks, would you please yield? [LB2]

SENATOR PANSING BROOKS: Yes. [LB2]

SENATOR CHAMBERS: Senator Pansing Brooks, what is the origin or the source of this information you gave me? [LB2]

SENATOR PANSING BROOKS: This is from what's going on, on the Twitter feed with...and it's information that's coming from the news media on the Internet. [LB2]

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

Floor Debate
March 03, 2017

SENATOR CHAMBERS: But this came from a news source or is it speculation by somebody on the Internet? [LB2]

SENATOR PANSING BROOKS: That's what we're trying to confirm, Senator Chambers. [LB2]

SENATOR CHAMBERS: Then I will not make reference to it at this point. But it's very disturbing if it is accurate in terms of what one of the persons who was killed was there for. I would like to ask Senator Morfeld a question. [LB2]

SPEAKER SCHEER: Senator Morfeld, would you please yield? [LB2]

SENATOR MORFELD: Yes. [LB2]

SENATOR CHAMBERS: Senator Morfeld, I was...I heard what everybody said but I don't want to attribute anything to any person unless the person said it. Did you describe what happened out there as a riot yesterday? [LB2]

SENATOR MORFELD: Based on the dictionary definition, yes. [LB2]

SENATOR CHAMBERS: And can you paraphrase what it was you said because I agree with you, but before I say what I'm going to say, I want it clear what was said this morning into the record already more or less. [LB2]

SENATOR MORFELD: The dictionary definition of a riot is a violent disturbance of peace by a crowd. [LB2]

SENATOR CHAMBERS: Thank you. Members of the Legislature, some people say three is a crowd. Three are a crowd if you grammatically correct, my teacher. But they mention the scores of inmates who were involved somehow. Obviously, there was violence because there were two deaths. We don't know from what has been reported how they died, but they died as a result of violence. Why must the Governor and the director say it's a disturbance? To minimize it? Why do I keep talking about this? Because I spent a lot of time, as it turns out it can be said to have been spent in futility, getting information directly from people who are connected with the Department of Corrections, poring over and through, studying hundreds of pages of documents. Staff members went through thousands of pages trying to eliminate that which was superficial and had no value whatsoever. But it's like in response to the subpoena, which some of these people did not want to respond to but they had to, so they find every piece of paper of any kind or description and just lump it together and say here it is. A lot of time was spent just sorting

Floor Debate
March 03, 2017

through this. When we got rid of most of the chaff, began to read, what we were reading was information about what was going on in the Department of Corrections based on what those who worked there gave us. Names, positions, dates, time, all of those things were supplied to us by the department. When I tell you that there were people who were supposedly working in mental health making jokes about the condition of Nikko Jenkins, putting it in these e-mails and the e-mails were preserved, they couldn't deny what had been going on and passing among and between themselves. If you were not on that committee, you would have no idea of the kinds of things that were routinely going on in that prison system. There did not need to be all of the studying, all of the consultants in order to correct most of the problems that were shown to us. People were not doing what their job description told them to do. The oversight, the supervision were lacking. And that's why after the study was completed by the committee, we'll call it an investigation, people who were recommended for termination were, in fact, terminated. But Mr. Frakes has brought two of the top wrongdoers back into the prison system now, handling programs in the prison system, and they had been fired. Is that competent? That's what's going on that people like Senator Halloran don't know anything about and they stand on the floor and try to minimize the seriousness of it. And I try to isolate those people and call them by name to make it clear they don't know what they're talking about, they just got here. And they're going to try to lecture those of us who have studied it and worked on it. I wouldn't go out to his farm and tell him how to plow a straight furrow. And that's probably one of the most basic things that can be done, if they still even plow, whether mechanically or by animal power. So, he cast an insult without realizing it, because when your totally ignorant you don't even know when you're insulting people, those who did all of that work, spanning years. Because he's ignorant, he thinks everybody is as ignorant as he is. He ought to remember, he just got here. He might be older than people, but in experience he is a neophyte. And it's that attitude that we find in the Governor's Office, Mr. Frakes's office, and the public at large: Well, don't prejudge this, just wait. And we have been waiting, those of us on these investigating committees, and waiting and waiting and some have been term limited out while waiting. And still, the problems not only persist but they're growing increasingly severe. And while they're growing severe, the Governor is trying to play it down. Okay. Lincoln Journal Star, WOWTV, KETV are sources. Two names were given. I won't give their names. But I want to give you what one man was in for. He was killed. He was serving a 12- to 20-year sentence for attempted possession of a controlled substance and driving under suspension. That's one of the vicious kind of nonhumans who occupy the prisons out there. Attempted possession of a controlled substance and driving under suspension and he was given a 12- to 21-year sentence. And people in here wonder why I'm upset when the Attorney General and the Douglas County Attorney will... [LB2]

SPEAKER SCHEER: One minute. [LB2]

SENATOR CHAMBERS: ...say the sentencing system is perfectly all right, right now; leave it alone; to change it would endanger the public. Maybe for attempted possession and driving

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

Floor Debate
March 03, 2017

under the suspension warranted some kind of lockup. Twelve to twenty-one years? If 12 is the minimum, then that person has to serve at least 6 years before being eligible for consideration for parole. That person is staying there all of that time, when we have an overcrowding problem, and some of the people who are in the prison we would all acknowledge need to be there a good long time but a lot of them don't. But because of the way the laws operate, people who are eligible from the standpoint of not being a threat, finish all the programs that they should, cannot get out because of red tape and other bureaucratic reasons. [LB2]

SPEAKER SCHEER: Time, Senator. [LB2]

SENATOR CHAMBERS: Thank you, Mr. President. Is anybody else up there to speak? [LB2]

SPEAKER SCHEER: No one else. No, there isn't, Senator. [LB2]

