

Transcript Prepared by Clerk of the Legislature Transcribers Office
Floor Debate March 25, 2020

FOLEY: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the forty-third day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Senator DeBoer. Please rise.

DeBOER: Please join me in a prayer. Oh, Lord, hear the cries of lament from your peoples. Remind us that through you, all things are made new. Help us trust your promises, knowing that when we least expect it, you have always done something new: making a rich man's son into a teacher of noble truth; bringing your people out of bondage; giving your words to the world through the prophets; and overcoming death, even death on a cross. Guide us by your teaching that what we do to the least amongst us, the frail, the old, the poor, the sick we do to you. Pour out your spirit amongst all the peoples of the world. Comfort those who mourn. Ease the suffering of the sick. Bring peace to those who are afraid and bring strength to the healers. Bless all those who serve others in this time. And we pray for all the world's leaders: our President, our Governor, our public health officials, and all those who have gathered here today. Grant them wisdom and understanding, mercy, and grace. And when we walk through the valley of the shadow of death, help us to fear no evil, knowing you are with us always. You do not abandon us, but sit beside us in our darkest hours. Lord, bring us safely through this time, giving us hope and peace and shape us all into the instruments of your love. In your name, we pray. Amen.

FOLEY: Thank you, Senator DeBoer. I call to order the forty-third day of the One Hundred Sixth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

FOLEY: Thank you, sir. Are there any messages, reports, or announcements?

CLERK: There are, Mr. President. Your Committee on Revenue, chaired by Senator Linehan, reports LB1106 to General File with amendments. I then have amendments to be printed from Senator Linehan to LB1106. And Mr. President, I have the agency report acknowledgement. Those reports

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are available to members on the legislative website. That's all that I have, Mr. President.

FOLEY: Thank you, Mr. Clerk. Speaker Scheer.

SCHEER: Thank you, Mr. President. Colleagues, you'll notice on the agenda in order for us to read LB1198 on Final Reading, we will first need to suspend Rule 8, Section 5. This rule requires that all bills that negatively impact the General Fund need to be held on Final Reading until later in the session. In a long session, the rule reads that these bills need to be held until-- on Final Reading until the budget bills are read on Final Reading. In the short session which we are in, the rule requires these bills be held onto-- held on Final Reading until the forty-fifth day. Today is the forty-third day. Because LB1198 is a bill that appropriates funding that is not within the mainstream budget bills and we are in day forty-three of the session, we will need to suspend the rule to allow the Final Reading of this bill. A motion to suspend the Rule 8, Section 5 will require 30 votes. When we do vote on the passage of LB1198, we will need 33 votes as the bill contains the emergency clause. Just wanted to bring those to your note. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Mr. Clerk, if you could please read the motion.

CLERK: Mr. President, the motion as offered by the Speaker suspends Rule 8, Section 5 to allow the LB1198 to be read on Final Reading pursuant to-- prior to the 45th legislative day.

FOLEY: Thank you, Mr. Clerk. Members, you've heard the motion. Those in favor vote aye; those opposed vote nay; 30 votes required. Have you all voted who care to? Record, please.

CLERK: 45 ayes, 0 nays on the motion to suspend the rule.

FOLEY: The motion is adopted. Mr. Clerk, please read the bill.

CLERK: [READ LB1198 ON FINAL READING]

FOLEY: All provisions relative to procedure having been complied with, the question is shall LB1198E pass with the emergency clause attached? Those in favor vote aye; those opposed vote nay; 33 votes required. Have you all voted who care to? Record, please.

CLERK: Voting aye: Senators Albrecht, Arch, Blood, Bolz, Bostelman, Brandt, Brewer, Briese, Cavanaugh, Chambers, Clements, Crawford,

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DeBoer, Dorn, Erdman, Friesen, Geist, Gragert, Groene, Ben Hansen, Matt Hansen, Hilgers, Howard, Hughes, Hunt, Kolowski, Kolterman, La Grone, Lathrop, Lindstrom, Linehan, Lowe, McDonnell, Morfeld, Moser, Murman, Quick, Scheer, Slama, Stinner, Vargas, Walz, Wayne, Williams, and Wishart. Voting nay: none. Not voting: Senators Halloran, Hilkemann, McCollister, and Pansing Brooks. 45 ayes, 0 nays, 4 excused and not voting, Mr. President.