SENATOR CHAMBERS: Then I would withdraw that motion. [LB2]

SPEAKER SCHEER: Without exception, so ordered. Mr. Clerk, Final Reading. Could members please return to your seats. Senators, please return to your seat. Thank you. Mr. Clerk. [LB2]

ASSISTANT CLERK: (Read LB2 on Final Reading.) [LB2]

SPEAKER SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB2 pass? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB2]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 599.) The vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President. [LB2]

SPEAKER SCHEER: Thank you. LB2 passes. We now proceed to LB3. [LB2 LB3]

ASSISTANT CLERK: Mr. President, on LB3 Senator Chambers would move to return the bill for specific amendment, that being strike the enacting clause. [LB3]

SPEAKER SCHEER: Senator Chambers, you're welcome to open. [LB3]

SENATOR CHAMBERS: Mr. President, I would withdraw that motion. [LB3]

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

Floor Debate
March 03, 2017

SPEAKER SCHEER: Without exception, so ordered. Mr. Clerk. [LB3]

ASSISTANT CLERK: (Read LB3 on Final Reading.) [LB3]

SPEAKER SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB3 pass? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB3]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 600.) Vote is 44 ayes, 0 nays, 1 present and not voting, 4 excused and not voting, Mr. President. [LB3]

SPEAKER SCHEER: Thank you, Mr. Clerk. LB3 passes. We will now proceed to LB4. Mr. Clerk. [LB3 LB4]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to return LB4 to Select File for specific amendment, that being strike the enacting clause. [LB4]

SPEAKER SCHEER: Senator Chambers, you're welcome to open. [LB4]

SENATOR CHAMBERS: Mr. President, I would withdraw that motion. [LB4]

SPEAKER SCHEER: Without objection, so ordered. Mr. Clerk. [LB4]

ASSISTANT CLERK: (Read LB4 on Final Reading.) [LB4]

SPEAKER SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB4 pass? All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB4]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 600-601.) Vote is 43 ayes, 0 nays, 2 present and not voting, 4 excused and not voting, Mr. President. [LB4]

SPEAKER SCHEER: Thank you, Mr. Clerk. LB4 passes. We will now proceed to LB5. [LB4 LB5]

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

Floor Debate
March 03, 2017

ASSISTANT CLERK: Mr. President, LB5. Senator Chambers would move to return the bill for a specific amendment, strike the enacting clause. (FA34, Legislative Journal page 601.) [LB5]

SPEAKER SCHEER: Senator Chambers, you're welcome to open. [LB5]

SENATOR CHAMBERS: Mr. President, thank you. Members of the Legislature, I have to correct the record. I gave information to you about the sentence that this individual who died was serving time for. I was reading from a news release from the Department of Correctional Services. It says for immediate release, contact Dawn-Renee Smith, communications director, and it gives the phone number. I'm going to read exactly what is in this news release: Michael Galindo, 31 years old, who was serving a 12- to 20-year sentence for attempted possession of a controlled substance and driving under suspension. Apparently there were two additional charges which are not listed in this news release. So if you find those other two charges, I did not try to mislead the body for any nefarious reason. The question should be asked why in the news release that apparently was reported in the media information that was not complete and therefore inaccurate. If that part is inaccurate and unreliable, how can any of the rest of it be taken as being accurate and reliable? We don't know what actually took place. And that's why I had indicated in my discussion with Senator Watermeier that it would have been better to just leave it alone at this point, not introduce it into the Legislature, don't make it an issue before the Legislature--since he discussed it--and wait until the outcome of whatever investigation is underway. I wanted to have the record clear that based on what Senator Watermeier was saying in response to questions, there is an ongoing investigation. That investigation has not been completed. It is being conducted by the State Patrol. And all the other things that Senator Watermeier told us were observations that he made. Nevertheless, since it did come before us, I don't regret that it came before us based on the kind of information that was disclosed, the discussion that was had, and the lesson that I hope at least one of our new members absorbed. And with that, Mr. President, I would withdraw that pending motion. [LB5]

SPEAKER SCHEER: Without objection, so ordered. (Visitors introduced.) Mr. Clerk, Final Reading. [LB5]

ASSISTANT CLERK: (Read LB5 on Final Reading.) [LB5]

SPEAKER SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB5 pass? All those in favor please vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB5]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 601-602.) Vote is 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB5]

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

Floor Debate
March 03, 2017

SPEAKER SCHEER: Thank you, Mr. Clerk. LB5 passes. We'll now proceed to LB45. Mr. Clerk. [LB5 LB45]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to return the bill for specific amendment, that being strike the enacting clause. [LB45]

SPEAKER SCHEER: Senator Chambers, you're welcome to open. [LB45]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, this is a bill that deals with license plates. It's what, under the circumstances, I would refer to as low-hanging fruit. But I'm going to resist the temptation and ask, Mr. President, not only would I withdraw this motion but, if I may, I will withdraw the remaining motions on the other bills where I have one pending. [LB45]

SPEAKER SCHEER: Without objection, so ordered. Thank you, Senator Chambers. Mr. Clerk, Final Reading. [LB45]

ASSISTANT CLERK: (Read LB45 on Final Reading.) [LB45]

SPEAKER SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB45 pass? All those in favor please vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB45]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 602.) Vote is 46 ayes, 1 nay, 2 excused and not voting. [LB45]

SPEAKER SCHEER: Thank you, Mr. Clerk. LB45 passes. (Visitors introduced.) We will now proceed to LB56. Mr. Clerk. [LB45 LB56]

ASSISTANT CLERK: (Read LB56 on Final Reading.) [LB56]

SPEAKER SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB56 pass? All those in favor please vote aye; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB56]

ASSISTANT CLERK: (Record vote read, Legislative Journal page 603.) Vote is 46 ayes, 0 nays, 1 present and not voting, 2 excused and not voting, Mr. President. [LB56]

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

Floor Debate
March 03, 2017

SPEAKER SCHEER: Thank you, Mr. Clerk. LB56 passes. We'll now go to LB74. [LB56 LB74]

ASSISTANT CLERK: (Read LB74 on Final Reading.) [LB74]

SPEAKER SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB74 pass? All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record, Mr. Clerk. [LB74]

ASSISTANT CLERK: (Record vote read, Legislative Journal pages 603-604.) Vote is 45 ayes, 3 nays, 1 excused and not voting, Mr. President. [LB74]

SPEAKER SCHEER: Thank you, Mr. Clerk. LB74 does pass. We will now proceed to LB80. Mr. Clerk. [LB74 LB80]

CLERK: (Read LB80 on Final Reading.) [LB80]

SPEAKER SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB80 pass? All those in favor please vote aye; all those opposed vote nay. Have all those voted that wish to? Please record, Mr. Clerk. [LB80]

CLERK: (Record vote read, Legislative Journal pages 604-605.) 45 ayes, 0 nays, 3 present and not voting, 1 excused and not voting. [LB80]

SPEAKER SCHEER: Thank you, Mr. Clerk. LB80 passes. We'll proceed to LB131. Mr. Clerk. [LB80 LB131]

CLERK: (Read LB131 on Final Reading.) [LB131]

SPEAKER SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB131 pass? All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB131]

CLERK: (Record vote read, Legislative Journal page 605.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB131]

SPEAKER SCHEER: Thank you, Mr. Clerk. LB131 does pass. We will proceed to LB132. [LB131 LB132]

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

Floor Debate
March 03, 2017

CLERK: (Read LB132 on Final Reading.) [LB132]

SPEAKER SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB132 pass? All those in favor please vote aye; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB132]

CLERK: (Record vote read, Legislative Journal page 606.) 44 ayes, 3 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB132]

SPEAKER SCHEER: Thank you, Mr. Clerk. LB132 passes. We'll now proceed to LB134. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; all those opposed vote nay. For those voting, this motion will require 30 ayes. Please vote. Have all voted that wish to? Please record, Mr. Clerk. [LB132 LB134]

CLERK: 45 ayes, 1 nay to dispense with the at-large reading. [LB134]

SPEAKER SCHEER: Thank you. We'll now short title. [LB134]

CLERK: (Read title of LB134.) [LB134]

SPEAKER SCHEER: All provisions of law relative to procedure having been complied with, the question is, shall LB134 pass? All those in favor vote aye; all those opposed vote nay. Please record, Mr. Clerk. [LB134]

CLERK: (Record vote read, Legislative Journal page 607.) 48 ayes, 0 nays, 1 excused and not voting. [LB134]

SPEAKER SCHEER: Thank you, Mr. Clerk. LB134 passes. I'll raise the call. We'll now proceed to General File. Are there any items for the record, Mr. Clerk? [LB134]

CLERK: Mr. President, if I may, a couple of items. LB339 was reported to General File with committee amendments attached. That's reported by the Transportation Committee and signed by Senator Friesen. I have an amendment to LB409 from Senator Groene and an amendment to LB16 from Senator Lindstrom. Mr. President, I might announce the Urban Affairs Committee will have an Executive Session now under the south balcony; Urban Affairs, south balcony immediately. (Legislative Journal pages 607-611.) [LB339 LB409 LB16]

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

Floor Debate
March 03, 2017

SPEAKER SCHEER: Is that all the announcements, Mr. Clerk?

CLERK: Yes, sir, it is. I'm sorry.

SPEAKER SCHEER: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB1, LB2, LB3, LB4, LB5, LB45, LB56, LB74, LB80, LB131, LB132, and LB134. Mr. Clerk. [LB1 LB2 LB3 LB4 LB5 LB45 LB56 LB74 LB80 LB131 LB132 LB134]

CLERK: Mr. President, LB46A on General File. It's a bill by Senator Watermeier. It appropriates funds to implement to LB46. Senator Chambers had offered FA29, Mr. President. That amendment was defeated. Subsequent to that action, Senator Chambers moved to reconsider the vote on the adoption of FA29. That motion to reconsider is pending. [LB46A LB46]

SPEAKER SCHEER: Senator Watermeier, would you like to refresh us briefly, please? [LB46A]

SENATOR WATERMEIER: Thank you, Mr. President. I sure would. Nebraska, just to remind you, last week or earlier this week we passed LB46, which is the working mechanism of the license plate bills that says Choose Life. LB46A is simply the appropriation part of that bill. The A bill for LB46 would appropriate \$9,631 from the Motor Vehicle Cash Fund to the Department of Motor Vehicles to modify the vehicle titling and registration and plate management computer systems to accommodate these new license plates. We think the bill is going to generate some \$75,000 in revenue. I think around \$10,000 or \$15,000 goes back to the department and the balance will be placed into what is considered a TANF fund, Temporary Assistance for Needy Families, which I am comfortable with that fund because it's an ongoing fund. We're very used to using it and it has many federal funds that come in and we draw them down. And it's a very reliable source for these funds to go to. So thank you, Mr. President. [LB46 LB46A]

SPEAKER SCHEER: Thank you, Senator Watermeier. Senator Chambers, you have opened on your reconsideration motion, if you'd like to refresh us though. [LB46A]

SENATOR CHAMBERS: Yes, I would, Mr. President. This bill, in my opinion, is doomed from what I heard yesterday, but we must continue the struggle. This reconsideration motion is based on an amendment that I offered. There is language in the last paragraph of the bill on page 2 which accompanies all appropriation bills and it says that whatever money is appropriated cannot be used for the salaries of permanent or...maybe it says permanent and temporary employees. I wanted to remove the words "permanent and" by striking them. So if you look at your bill, LB46A, the orange-colored sheet, on the second page you'll see the words "permanent and," I