FOLEY: LB1198E passes with the emergency clause attached. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LB1198E. Senator Clements, for what purpose do you rise?

CLEMENTS: Thank you, Mr. President. I sent around a handout for everyone and it's because of the flu. There was a picture of my grandfather who was a World War I Army veteran. He was in the Army in World War I, went through training, and was about to be shipped out from Baltimore, Maryland. But his unit got the flu and he was quarantined. And he then wrote a poem after surviving the Spanish flu 102 years ago about his recollections of having the flu. So on one side is his poem about the flu. On the other side is a postcard he wrote to my grandmother, telling her he, he just got her card, that it wasn't the flu and he was glad about that. But they're-- my grandfather and my three great uncles all were World War I Army veterans. And mainly because we were able to preserve that poem that he wrote back then and sympathizing with those people who do have the Coronavirus and have suffered through that would give you-- since there's been so much talk about the Spanish flu of 1918, I thought I'd like to just share that with everybody so they could have a little glimpse back into the past. Thank you, Mr. President.

FOLEY: Thank you, Senator Clements. Speaker Scheer.

SCHEER: Thank you, Mr. President. Colleagues, we have a few moments so I thought I would share a few things. We are waiting for the Governor to actually sign the bill and send back correspondence so that we can fulfill the paperwork on our end so that everything is wrapped up for us in regards to this portion of the session. I first want to mention that we do have several members that are not here and have not been here the last several days. I don't want any of the state to believe that somebody has not wanted to do their job. Those people that have not been in attendance are doing so because they are part of the most vulnerable part of our society that would be eligible to become infected very easily and it would be much worse on them with their health disabilities than most of us. And so I wanted to note that

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you'll see there were some that were not here and they did not vote, but it is not because they certainly did not want to be here, but were being smart and stayed away so as not to get themselves in a health difficulty. Today's motion to adjourn will be at the call of the Speaker. Obviously, any one of you can come up and ask me and the answer will be I don't know. We don't know what we don't know and I don't know when we'll be returning. Hopefully, we will see advancements in a lot of different areas that might permit us to be returning earlier than later. But I want to make sure that we are safe when we do come back. The other thing that I would mo-- like to make sure that you as a body and specifically those that are running for reelection, the reason the short session to a certain extent is short is it allows those to campaign before the primary. So if indeed things do calm down enough, regardless of that, because we are going to have a different type of session, I plan on not meeting at least the two weeks before the primary if-- even if we were available to because I believe we need to let those people that are running for the public office have the opportunity to campaign because certainly, most campaigns have been suspended during this period of time. And I think it's only fair that those that are serving now have the same opportunity to campaign in their districts as they may have if they have an opponent. So I want to make sure that I'm being fair for those with contested races in front of them to have the opportunity to go out and campaign as well. When we do return, I don't anticipate that we're going to have business as usual. Our first priority will be to pass the budget bills and the claims bill. I have not forgot about you, Senator Hansen. We are going to get there. Next, I'm going to try to prioritize the bills that I think have a legitimate need to be passed. If yours is not obvious, please send me a note that tells me why yours is more important than others. Because if we run into a crunch on time, I'm trying to do those that are the most important ones to get done first. With those that are less important, at least from my perspective, and everybody that has a priority bill, I know that's the most important thing to them. But I'm going to have to gauge it on what's the most important part to the state of Nebraska. So certainly, feel free to drop me a note in the near future to help me with those decisions, but it will not be business as usual. I'm also asking you to think about, as we are away, when we come back to try to refrain from trying to put things on other bills that are prioritized as we move forward. More times than not, that will create additional time to those bills. From my perspective, the bills that were prioritized, those are the most important bills. If yours was not prioritized, I know it's important to you, but I do believe we have an obligation to those that were prioritized first. And if that's going