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

Floor Debate
March 03, 2017

believe in line 5. Those two words would be stricken, leaving "temporary" plus the rest of the language applied to employees. All of the amendments that I've offered were for the purpose of taking time. There is no way on this A bill that I can amend the underlying bill, LB46. And that underlying bill is designed to put an antiabortion message on plates that are officially produced and distributed by the state. Such a message ought not be done in this manner. Senator Watermeier, I believe, from the initials I see on the sheet, laid out the process or the procedure for any organization interested in putting a plate out. They would have to get 250 preorders from members of that organization. If it's a single organization it has to show its bylaws, its articles of incorporation, its nonprofit status, any rulings by the IRS with reference to that organization, and things of that type. So if there is a group wanting a plate such as this there is a procedure available for them to get that done. They don't want to do it that way. They want to put into the statute this language so it is another official acknowledgment of a pro-life position, an antiabortion position, which is favored by certain groups and individuals in Nebraska. The discussion for a good percentage of the time dealt with freedom of speech and whether or not this was just a matter of free speech. There was also discussion about the power of the state to limit what speech is on a license plate. This would be considered government speech because the plate is issued by the government. The government endorses that language. It puts the government on one side of the most contentious issue in this society. [LB46A LB46]

SPEAKER SCHEER: One minute. [LB46A]

SENATOR CHAMBERS: That issue is abortion. Those who are opposed to a woman having abortions...a woman having an abortion are what I consider to be busybody, meddlesome people with not enough to do with their own life, which may be in a shambles, and it gives a measure of relief. Now, that's not everybody, but I've listened to what some of those people say when they've come before the Judiciary Committee with one of these types of bills. I read articles of things that they have said. Senator Brasch the other day mentioned a woman who was the person Roe in the Roe v. Wade U.S. Supreme Court decision, which found... [LB46A]

SPEAKER SCHEER: Time, Senator. [LB46A]

SENATOR CHAMBERS: ...a right to privacy that a woman would enjoy... [LB46A]

SPEAKER SCHEER: Time, Senator. [LB46A]

SENATOR CHAMBERS: Thank you, Mr. President. [LB46A]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Walz, you're recognized. [LB46A]

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

Floor Debate
March 03, 2017

SENATOR WALZ: Thank you, Mr. Chairperson. Senator Chambers has already spoke about this, but I'd like to reiterate what he has said. Our staff has further looked into this issue regarding the license plate and found something interesting. I passed out a handout to explain what I'm talking about. And this was found on the DMV Web site. There is already a system in place that if you have 250 people preapply to get a license plate and it is ran through a nonprofit, you can make specialty license plates as long as it's deemed appropriate. I was informed that this was created to avoid exactly this current situation that we are in. Instead of working actively for the people of the state, we are stalled because of a divisive issue over a license plate. If you want a license plate and you have the 2,500 people...oh, if you want this license plate, if you have the 2,500 people that want this plate, you can easily get 250 to preapply for this. And after listening to the discussion that we had, the very unsettling and "sombering" discussion we had this morning, it solidifies my decision to vote against LB46 because it is not good use of our time. If you want a license plate, then go and get it, but do the groundwork, do the work for it. I don't think it belongs in this Legislature. Thank you. [LB46A LB46]

SPEAKER SCHEER: Thank you, Senator Walz. Senator Brewer, for what purpose do you rise? [LB46A]

SENATOR BREWER: Point of personal privilege, sir. [LB46A]

SPEAKER SCHEER: Proceed. You have five minutes. [LB46A]

SENATOR BREWER: Thank you, Mr. President. Good morning, colleagues. It is my high honor and privilege this morning to introduce a very special distinguished guest from the United States Navy. He is the commanding officer of the finest boat in the United States Navy, the Ohio-class fleet ballistic missile submarine known as the SSBN739. This officer is here representing the United States military during our celebration. Please join me in a warm Nebraska welcome to the skipper of the USS Nebraska, Commander Jake Wadsley.

SPEAKER SCHEER: Thank you, Senator Brewer. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you, Mr. President. That was one of the more pleasant interludes that sometimes will lift us out of what it is we're discussing. But now I'm back to the subject at hand. I really appreciate Senator Walz putting into the record what she just did. Even though the Chamber is virtually empty at this point, when we were discussing this bill yesterday there were people who said that they will not support it. This is going to go to cloture. If three plus one of the people who voted for cloture will no longer vote for cloture, this bill is dead. If a motion to cloture is offered and it is unsuccessful, the bill is off the agenda. It will not be put back on the agenda. If this A bill is killed, Senator Watermeier acknowledged that the underlying

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

Floor Debate
March 03, 2017

bill is stranded. I don't know whether the Speaker--I haven't talked to him about it--would put that bill on the agenda for further consideration. It is now sitting on Select File. If there are enough of us who realize that this is not the kind of message that should be put on a license plate issued by the state, we can end it whenever we get to cloture. I don't know how much time actually remains, but if we don't get to it today we certainly will get to it tomorrow. And I would hope that there would be at least four of those who had voted for cloture who would no longer do so. And I had read what I referred to as rogues' gallery--tongue in cheek--best of intentions, trying to lighten the mood, of those who voted for cloture. Some of the people who voted for cloture, as I read that list, surprised me. All I was doing was looking at the number that would show up on the board. And what I'm doing now is fumbling through the Journal to find that vote. It was given February 28. And I don't see Senator Harr at his seat, but he is here somewhere. He's lurking and skulking somewhere and it's not over the rainbow. But if he makes the same blunder that he made when he voted for cloture, even somewhere over the rainbow may not give him refuge. These are those who voted for cloture and I'm hoping that there will be four of them who will not do so: Albrecht, Bolz--I said, Bolz voted for cloture, who I hope won't do it--Bostelman, Brasch, Brewer, Briese, Clements, Craighead, Crawford, Ebke, Erdman, Friesen, Geist, Groene, Halloran,... [LB46A]

SPEAKER SCHEER: One minute. [LB46A]

SENATOR CHAMBERS: ...Harr, Hilgers, Hilkemann, Hughes, Kolterman, Kuehn, Larson, Lindstrom, Linehan, Lowe, McDonnell, Murante, Quick, Riepe, Scheer, Smith, Stinner, Watermeier, Wayne, Williams, Wishart. I think there are four among that group who may not vote for cloture. But if they do, we will renew the struggle on both of these bills, the underlying bill on Select File, this A bill on Select File, and both of them on Final Reading. I have said that I will carry the bill to cloture at all three stages. It doesn't matter to me which day of the session we're in. But I'll tell you this... [LB46A]

SPEAKER SCHEER: Time, Senator. [LB46A]

SENATOR CHAMBERS: I'm at the point now...did you say time? [LB46A]

SPEAKER SCHEER: Yes, Senator. [LB46A]

SENATOR CHAMBERS: Oh, I'm sorry. [LB46A]

SPEAKER SCHEER: That's not a problem. Thank you, Senator Chambers. Senator Schumacher, you're recognized. [LB46A]

Floor Debate
March 03, 2017

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. You really should give me access to the state airplane because I have way too much time to think driving back and forth to Columbus. And one of the thoughts that came up is, if this is state-sponsored or government-sponsored speech that's underlying the controversy of LB46, then...and we charge a fee to engage in carrying the speech of our government, then should we set a precedent--and maybe it's a required precedent, constitutionally--for there to be a waiver of the fee for indigents or people who would have a hard time coming up with the fee because they do not have the money to? Why are we limiting the carrying of this speech only to people who can afford to pay the extra fee? Shouldn't everybody have a right to have a license plate on their vehicle for no more than the regular fee if they can't afford it? And in doing so, are we raising another issue that if we do enough of these kind of government speeches we'll eventually come to the surface and maybe endanger all these bills? So the question, if Senator Briese or Senator Hilgers wants to take a crack at it is, do we need to incorporate in these bills a waiver of the extra fee for people who can't afford to pay the fee for this special privilege of carrying your government's speech? And with that question, I'll yield the rest of my time to Senator Chambers. [LB46A LB46]

SPEAKER SCHEER: Senator Chambers, 2:45. [LB46A]

SENATOR CHAMBERS: Thank you, "Professor" Schumacher. Thank you, Mr. President. Members of the Legislature, this is one of those subjects where it wouldn't take a lot of time nor a multitude of words to give the arguments, but because the setting is the Legislature and specifically the Nebraska Legislature, repetition is unavoidable. I have been laboring in the ruggedest area of the vineyard for four decades plus. So I begin to have a sensing of how the land lies or lays and I believe there are people who voted for cloture who will not vote for cloture at this point. We had been on that bill, the underlying bill...I think it had spread over several days and some of those people may have just wanted to be through with it. But these are like the phoenix. The phoenix can be burned--it was a mythological bird--then it would always be resurrected from its ashes. For those of you who watch horror movies, Dracula, played by different individuals, always manages to come back again and again and again. This kind of bill will begin a life... [LB46A]

SPEAKER SCHEER: One minute. [LB46A]

SENATOR CHAMBERS: ...of their own. They will be coming and coming and coming. When those who are for this bill will say that the other side--meaning those who are in favor of a woman being able to exercise her constitutional right to have an abortion--can offer a plate like this, but it's clear that the people on this floor would not vote for such a license plate. So that is just a statement they make that has no significance or value whatsoever. Thank you, Mr. President. [LB46A]

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

Floor Debate
March 03, 2017

SPEAKER SCHEER: Thank you, Senator Schumacher and Senator Chambers. Senator Wishart, you're recognized. [LB46A]

SENATOR WISHART: Thank you, Mr. President. I rise today to articulate my position on this legislation. As I said yesterday, I've heard from many people in my district about this bill and their concerns, many whom I remember when I knocked on their doors during the campaign. I will be likely changing my vote on this legislation on Select File. With that said, I gave my word to Senator Watermeier that I would support this bill on General File. So I will honor my word for this round of debate and I will be thoughtful about my decision on this bill when it comes to Select File. Thank you. And with that, I'll yield my time to Senator Chambers. [LB46A]

SPEAKER SCHEER: Senator Chambers, 4:20. You are next in the queue, so I'll just let them run concurrently. [LB46A]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. Thank you, Senator "Wise Heart," but you don't get away that easily. If Senator "Wise Heart" would yield, I'd have a question or two for her. [LB46A]

SPEAKER SCHEER: Senator Wishart, would you please yield? [LB46A]

SENATOR WISHART: Yes. [LB46A]

SENATOR CHAMBERS: Senator "Wise Heart," have you ever heard of Fred Astaire? [LB46A]

SENATOR WISHART: I have. [LB46A]

SENATOR CHAMBERS: And what was he known for? [LB46A]

SENATOR WISHART: Dancing. [LB46A]

SENATOR CHAMBERS: For what? [LB46A]

SENATOR WISHART: Dancing. [LB46A]

SENATOR CHAMBERS: All right. Could he...did he know how to tap dance? [LB46A]

Floor Debate
March 03, 2017

SENATOR WISHART: Oh, yes, he did, very well. [LB46A]

SENATOR CHAMBERS: All right. And you're doing quite a good job yourself. Do you know who one of his, I guess you could say, dance partners was? [LB46A]

SENATOR WISHART: Yes, I do. It was Ginger Rogers. [LB46A]