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to make those bills take longer or possibly endanger them from being passed, I, I do believe I would like you to seriously think about what you're doing if you are intending to try to add something to another bill. We're going to have to do a lot of things strategically during those final 17 days. So I am going to now ask you for your patience because I will need your patience. We will be having a lot of time together. My idea is right now and certainly I'm open to suggestions, but we have already complicated everybody's life to a large extent already by having to take our pause and our pause will continue until I feel it's safe for us to come back. Having said that, trying not to disrupt people too much more when we finally are able to reconvene. We have 17 days left. My schedule would be that we would run Monday through Saturday on two consecutive weeks and then come back that following third week on Monday and finish on Friday. So that will not allow us a five-day recess in between. So I want you to think about your bills and contact me in relationship to if you think there is an endangerment of a veto. I will try to work with you the best I can to facilitate that, but I also want to try to get us in and out as quickly as possible because a lot of people have other things that they need to do in their lives as far as a job and need to make their lives somewhat ordinary and normal as soon as possible. I do appreciate everyone coming in this week. It was a very hard decision for me to do. We have used three days. I've been criticized in some arenas for this, but we're doing what we need to do at a time that it needs to be done. And I thank you for the passage of the bill. We have provided not only what the Governor has asked, but we have provided them with additional funds that will help him and the state to recover and minimize the damage done to our economy and our residents in the future. So I do appreciate that. Think about cooperation. We are going to need a lot of it. Think about compromise. We're going to need a lot of that as well. You are going to get an extended holiday so please rest up. Because as I said earlier, when we do reconvene, it will be a fairly compact time period that we'll be meeting. I'm not going to be able to give you four-day weekends to try to work out the frustrations and the disappointment or the heightened excitement from getting things passed. We're going to be hard at work. Rest assured that we'll be going long every one of those days in order to try to facilitate getting done what we're going to get done. The state will be looking at us. We need to be statesmen. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Senator Chambers, for what purpose do you rise?

CHAMBERS: Point of personal privilege.

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FOLEY: Please proceed.

CHAMBERS: Mr. President, members of the Legislature, extraordinary circumstances call for extraordinary measures. I've said over and over until most of you are probably tired of hearing me say it that I respect the Legislature as an institution, even when there are times that I feel I cannot have respect for the senators who comprise the membership of the Legislature. The Speaker showing consideration had mentioned that he had a quorum who would come. And since I'm-- he didn't put it like this, since I'm one of those old-timers who would be in the category of those who are especially at risk, not those who are causing risk to others, it wouldn't be necessary for me to come. But because of the attitude I have toward the Legislature as an institution, the affirmation I made at the time we took an oath to discharge the duties of this office to the best of my ability whenever the Legislature is officially in session, I will be here. When we met these few days, the circumstances were extraordinary throughout the world, the country, the state. I can gear my conduct to that which the circumstances demand. The emergency, as far as the Legislature conducting its business, is over. I don't want anybody to get the impression that because I went along completely with the program and uttered not a word on the mike does not signal that I'm not who I always am. There was a hiatus. That means a break. But it doesn't mean that everything has changed. I am me. I warned that when we get to the latter parts of the Legislature, that delivers everything into my hands. The Speaker will, of course, as he explained to you, select those items he feels are important. You all will vote in that manner. There are things that I believe are important and I'm going to use the rules as I've always done. I know that our time is short and that's why at the end portion of the legislative session, things are delivered into my hands. I can set and control the agenda. And if certain things wind up on the agenda, I will take all of the time that I need to deal with that issue in the way that I think necessary. If I wind up being the only one speaking because there is a general agreement that at my age, I cannot have the stamina necessary to do that, I say now, try me. Those of you who have things that are important to you, I would expect you to deal with them as seriously as I will deal with the things that are important to me. But as of tomorrow, well, one second after we adjourn today, Ernie is back. And my mantra, which I derived from Popeye, remains with an addition of a philosophical portion for those who are philosophers: I think, therefore, I am what I am. That's all that I am and all that I shall be. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Mr. Clerk.

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CLERK: Mr. President, a few items. An explanation of vote from Senator Hilkemann (Re LB1198). The bill read on Final Reading was presented to the Governor at 1:45 (Re LB1198). A communication from the Governor to the Clerk: Engrossed LB1198 was received in my office on March 25. The bill was signed, delivered to Secretary-- Secretary of State on March 25. Sincerely, Pete Ricketts, Governor. Mr. President, a priority motion. Senator Hughes would move to adjourn the body upon the call of the Speaker.

FOLEY: Members, you've heard the motion to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.