SENATOR CHAMBERS: You got that right. Now, the lady who was once Governor of Texas and showing the status that women occupy in this country and how what they do is more difficult than what men do, she pointed out that Ginger Rogers had to be able to do every step that Fred Astaire did, except backward and in high heels. Now, I understand what you said you told Senator Watermeier. When you made that agreement with him, was it for the A bill also or did the A bill ever come up in the discussion? [LB46A]

SENATOR WISHART: Well, I have also spent a lot of time thinking about this bill. Even in the middle of the night I'll wake up and think about this legislation. And when I support a piece of legislation, especially since I serve on the Appropriations Committee, if I vote for a bill, personally I feel responsible to vote for the appropriation that comes along with that bill. So since I pledged my support on General File for this legislation and voted on General File for the bill, I will be voting for the appropriation for this legislation today. [LB46A]

SENATOR CHAMBERS: Thinking like a lawyer, I'm going to ask you a couple more questions. The agreement that you made with Senator Watermeier was for the underlying bill, if I understand you correctly. And the A bill did not enter into the discussion between you and Senator Watermeier at that time. Is that correct? [LB46A]

SENATOR WISHART: Yes, that's correct. [LB46A]

SENATOR CHAMBERS: When you stated the first time you spoke--and I listened carefully but being as old as I am I could have missed something or forgotten something--you said, in keeping your pledge to Senator Watermeier, you would vote for this bill on General File and think seriously about it on Select File. Did you say it like that? [LB46A]

SENATOR WISHART: Yes, I did. [LB46A]

SENATOR CHAMBERS: But you did not really make a pledge to Senator Watermeier on this A bill, did you? [LB46A]

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

Floor Debate
March 03, 2017

SENATOR WISHART: While it did not come up in conversation between the two of us, in my heart, in my thought process when I was telling him I would vote for the bill, I was making that pledge. [LB46A]

SENATOR CHAMBERS: Senator "Wise Heart," do you think that Senator Watermeier is a reader of hearts? [LB46A]

SENATOR WISHART: Well, I would hope everybody would strive to be a reader of hearts. [LB46A]

SENATOR CHAMBERS: All right, Ginger. Do you think that Senator "Wise Heart" ...I mean Senator Watermeier is a reader of hearts? Not what you wish and hope, do you think he is? [LB46A]

SENATOR WISHART: I would think so, yes. [LB46A]

SENATOR CHAMBERS: Do you think that he knew you were pledging to support an A bill when you may not have even been aware that there was an A bill involved? [LB46A]

SENATOR WISHART: You know, you would have to ask him that question. All I know is that, as I've heard you say and I took that to heart, was that at the end of the day when we leave this building what we have to care about is our own self-respect. [LB46A]

SENATOR CHAMBERS: That is true. But I want the record to show as clearly as we can make it what you actually pledged to Senator Watermeier. You pledged that you'd vote for the underlying bill on General File. If I listened to your subsequent discussion, you said that you're a member of the Appropriations Committee and you have the belief or conviction or feeling that if you vote for an underlying bill, you should also vote for the appropriation. Is that... [LB46A]

SENATOR WISHART: Uh-huh. [LB46A]

SENATOR CHAMBERS: So Senator Watermeier, in your agreement on the underlying bill, would have nothing to do with how you feel about the A bill, because you would feel that way whether you'd agreed with him or not, I think is what you said. [LB46A]

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

Floor Debate
March 03, 2017

SENATOR WISHART: Yes. And...but I did confirm with him when I told him that I would be supporting this legislation on General File, I told him I would stick with that. And I said that yesterday, so he may have interpreted that to mean that I would support the A bill. [LB46A]

SENATOR CHAMBERS: So you're going to let what you speculate may be his interpretation bind you and shackle you and render you incapable of making an independent, freewill decision. [LB46A]

SENATOR WISHART: Like I said before, my decision has less to do with what he took away from that than what I...what my intentions were when I told him that. So, again, I will be reconsidering my vote on Select File. But I feel like my word is my word and I will be very careful--this is a learning experience--to give my word on other legislation. [LB46A]

SENATOR CHAMBERS: And you please me greatly. And the reason I wanted this exchange, I was hoping people would focus on what you said about your conviction and at the end of the day the way you wanted to feel about yourself and how you've comported yourself; I'm paraphrasing. That's all that I would ask of you and have of you. How much time remains, Mr. Speaker? [LB46A]

SPEAKER SCHEER: Three hours...three hours, wow. Three minutes and five seconds, Senator. [LB46A]

SENATOR CHAMBERS: If there were three hours, I would accept them. Did you say about three minutes? [LB46A]

SPEAKER SCHEER: Three minutes. Exactly, Senator. [LB46A]

SENATOR CHAMBERS: Okay. Members of the Legislature, all I'm doing today is taking the time. But I want it to be spent in a productive way by subjects being discussed which, if they are read after having been transcribed, will make sense to people and see that all of it moves in the direction of our legislating in a way that is prudent and establishing that a license plate such as this is not prudent whatsoever. The state is being dragged into something. I have made it clear that I believe religion ought to stay in its temple and not come into the Legislative Chamber. But when it does it's like any other political entity, any other political operative. And they cannot on the one hand say, I'm religious, therefore, and then say, but in a political setting I don't want to be called to account as a political operative. The legislative process is being distorted. It is being corrupted. And you will never have me, observe me bringing a religious notion and trying to have it put into the statute and pretend that it's something other than trying to force my religious

Floor Debate
March 03, 2017

position on the whole state. You all may not always be in the majority. And some religious people are whining now, saying we can't do everything we want to do based on our religion, such as discriminate against other people. Well, that could become the position you're in and what you're saying now. [LB46A]

SPEAKER SCHEER: One minute. [LB46A]

SENATOR CHAMBERS: If it comes back to you, you should not be surprised. But when we get to Senator Morfeld's bill, if we ever do, on protecting the rights of LGBT people not to be discriminated against in employment, I'm going to want to talk about a religion discriminating against another religion. I don't believe...this is metaphorical, this is an analogy. I believe in one God, monotheism. Christianity is not monotheistic. Christianity is a three-god religion. It is a polytheistic religion and anybody who believes in more than one God violates my religious principles and I will not have a three-God worshiper come into my establishment. They cannot come into my establishment. I'm open for business, but I'm open for business only for those people who will not violate my convictions. [LB46A]

SPEAKER SCHEER: Time, Senator. [LB46A]

SENATOR CHAMBERS: Thank you, Mr. President. [LB46A]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Watermeier, you're recognized. [LB46A]

SENATOR WATERMEIER: Thank you, Mr. President. I just felt compelled I ought to come up and speak against the motion to reconsider and make my case there. And if we do get a vote today, I would ask the members to vote against the reconsideration. I'll just follow up a little bit on where I had stopped on the conversation earlier or yesterday I believe it was or the day before. In the bill there was a lot of conversation about doesn't say Choose Life, doesn't mandate, doesn't put in statute. Well, the other place that I looked at in statute--and we based our plate off of mountain lion plate--some examples I have are, in law, it says Breast Cancer Awareness; the plate actually says Breast Cancer Awareness. Another one, it says Nebraska 150th Sesquicentennial; on the plate it actually says Nebraska 150. On the mountain lion bill it says Mountain Lion Conservation; on the plate it actually says Mountain Lion Conservation. Another plate it talks about Purple Heart; that one turned out to be Purple Heart Combat Wounded. Another plate was Pearl Harbor; and it says Pearl Harbor Survivor. Another plate says prisoner of war; the plate actually says Ex-Prisoner of War. Another example is amateur radio station; it actually says Amateur Radio Station on the plate. There was a lot of conversation in regards to the plate last week when we were debating this. I just want to make it clear that it is not put in

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

Floor Debate
March 03, 2017

statute exactly the words, but I believe the intent has never missed its mark. I just want to be on record as stating that. I appreciate the dialogue, I appreciate the conversation. I would oppose the motion to reconsider that Senator Chambers has. I just happened to notice no one else was in the queue and I hadn't spoke for a while. So thank you, Mr. President. [LB46A]

SPEAKER SCHEER: Thank you, Senator Watermeier. Senator Krist, you're recognized. [LB46A]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. Again, as I've said several times, I think it's time to put an end to personalized license plates, particularly those that are "inciteful" and are making a political statement. But I'm hoping that if you're in your office listening or if you're on the floor and you listen, I want to repeat one more time what I have said for the last seven years. This Corrections issue has gotten now to a point where we now have a release from the ACLU saying, it's not if we're going to sue the state of Nebraska for the care of the people who are in confinement, but when...but when. This Governor and this Legislature did not create the problem for Corrections. It was lack of investment over a 20-year period. But this Governor and this Legislature own this situation. What happened in the state of California was the ACLU sued the state for not taking care of its prisoners, followed thereby very shortly by the Department of Justice jumping in and saying, you're done. We own your Corrections system and here are the things that are going have to happen. And prisoners were released and the people in California did not like what happened. I've had conversations with the Governor, with the staff, and I don't know whether he took it seriously or not. But the threat is not a threat; the ACLU does not threaten. It's real. If not when, it is now. It is now. The release is out there for you to pick up. And I want you to realize that anything that you thought was a priority, that you really thought needed to be done, if it doesn't have something to do with juvenile justice, adult justice, and the Corrections system, then I think we're veering off a course that we don't want to go to. Take a look in your other reading, in your other study on actually what happened in the state of California. They ignored it. They didn't think it was coming. It's coming. And some of the responses from the administration over the last few years has been akin to shuffling the deck chairs on the Titanic. It's here. It is here. Thank you, Mr. President. [LB46A]

SPEAKER SCHEER: Thank you, Senator Krist. Senator Chambers, you only have a close left. Is this going to be your close? Okay. Senator Schumacher, you're recognized. [LB46A]

SENATOR SCHUMACHER: Thank you, Mr. Speaker. Following up just a bit on what Senator Krist said, for those of us that sat on those committees it was pretty clear that this prison issue was going to involve not tens of millions but likely hundreds of millions of dollars. And that the director, in making his budget suggestions, was being quite restrained by a sense that he could

Floor Debate
March 03, 2017

not ask for what he wanted. And now we're being told that the director got all he wanted or all he asked for, not necessarily all he wanted. If it is true--and I have every reason to believe what Senator Krist said--that the ACLU has now signaled that that lawsuit is imminent, that's hundreds of millions of dollars that we're going to have to deal with. Interplayed with that is the fact that we're pretty sure that if we spent money on pre-K-12 education, we would have less of a need for the criminal system. If we funded mental health, we would have less of a need for the criminal system. If we funded rehabilitation, we would have less need for the criminal system. But we don't have money for that. We kicked those things down the road. We look at all of our other things and say, you know, can we go to these department heads and ask them to find the quarters in the sofa to get us one more year to kick their needs down the road and put off to next year what they really need in good business judgment to spend this year? What we're doing is piling all those bills into the, what looks like, near future. And it's like one of those zippy strips, when you tighten it, it doesn't untighten. And those chickens are going to come home to roost, which interplays with how big a cuts we want to affirm in the budget and the tax debate as to how much revenue from past giveaway programs we're going to want to recover or at least suspend the action on, whether or not we want to adjust tax rates and bases after having gone out there and fanned the fire that we are a terribly tax-high state and we need to cut taxes significantly. That is unsustainable by any of the hearings with experts who have compared us to other states that I've seen in the last five or six years in the Revenue Committee. We're pretty much normal in aggregates. We can tweak and shift back and forth, but in aggregate we're not a high-tax state. We're well within a standard deviation of the mean in every tax category. So this is all very much going to come together in some magical way, hopefully, in the next 45-50 days, because they have to come together. And to the extent we live in lala land about being able to just push things off in the future and recover it from growth or whatever other myth we're following, we're going to make life very difficult for those of you who are going to be here four, six, and eight years from now. Something to think about. This is serious. If we're looking at a federal lawsuit, the monkey business... [LB46A]

SPEAKER SCHEER: One minute. [LB46A]

SENATOR SCHUMACHER: ...with prisons is going to stop. And all these "nicey" nice little social programs, which are supposed to help reduce the need for the prison system, we better give some pretty serious consideration to. It's been said that the Legislature changes you more than you change the Legislature. I think you're going to see how that process works. Thank you. [LB46A]

SPEAKER SCHEER: Thank you, Senator Schumacher. Seeing no one in the queue, Senator Chambers, you're welcome to close. [LB46A]

Floor Debate
March 03, 2017

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, the news that Senator Krist brought is exhilarating to me. You will never see me more ecstatic than I am right now, so take a look, listen, because you won't find me this excited probably ever again while I'm in the Legislature. So mark this, you are looking at a man who feels exhilaration. When I favor a cause and others favor it and they are in a position to push for that cause in a way that I cannot, I will contribute to it in what way that I can. Since I am not licensed to practice law, I could not be a member of the legal team even if I wanted to be. What I could offer would not be needed. The ACLU has access to the best legal minds in the world. They have been down this path before in dealing with recalcitrant politicians who do not see the people in the prisons as their wards, so to speak, toward whom they have an obligation to be humane--I won't use the word "compassion," I won't use the word "compassionate"--but to be humane, decent, civilized. So as a song says, (singing) I'm a man of means by no means. But what small means I have, I will devote to those causes that I believe in. So when the ACLU files their petition, I'm going to contribute at least \$1,000 because things cost money. And even though they have membership around the country and probably from people around the world, I don't sit back and say, it's just a small amount that I have, it won't amount to anything in terms of the big picture. But what I have, I intend to give. How much time do I have, Mr. President? [LB46A]

SPEAKER SCHEER: Two minutes, 15 seconds. [LB46A]

SENATOR CHAMBERS: I might can finish this. It said Jesus had his disciples around him and he always tried to teach them things, so they were across the street from the treasury and they were watching things and people came and they were donating money, alms. I don't know why they did it like that in those days. But Jesus had this story and these rich people would come and they'd plop down large amounts of money trying to bribe their way into wherever they wanted to go. Then this poor little widow--poor--walked up and dropped in her little mite. It was such a small amount of money that the term "widow's mite" means a tiny bit. And Jesus said, hold on. See what that woman did? They said, uh-huh. What do you think of it? Not much, she didn't give much. He said, I'll tell you something. What she gave means more than what all of those who had the great abundance gave because they gave of their great abundance and they won't miss it. This woman had little and she gave of her little, meaning she had even less left. And even before she gave it, she didn't have enough. So there is a scale that she's going to be weighed in and what she gave weighs more than all that the rest of them gave. [LB46A]

SPEAKER SCHEER: One minute. [LB46A]

SENATOR CHAMBERS: So my little piece of money is not going be much, but it will be much coming from somebody without means such as myself. And I'm going to fight this bill with renewed vigor tomorrow. Thank you, Mr. President. [LB46A]

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

Floor Debate
March 03, 2017

SPEAKER SCHEER: Thank you, Senator Chambers. You've heard the closing to the motion by Senator Chambers. [LB46A]

SENATOR CHAMBERS: I'd ask for a call of the house and a roll call vote. [LB46A]

SPEAKER SCHEER: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB46A]

ASSISTANT CLERK: 23 ayes, 4 nays to go under call, Mr. President. [LB46A]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Bolz, Senator Hughes, Senator Stinner, Senator Bostelman, Senator Hansen, Senator Wayne, Linehan, and Friesen, please return to the floor. The house is under call. Senator Wayne, Senator Friesen, Senator Stinner, Senator Hughes, please return to the floor. The house is under call. Senator Stinner, Senator Wayne, the house is under call. Please return to the floor. We are all accounted for. Mr. Clerk, roll call in regular order. [LB46A]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 611-612.) Vote is 1 aye, 32 nays, Mr. President, on the motion to reconsider. [LB46A]

SPEAKER SCHEER: The amendment is not adopted. I raise the call. Mr. Clerk for announcements. [LB46A]

ASSISTANT CLERK: Thank you, Mr. President. I have a report from the Reference Committee relating to certain gubernatorial appointments. Priority bill designations: Senator Williams has selected LB496; Banking has selected LB148, as well as LB72. Your Committee on Business and Labor reports LB244 to General File with amendments, LB515 to General File with amendments, LB518 to General File with amendments. Notice of committee hearings from the Retirement Systems Committee. The bills that were read on Final Reading this morning have been presented to the Governor (re: LB1, LB2, LB3, LB4, LB5, LB45, LB56, LB74, LB80, LB131, LB132, and LB134). New A bill. (Read LB647A by title for the first time.) Name adds: Senator McCollister to LB447, Senator Morfeld to LB628, Senator Brewer to LB638. (Legislative Journal pages 612-620.) [LB496 LB148 LB72 LB244 LB515 LB518 LB1 LB2 LB3 LB4 LB5 LB45 LB56 LB74 LB80 LB131 LB132 LB134 LB647A LB447 LB628 LB638]

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

Floor Debate
March 03, 2017

Finally, Mr. President, Senator Kolterman would move to adjourn until Monday, March 6, 2017, at 9:00 a.m.

SPEAKER SCHEER: You've all heard the motion. All those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned.