

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

Floor Debate
January 30, 2015

[LB1 LB2 LB3 LB4 LB5 LB6 LB7 LB8 LB9 LB23 LB65 LB70 LB87 LB88 LB90 LB107
LB177 LB209 LB220A LB294 LB346 LB446 LR47]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE SEVENTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR THE DAY IS PASTOR GREGG GAHAN OF THE CRAIG ALDER GROVE PARISH IN CRAIG, NEBRASKA, LOCATED IN SENATOR BRASCH'S DISTRICT. PLEASE RISE.

PASTOR GAHAN: (PRAYER OFFERED.)

PRESIDENT FOLEY: THANK YOU, PASTOR. I CALL TO ORDER THE SEVENTEENTH DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. RECORD PLEASE, MR. CLERK.

ASSISTANT CLERK: THERE IS A QUORUM PRESENT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY CORRECTIONS FOR THE JOURNAL?

ASSISTANT CLERK: I HAVE NO CORRECTIONS THIS MORNING.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. ARE THERE ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

ASSISTANT CLERK: OH, THERE ARE, MR. PRESIDENT. NOTICE OF COMMITTEE HEARING FROM THE AGRICULTURE COMMITTEE. COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB177 TO SELECT FILE WITH AMENDMENTS. ENROLLMENT AND REVIEW REPORTS LB1, LB2, LB3, LB4, LB5, LB6, LB7, LB8 AND LB9, ALL AS CORRECTLY ENGROSSED. I HAVE AN APPOINTMENT TO THE STATE INVESTMENT OFFICER POSITION; REPORT OF REGISTERED LOBBYISTS FOR THE CURRENT WEEK; AN ANNOUNCEMENT THAT REPORTS FROM VARIOUS AGENCIES ARE AVAILABLE FROM...FILED DURING THE PREVIOUS WEEK ARE AVAILABLE ON THE LEGISLATURE'S WEB SITE. YOUR COMMITTEE ON JUDICIARY REPORTS LB209 AS INDEFINITELY POSTPONED. NEW RESOLUTION, LR47, BY SENATOR COASH EXTENDS SYMPATHY TO THE FAMILY OF NORMAN GESKE. AND THAT'S ALL I HAVE AT THIS TIME, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 355-359.) [LB177 LB1 LB2 LB3 LB4 LB5 LB6 LB7 LB8 LB9 LB209 LR47]

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PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE WILL NOW PROCEED TO THE FIRST ITEM ON THE AGENDA, LEGISLATIVE CONFIRMATION REPORTS. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE FIRST REPORT FROM THE EDUCATION COMMITTEE IS FOR JOHN BERNTHAL TO THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION. (LEGISLATIVE JOURNAL PAGE 329.)

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SULLIVAN, YOU'RE RECOGNIZED TO OPEN ON THE LEGISLATIVE CONFIRMATION REPORT.

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE. I BRING FOR YOUR CONFIRMATION THE APPOINTMENT OF DR. JOHN BERNTHAL TO THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION. DR. BERNTHAL'S APPOINTMENT WAS UNANIMOUSLY APPROVED BY THE EDUCATION COMMITTEE. DR. BERNTHAL APPEARED BEFORE THE EDUCATION COMMITTEE ON TUESDAY, JANUARY 27, AT WHICH TIME HE ANSWERED TO THE SATISFACTION OF THE COMMITTEE ALL THE QUESTIONS THAT WERE ASKED OF HIM IN WHAT I WOULD CONSIDER TO HAVE BEEN AN HONEST AND DIRECT MANNER. DR. BERNTHAL RECEIVED HIS PH.D. FROM THE UNIVERSITY OF WISCONSIN IN 1971, AFTER WHICH HE SERVED IN VARIOUS EDUCATIONAL CAPACITIES FOR OVER A 40-YEAR CAREER, FROM WHICH HE RETIRED IN 2011 AS THE DIRECTOR OF THE BARKLEY CENTER AT THE UNIVERSITY OF NEBRASKA-LINCOLN. DR. BERNTHAL HAS SERVED ON VARIOUS AD HOC BOARDS AND COMMITTEES FOR THE DEPARTMENT OF EDUCATION, RANGING FROM ACCREDITATION TO EARLY CHILDHOOD SPEECH EDUCATION, BIRTH TO AGE THREE AND, WHEN COMBINED WITH HIS EXPERIENCE WORKING AT THE UNIVERSITY OF NEBRASKA, PROVIDE HIM WITH A UNIQUE PERSPECTIVE ON EDUCATION AND WHICH MAKES HIM A FIT AND PROPER PERSON TO SERVE ON THE COORDINATING COMMISSION FOR POSTSECONDARY EDUCATION. I ASK FOR YOUR VOTE TO CONFIRM MR. BERNTHAL TO THIS APPOINTMENT. IF YOU HAVE QUESTIONS, I WOULD BE HAPPY TO ANSWER THEM. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR SULLIVAN. DEBATE IS NOW OPEN ON THE EDUCATION COMMITTEE'S CONFIRMATION REPORT. SENATOR CHAMBERS.

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SINCE MY COLLEAGUE, SENATOR SULLIVAN, SAID SHE WOULD BE HAPPY TO ANSWER QUESTIONS, BEFORE WE GET INTO WHAT I HAVE TO

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DO THIS MORNING, I WANT TO SPREAD SOME HAPPINESS IF I CAN. SO I WOULD LIKE TO ASK HER A QUESTION.

PRESIDENT FOLEY: SENATOR SULLIVAN, WOULD YOU YIELD TO A QUESTION?

SENATOR SULLIVAN: YES, I WILL.

SENATOR CHAMBERS: SENATOR SULLIVAN, I HEARD EVERYTHING YOU SAID. I HAVE NO OPPOSITION OR OBJECTION. BUT IN READING THE REPORT--AND THIS IS THE WAY THE REPORTS ARE PRINTED, SO MAYBE THERE IS A FORM--THE COMMITTEE SUGGESTS THE APPOINTMENT BE CONFIRMED BY THE LEGISLATURE AND SUGGESTS A RECORD VOTE. IS THIS A SUGGESTION OR A RECOMMENDATION?

SENATOR SULLIVAN: PURELY A SUGGESTION.

SENATOR CHAMBERS: YOU DON'T RECOMMEND HIM, THOUGH?

SENATOR SULLIVAN: NO, I DO NOT.

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, SHE HAD A VERBAL MOVEMENT THAT MIGHT BE EQUATED WITH SOME OF THE MOVES OF HER NAMESAKE IN THE RING. SO I'M GOING TO ASK SENATOR SULLIVAN ONE MORE QUESTION. SENATOR SULLIVAN, IF I MENTION A NAMESAKE OF YOURS IN THE RING, DO YOU KNOW OF WHOM I'M SPEAKING?

SENATOR SULLIVAN: NO, I DO NOT.

SENATOR CHAMBERS: THANK YOU, SENATOR SULLIVAN. I'M GOING TO GET YOU SOME HELP IF I CAN. I'D LIKE TO ASK SENATOR McCOLLISTER A QUESTION.

PRESIDENT FOLEY: SENATOR McCOLLISTER, WOULD YOU YIELD TO A QUESTION?

SENATOR McCOLLISTER: YES, SIR.

SENATOR CHAMBERS: SENATOR McCOLLISTER, WOULD YOU HAVE ANY IDEA WHO SENATOR SULLIVAN'S NAMESAKE IN THE RING WOULD BE?

SENATOR McCOLLISTER: I'M AFRAID I DON'T, SIR.

SENATOR CHAMBERS: FEAR NOT. YOU HAVE NOTHING TO FEAR BUT FEAR

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ITSELF. SO I'VE SPREAD HAPPINESS; I'VE REMOVED FEAR. I WOULD LIKE TO ASK A QUESTION, MR. PRESIDENT, IF I MAY, OF THE TALLEST SENATOR THAT WE HAVE. HIS NAME IS BAKER. AND WHENEVER HE AND I COOPERATE, HE IS THE LONG OF IT, I'M THE SHORT OF IT. SO I WOULD LIKE TO ASK SENATOR BAKER THE SAME QUESTION. SENATOR BAKER, DO YOU HAVE AN IDEA WHO SENATOR SULLIVAN'S NAMESAKE IN THE RING WOULD BE?

PRESIDENT FOLEY: SENATOR BAKER, WOULD YOU YIELD?

SENATOR BAKER: SENATOR CHAMBERS, IT MIGHT BE JOHN L. SULLIVAN.

SENATOR CHAMBERS: THANK YOU VERY MUCH. THE MYSTERY HAS BEEN SOLVED. THOSE OF YOU WHO ARE WAITING TO EXHALE MAY FEEL FREE TO DO SO NOW. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR SULLIVAN, YOU ARE WELCOME TO CLOSE. AND SHE WAIVES CLOSING ON THE CONFIRMATION REPORT. THE QUESTION IS, SHALL THE CONFIRMATION REPORT OF THE EDUCATION COMMITTEE BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 359-360.) 36 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT, MR. PRESIDENT.

PRESIDENT FOLEY: THE COMMITTEE REPORT IS ADOPTED. WE MOVE TO NOW TO THE LEGISLATIVE CONFIRMATION REPORT FROM THE BANKING COMMITTEE. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE FIRST REPORT FROM THE BANKING COMMITTEE IS FOR BRUCE RAMGE AS DIRECTOR OF THE DEPARTMENT OF INSURANCE. (LEGISLATIVE JOURNAL PAGE 332.)

PRESIDENT FOLEY: SENATOR SCHEER, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. I BRING BEFORE THE LEGISLATURE THE GUBERNATORIAL APPOINTMENT OF BRUCE RAMGE TO SERVE AS THE DIRECTOR OF DEPARTMENT OF INSURANCE. THIS IS ACTUALLY A REAPPOINTMENT. MR. RAMGE HAS SERVED AS THE DIRECTOR SINCE 2010 WHEN HE WAS APPOINTED BY FORMER GOVERNOR HEINEMAN. MR. RAMGE GREW UP NEAR MURRAY, NEBRASKA. HE IS A GRADUATE OF DANA COLLEGE AND THE RECIPIENT OF AN MBA FROM THE UNIVERSITY OF

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NEBRASKA-OMAHA. MR. RAMGE HAS WORKED IN THE INSURANCE INDUSTRY AS AN ACTUARIAL ASSISTANT AND A CLAIMS EXAMINER. SINCE 1984, HE HAS BEEN AT THE DEPARTMENT OF INSURANCE AND HAS SERVED AS A MARKET CONDUCT EXAMINER, MARKET CONDUCT EXAMINATION SUPERVISOR, CHIEF OF MARKET REGULATION, DEPUTY DIRECTOR, AND IS NOW THE DIRECTOR. MR. RAMGE BRINGS A WEALTH OF EXPERIENCE TO THIS POSITION AND HAS WORKED HARD TO MAINTAIN OUR DEPARTMENT'S INIMITABLE NATIONWIDE REPUTATION AS A SOLID REGULATOR. I WOULD HOPE THAT YOU WOULD AGREE WITH ME AND THE BANKING, COMMERCE AND INSURANCE COMMITTEE THAT BRUCE RAMGE HAS BEEN AND WILL BE AND CONTINUE TO BE AN EXCELLENT DIRECTOR OF INSURANCE. I URGE YOUR CONFIRMATION OF THE APPOINTMENT BY THE GOVERNOR.

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SENATOR KOLTERMAN.

SENATOR KOLTERMAN: THANK YOU, MR. PRESIDENT AND COLLEAGUES. I RISE IN SUPPORT OF BRUCE RAMGE. HE IS A HARD WORKER, HE WORKS HARD FOR THE CONSTITUENTS AND THE CONSUMERS OF THIS STATE. HE IS A GOOD LISTENER AND I HOPE THAT YOU WILL SUPPORT HIS REAPPOINTMENT. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR KOLTERMAN. SENATOR SCHUMACHER.

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I, TOO, RISE IN SUPPORT OF THIS NOMINATION. HE IS ONE OF THE VERY EASIEST PEOPLE TO WORK WITH. HE SHOOTS STRAIGHT WHEN YOU ANSWER QUESTIONS, HIGHLY KNOWLEDGEABLE ABOUT THE FIELD. AND I WAS VERY PLEASED TO SEE THAT THE GOVERNOR IS REAPPOINTING HIM AND ENCOURAGE YOUR CONFIRMATION. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS.

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I WAS NOT GOING TO SAY ANYTHING ON THESE APPOINTMENTS. BUT BECAUSE "PROFESSOR" SCHUMACHER, TO MY LEFT, MADE A COMMENT, I HAVE TO ASK HIM A QUESTION. SO I WONDER IF HE WOULD YIELD.

PRESIDENT FOLEY: SENATOR SCHUMACHER, WILL YOU YIELD?

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SENATOR SCHUMACHER: I ALWAYS YIELD. (LAUGH)

SENATOR CHAMBERS: BUT NOT TO TEMPTATION. BUT ANYWAY, (LAUGH)...

SENATOR SCHUMACHER: OH, TO THAT TOO.

SENATOR CHAMBERS: OSCAR WILDE SAID, THE BEST WAY TO GET RID OF TEMPTATION IS TO YIELD TO IT SO, ONCE AGAIN, THE "PROFESSOR" IS ON TOP OF HIS GAME. I LISTENED AS YOU SPOKE AND YOU SAID THE GENTLEMAN IS A STRAIGHT SHOOTER. DO YOU REMEMBER USING THAT PHRASEOLOGY?

SENATOR SCHUMACHER: GOSH, I PROBABLY HAVE USED IT 100 TIMES, BUT...

SENATOR CHAMBERS: NO, JUST NOW, JUST THIS...

SENATOR SCHUMACHER: OH, JUST NOW? OH, YES.

SENATOR CHAMBERS: YES, OKAY. WAS THE TARGET OF HIS STRAIGHT SHOOTING, TO YOUR KNOWLEDGE, EVER A MOUNTAIN LION?

SENATOR SCHUMACHER: ONLY IF THERE IS A PRAIRIE DOG IN THE WAY. (LAUGHTER)

SENATOR CHAMBERS: THANK YOU, "PROFESSOR." I AM FACING A QUANDARY NOW, BUT I'M NOT GOING TO VOTE AGAINST THE GENTLEMAN SIMPLY BECAUSE THE "PROFESSOR" WANTED TO TEACH HIS STUDENT A LESSON OR TWO. LESSON GIVEN, LESSON LEARNED. THANK YOU. (LAUGHTER)

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATOR GLOOR, YOU'RE RECOGNIZED.

SENATOR GLOOR: THANK YOU, MR. PRESIDENT. GOOD MORNING, MEMBERS. HAVING SERVED AS CHAIR OF THE BANKING, COMMERCE AND INSURANCE COMMITTEE THE PREVIOUS TWO YEARS, I WOULD ECHO THE COMMENTS OF BOTH SENATORS SCHEER AND SCHUMACHER, WITH THE EXCEPTION OF THE REFERENCE TO TARGET PRACTICE, OF COURSE, AND SAY THAT I THINK THE REAPPOINTMENT OF MR. RAMGE IS A GOOD DECISION BY THE EXECUTIVE BRANCH AND FEEL THAT HE WILL SERVE US WELL IN THAT CAPACITY. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR GLOOR. (DOCTOR OF THE DAY INTRODUCED.) SENATOR KINTNER, YOU'RE RECOGNIZED.

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SENATOR KINTNER: WELL, THANK YOU, MR. PRESIDENT. I WANT TO SAY SOMETHING ABOUT BRUCE RAMGE. HE IS ONE OF THE THINGS THAT'S RIGHT ABOUT OUR GOVERNMENT. IT'S A WELL-RUN OPERATION OVER THERE, AND I JUST AGREE WITH EVERYTHING THAT'S ALREADY BEEN SAID. I DON'T NEED TO SAY IT AGAIN. BUT THE SENATORS WHO SPOKE BEFORE ME SAID IT VERY WELL AND I AGREE WITH IT. AND I ENCOURAGE MY FELLOW SENATORS TO HASTILY AND SWIFTLY CONFIRM BRUCE RAMGE. THANK YOU.

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR SCHEER, YOU'RE WELCOME TO CLOSE. AND HE WAIVES CLOSING ON THE CONFIRMATION REPORT. THE QUESTION IS, SHALL THE CONFIRMATION REPORT OF THE BANKING, COMMERCE AND INSURANCE COMMITTEE BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 360.) 34 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE REPORT OF THE BANKING, COMMERCE AND INSURANCE COMMITTEE IS ADOPTED. MOVING NOW TO THE SECOND CONFIRMATION REPORT OF THE BANKING, COMMERCE AND INSURANCE COMMITTEE. MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, THE SECOND REPORT IS OF MARK QUANDAHL AS DIRECTOR OF THE DEPARTMENT OF BANKING AND FINANCE. (LEGISLATIVE JOURNAL PAGE 333.)

PRESIDENT FOLEY: SENATOR SCHEER, YOU'RE WELCOME TO OPEN ON THE CONFIRMATION REPORT.

SENATOR SCHEER: THANK YOU, MR. LIEUTENANT GOVERNOR. I BRING YOU BEFORE...I BRING TO YOU, BEFORE THE LEGISLATURE, THE GUBERNATORIAL APPOINTMENT OF MARK QUANDAHL TO SERVE AS THE DIRECTOR OF THE DEPARTMENT OF BANKING AND FINANCE. MR. QUANDAHL GREW UP IN THE RALSTON, NEBRASKA, AREA. HE RECEIVED HIS UNDERGRADUATE DEGREE AND LAW DEGREE FROM THE UNIVERSITY OF NEBRASKA. HE HAS JUST RETIRED FROM NEARLY A QUARTER CENTURY OF PRIVATE PRACTICE. MR. QUANDAHL'S PUBLIC SERVICE INCLUDES BEING A MEMBER OF THE NEBRASKA STATE BOARD OF EDUCATION FROM 2009-2014, AND BEING A MEMBER OF THE NEBRASKA LEGISLATURE FROM 1999-2005. IN FACT, DURING HIS LAST TWO YEARS IN THE LEGISLATURE, HE SERVED AS THE CHAIRMAN OF THE BANKING, COMMERCE AND INSURANCE COMMITTEE. MR. QUANDAHL BRINGS VALUABLE

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EXPERIENCE FROM PRIVATE PRACTICE AND IN BEING IN PUBLIC SERVICE. I HOPE YOU WILL AGREE WITH ME AND THE BANKING, COMMERCE AND INSURANCE COMMITTEE THAT MARK QUANDAHL WILL MAKE AN EXCELLENT DIRECTOR OF BANKING AND FINANCE. I URGE YOUR CONFIRMATION OF HIS APPOINTMENT BY THE GOVERNOR.

PRESIDENT FOLEY: THANK YOU, SENATOR SCHEER. DEBATE IS NOW OPEN ON THE CONFIRMATION REPORT. SENATOR WILLIAMS.

SENATOR WILLIAMS: THANK YOU, MR. PRESIDENT, AND WELCOME THIS MORNING. I WOULD LIKE TO STAND IN SUPPORT OF MARK QUANDAHL'S POSITION FOR BANKING DIRECTOR. HAVING BEEN A BANKER IN OUR STATE FOR THE PAST 40 YEARS, I'VE HAD THE OPPORTUNITY TO WORK WITH MR. QUANDAHL BOTH ON A PROFESSIONAL SIDE, WHEN HE WAS IN THE LEGISLATURE AND SERVING AS CHAIRMAN OF THE BANKING COMMITTEE, AND ALSO AS A PRIVATE PRACTICE ATTORNEY REPRESENTING BANKS ON BANKING ISSUES ACROSS OUR COUNTRY. HE HAS GREAT EXPERTISE. HE HAS THE SUPPORT OF THE BANKING INDUSTRY OVERALL, AND HE WILL CONTINUE TO REPRESENT US IN A VERY POSITIVE WAY. I WOULD URGE ALL OF THE OTHER SENATORS TO SUPPORT THIS CONFIRMATION. THANK YOU, MR. PRESIDENT.

PRESIDENT FOLEY: THANK YOU, SENATOR WILLIAMS. SENATOR McCOLLISTER.

SENATOR McCOLLISTER: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I ALSO RISE IN SUPPORT OF MARK QUANDAHL AS THE DIRECTOR. HE'LL BE AN OUTSTANDING DIRECTOR. HE IS INTELLIGENT, WELL QUALIFIED, AND HIS INTEGRITY AND...IS BEYOND QUESTION. SO THANK YOU, AND I WOULD APPRECIATE AN AFFIRMATIVE VOTE FOR MARK QUANDAHL.

PRESIDENT FOLEY: THANK YOU, SENATOR McCOLLISTER. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR SCHEER, HE...AND HE...SENATOR SCHEER WAIVES CLOSING ON THE CONFIRMATION REPORT. THE QUESTION IS, SHALL WE ADOPT THE CONFIRMATION REPORT OF THE BANKING, COMMERCE AND INSURANCE COMMITTEE? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 361.) 37 AYES, 1 NAY ON THE ADOPTION OF THE REPORT, MR. PRESIDENT.

PRESIDENT FOLEY: MR. CLERK.

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ASSISTANT CLERK: MR. PRESIDENT, I DO HAVE ONE ANNOUNCEMENT. THE REVENUE COMMITTEE WILL MEET IN EXECUTIVE SESSION AT 9:30 TODAY UNDER THE NORTH BALCONY. THAT'S THE REVENUE COMMITTEE AT 9:30 UNDER THE NORTH BALCONY.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. WE NOW RETURN TO GENERAL FILE, LB88. MR. CLERK. [LB88]

ASSISTANT CLERK: MR. PRESIDENT, LB88, INTRODUCED BY SENATOR CAMPBELL. (READ TITLE.) THE BILL HAS BEEN CONSIDERED PREVIOUSLY ON GENERAL FILE. THE NEXT ITEM THAT I HAVE ON THE BILL IS AN AMENDMENT FROM SENATOR SCHUMACHER, FA4. (LEGISLATIVE JOURNAL PAGE 333.) [LB88]

PRESIDENT FOLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED TO OPEN ON YOUR AMENDMENT. [LB88]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. FA4 WAS DRAFTED BEFORE SENATOR KINTNER'S AMENDMENT. IT REFERENCES THE \$50 FEE, WAIVER OF THE \$50 FEE IN THE EVENT THERE IS MINOR CHILDREN INVOLVED. IN THE EVENT THAT SENATOR KINTNER'S AMENDMENT WOULD PASS, PROCEDURALLY, THE \$50 WOULD HAVE TO BE SUBSTITUTED TO BE \$35 TO \$50. SO IF THE IDEA HAS ANY VIABILITY, IT MAY BE REINTRODUCED AFTER SENATOR KINTNER'S AMENDMENT. IT SEEMS TO ME, WITH ALL THIS PARTICULAR DISCUSSION ON THIS BILL, WE ARE FIGHTING OVER A LOT OF NOTHING. REMINDS ME OF A CASE I HAD WHEN I WAS DUMB ENOUGH TO STILL DO DIVORCE LAW, IN WHICH THERE WAS A FIGHT OVER TUPPERWARE. IN THE END, IT WASN'T THAT BIG A DEAL AND THE TUPPERWARE WAS LEFT ON THE CONFERENCE TABLE. BUT AT THIS TIME, I WOULD WITHDRAW FA4. THANK YOU. [LB88]

PRESIDENT FOLEY: THE AMENDMENT IS WITHDRAWN. MR. CLERK. [LB88]

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT AMENDMENT I HAVE...SENATOR KINTNER, YOU HAD PREVIOUSLY FILED AM110, BUT I HAVE A NOTE TO WITHDRAW THAT. NEXT AMENDMENT I HAVE THEN, FROM SENATOR KINTNER, IS AM131. (LEGISLATIVE JOURNAL PAGE 352.) [LB88]

PRESIDENT FOLEY: SENATOR KINTNER, YOU'RE WELCOME TO OPEN ON AM131. [LB88]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. YOU KNOW, I ORIGINALLY CAME UP, YOU KNOW, ON THE FLY AS WE'RE GOING...DOING THIS. HEY, WE'LL PUT THIS BETWEEN \$35 AND \$50. WELL, WHEN SENATOR CHAMBERS SLOWED

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THE WHOLE THING DOWN AND I GOT TIME TO GO HOME AT NIGHT AND LOOK AT IT, AND I WANTED TO FIND OUT WHAT'S REALLY THE TRUE COST. IT'S TOUGH TO DETERMINE WHAT THE TRUE COST IS TO PROVIDE THIS SERVICE, BUT I KNEW IT WASN'T \$50. SO I DECIDED TO GO BACK AND LOOK AT WHAT THE... YOU KNOW, IT WAS...WHAT...THE \$15 THAT WE CHARGED BACK IN 1989, WHAT IS THAT WORTH TODAY? SO YOU CAN GO ON-LINE. YOU NEED A CPI CALCULATOR. YOU PLUG THE NUMBER IN, AND IT CAME OUT TO \$32. SO IF WE'RE...YOU KNOW, IF WE'RE JUST TRYING TO MAKE SURE WE COVER COSTS, ASSUMING THE \$15 WAS COVERING THE COST IN 1989, AND IT'S PROBABLY ABOUT RIGHT, THEN IT WOULD BE \$32 TODAY. SO WHAT MY AMENDMENT DOES IS IT SAYS THE COUNTIES MAY CHARGE UP TO \$35 FOR A MARRIAGE LICENSE. I'M SURE, IF YOU ARE A SMALL COUNTY OUT WEST AND YOU DO THREE MARRIAGES A YEAR, PROBABLY \$15 IS NO BIGGIE. IF YOU ARE A BIG COUNTY, YOU DO 10,000 A YEAR, YOU KNOW, THAT...YOU KNOW, THAT DOES ADD UP. SO WE'LL PUT IT ON THE COUNTY COMMISSIONERS TO SET THAT RATE. LET THEM FACE THE...THEIR CONSTITUENTS AND TAXPAYERS AND EXPLAIN WHY IT NEEDS TO BE \$30 OR \$25 OR WHATEVER THEY DECIDE TO MAKE IT. IT'S ALSO...IT'S \$35, SO THERE'S A LITTLE BIT OF GROWTH IN THERE. SO IN FIVE OR SIX, SEVEN YEARS, IF THE COSTS GO UP A LITTLE BIT, THEY'VE GOT A LITTLE BIT OF A CUSHION. SO IF THEY ONLY GO TO, YOU KNOW, \$25 THIS YEAR, THEY CAN COME BACK IN EIGHT OR NINE YEARS IF THEY NEED TO RAISE IT OR SOMETHING JUST A LITTLE BIT. BUT YOU KNOW, WHEN IT...IF IT NEEDS TO GO BEYOND THAT, THEY NEED TO COME BACK HERE AND HAVE THAT DISCUSSION AGAIN. SO THAT WAS MY INTENT, OR INTENTIONS, IN DOING IT. THAT'S HOW I ARRIVED AT THAT NUMBER. AND I THINK I'VE RESEARCHED IT AND DONE MY HOMEWORK. SO ONCE AGAIN, THIS BILL WOULD NOT MANDATE AN INCREASE, BUT IT WOULD ALLOW COUNTIES TO INCREASE THE FEE FOR A MARRIAGE LICENSE UP TO \$35. AND I ENCOURAGE MY FELLOW SENATORS TO SUPPORT THAT AMENDMENT. AND BY THE WAY, I'VE WORKED ON THIS WITH SENATOR CAMPBELL AND SHE IS IN AGREEMENT THAT THAT WORKS AND ACCOMPLISHES WHAT WE NEED TO ACCOMPLISH. AND I THINK WE AVOID HAVING IT BE A MONEYMAKER FOR THE COUNTIES. SO I ENCOURAGE MY FELLOW SENATORS TO SUPPORT THAT. THANK YOU. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR KINTNER. SENATOR CAMPBELL. [LB88]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. COLLEAGUES, I WANT TO THANK SENATOR KINTNER FOR HIS CONCERTED EFFORTS TO LOOK AT THIS BILL AND HAVE CONVERSATIONS. ONE OF THE HALLMARKS OF THE LEGISLATURE, I THINK, IS IN TERMS OF LOOKING AT A PIECE OF LEGISLATION. AND WE EXPECT ALL OF US TO LOOK AT A PIECE OF LEGISLATION AND SAY, IF I HAVE A QUESTION HERE, IS THERE A WAY THAT I CAN IMPROVE IT OR MAKE

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IT BETTER? SENATOR KINTNER CAME IN AND SAID, YOU KNOW, I KIND OF HAVE THIS IDEA, I THINK WE OUGHT TO TAKE A LOOK AT IT. AND SO HIS FIRST AMENDMENT WE DID BECAUSE WE WEREN'T QUITE SURE HOW LONG WE WOULD BE SPENDING ON LB88. BUT HIS THOUGHTFUL APPROACH IN TERMS OF THE CPI HAS A BASIS WITH A GREAT NUMBER OF PIECES OF LEGISLATION THAT HAVE BEEN PASSED BY THE LEGISLATURE. AND I REALLY WANT TO THANK MY AIDE, CLAUDIA LINDLEY, WHO DID SOME RESEARCH FOR SENATOR KINTNER AND FOR ME AND LOOKING AT OTHER STATUTES THAT TIE CERTAIN FEES TO THE CPI. ONE OF THE ISSUES THAT MOST LIKELY, CERTAINLY, I WOULD LIKE TO SEE DISCUSSED BETWEEN GENERAL FILE AND SELECT MIGHT BE HOW WOULD WE TIE THIS FEE TO WHAT SENATOR KINTNER HAS PRODUCED HERE IN TERMS OF THE CPI INDEX. THAT MIGHT MAKE IT EASIER FOR US TO NOT HAVE TO WAIT 20 YEARS AND THEN PLAY A GREAT AMOUNT OF CATCHUP. PART OF THE CONCERN THAT I THINK SENATOR BLOOMFIELD WAS RAISING ON THE FLOOR WAS THIS IS A VERY LARGE PERCENTAGE AND, AFTER 20 YEARS, THEN WE HAVE TO PLAY CATCHUP TO WHAT WE THINK IT MIGHT BE. SO TYING A FEE TO THE CPI MIGHT BE AN EXCELLENT WAY FOR US TO LOOK INTO THE FUTURE. BUT I DO WANT TO THANK MY COLLEAGUE, SENATOR KINTNER. AND REALLY, FOLKS, THIS IS HOW LEGISLATION SHOULD BE DONE: IN A COLLABORATION BETWEEN SENATORS TO SAY, LET'S DO THIS. SENATOR KINTNER AND I HAVE NOT ALWAYS VOTED THE SAME WAY ON BILLS AND I THINK THAT WILL BRING A SMILE TO HIS FACE. BUT THIS IS A CASE IN WHICH WE ARE WILLING TO REACH ACROSS TO ANY ONE OF OUR COLLEAGUES IN THIS BODY, THOSE THAT WE HAVE LONG WORKED WITH AND SOME THAT WE HAVE NOT WORKED WITH AT ALL. IT'S A GREAT LESSON IN HOW YOU MAKE GOOD, IMPROVED LEGISLATION. THE COUNTIES NEED TO INCREASE THIS FEE. IT'S BEEN 20 YEARS. BUT I THINK SENATOR KINTNER'S AMENDMENT IS A SOLID BASIS UPON WHICH TO BASE THIS LEGISLATION. THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. MR. CLERK. [LB88]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO AMEND THE KINTNER AMENDMENT WITH FA5. (LEGISLATIVE JOURNAL PAGE 361.) [LB88]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE WELCOME TO OPEN ON YOUR FLOOR AMENDMENT. [LB88]

SENATOR CHAMBERS. THANK YOU. MR. CLERK, WOULD YOU READ THAT AMENDMENT, PLEASE? [LB88]

ASSISTANT CLERK: THE AMENDMENT WOULD READ, "STRIKE 'THIRTY' AND

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INSERT 'TWENTY' ON LINE 3." [LB88]

SENATOR CHAMBERS: THANK YOU. I HAVE SEVERAL AMENDMENTS, AND I WANT TO BE SURE THAT THE CORRECT ONE IS UP THERE. MEMBERS OF THE LEGISLATURE, I HAD STATED THAT, WHEN THESE AMENDMENTS ARE OFFERED, IT WON'T BE NECESSARY FOR ME TO CRAFT MOTIONS BECAUSE I CAN OFFER AMENDMENTS TO THE AMENDMENT. AND I INTEND TO KEEP US ON THIS BILL UNTIL DOT DOT DOT. WHEN YOU ARE WRITING A STATEMENT AND YOU ARE GOING TO LEAVE IT SUSPENDED, YOU PUT THREE DOTS AFTER IT, SO THAT'S WHY I STATED THAT, BECAUSE I DON'T KNOW HOW LONG "UNTIL" WILL BE. BUT \$35 DOLLARS IS TOO MUCH. ANY AMOUNT ADDED TO THE CURRENT \$15 IS TOO MUCH. SO WITHOUT HAVING TO PUT AN AMENDMENT OF MY OWN ON THE DESK, I CAN TRY TO MASSAGE WHAT THOSE WHO SUPPORT THIS BILL HAVE PUT UP THERE TO GET THE AMOUNT THAT I WOULD BE WILLING TO ACCEPT, WHICH IS A TOKEN AMOUNT. THE REASON THE FIRST AMENDMENT THAT I OFFERED SIMPLY SUBSTITUTED \$20 FOR \$30, WHICH WOULD MAKE THE BILL READ, IF MY AMENDMENT WERE ADOPTED, \$25 RATHER THAN \$35. AND THAT REFERS TO THE AMOUNT UP TO WHICH THE COUNTY BOARD MAY RAISE THIS EXORBITANT, EXTORTING AMOUNT OF MONEY. THERE IS MORE THAN ONE WAY TO INDICATE A LIMIT AS TO HOW MUCH COULD BE ASSESSED BY ANY ASSESSING ENTITY. THEY COULD SAY "UP TO" OR "NOT TO EXCEED" OR "NOT MORE THAN." SO SENATOR KINTNER CHOSE THE LANGUAGE THAT HE DID, BUT I MENTION THOSE OTHER POSSIBILITIES JUST TO SHOW YOU WHAT OTHER KIND OF AMENDMENTS I CAN OFFER BASED ON WHAT HAS BEEN PUT UP THERE BY OTHERS. THE NUMBER OF AMENDMENTS THAT CAN BE OFFERED TO A PROPOSAL WILL BE VIRTUALLY INFINITE IF A PERSON IS WILLING TO SET HIS OR HER MIND TO THE TASK, AND I'M WILLING TO DO THAT. BUT SINCE MONEY IS THE ISSUE, THE FIRST FEW AMENDMENTS THAT I OFFER WILL RELATE TO THE AMOUNT. I CAN AMEND SENATOR KINTNER'S AMENDMENT SO THAT WE WOULD SAY, SUCH FEE SHALL BE SET BY EACH COUNTY BOARD IN AN AMOUNT OF \$3, AND I'D GO FOR THAT IN A NEW YORK MINUTE. SO I'D LIKE TO ASK SENATOR CAMPBELL A QUESTION. [LB88]

PRESIDENT FOLEY: SENATOR CAMPBELL, WOULD YOU YIELD? [LB88]

SENATOR CAMPBELL: CERTAINLY. [LB88]

SENATOR CHAMBERS: AND, SENATOR CAMPBELL, ONE QUESTION MAY LEAD TO ANOTHER, BUT I'LL START WITH ONE. ARE YOU WILLING TO ACCEPT \$3 AS THE AMOUNT THAT THE COUNTY BOARD CAN ASSESS FOR THESE MARRIAGE LICENSES? [LB88]

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SENATOR CAMPBELL: NO, SENATOR CHAMBERS, I WOULD NOT. [LB88]

SENATOR CHAMBERS: BUT YOU CAN SEE THAT I'M TRYING TO SET UP A SITUATION WHERE WE CAN NEGOTIATE. YOU SEE THAT, DON'T YOU? [LB88]

SENATOR CAMPBELL: YES, I DO. [LB88]

SENATOR CHAMBERS: NOW WHAT IS THE ABSOLUTE MINIMUM AMOUNT THAT YOU'D BE WILLING TO ACCEPT? AND IF YOU SAY \$35, THEN I WON'T ASK YOU ANY MORE QUESTIONS. SO THAT IS...IS THAT THE MINIMUM? [LB88]

SENATOR CAMPBELL: SENATOR CHAMBERS, THAT'S REALLY KIND OF A LEADING QUESTION. IF I SAY \$35, YOU'RE NOT GOING TO ASK ME ANY MORE QUESTIONS. I'M GOING TO SAY \$35. (LAUGHTER) [LB88]

SENATOR CHAMBERS: I HAVE NO MORE QUESTIONS. (LAUGHTER) BUT I HAVE NUMEROUS AMENDMENTS. SOME OF THEM ARE JUST FLOATING AROUND IN MY HEAD AT THIS POINT BECAUSE I DON'T HAVE TO HASTEN TO COMMIT THEM TO WRITING BECAUSE, SENATOR FRIESEN, THE ONLY MAN WHO CAN BE SWELTERING AND REMAIN FRIESEN, I HAVE AN AMENDMENT UP THERE THAT I WOULD CALL A FAIL-SAFE AMENDMENT. IT'S A PRIORITY MOTION. SO IF, FOR ANY REASON, I'M DISTRACTED OR I DECIDE THAT I'M TIRED OF DISCUSSING THIS PARTICULAR ASPECT OF THE BILL, THEN I WILL INVOKE MY PRIORITY MOTION. AND I MAY BE ABLE TO JUST WITHDRAW IT IF I WANT TO WITHOUT TAKING IT TO A VOTE AND THEN RESUBMIT IT. AND NATURALLY, I CAN MOVE TO RECONSIDER. SO WE'RE GOING TO BE ON THIS BILL WITHOUT YOU EVER GETTING A VOTE ON THE AMENDMENT THAT SENATOR KINTNER IS OFFERING. LET ME GIVE YOU A CONTEXT ONCE AGAIN. RIGHT NOW, THOSE WHO SUPPORT THIS BILL ARE REMOVING ALL THE STOPS THAT ARE AVAILABLE AT THIS POINT TO OBTAIN APPROVAL OF AN INCREASE IN THIS FEE. IN THE SAME WAY THAT A GROUP OF THEM ARE ON THE WRONG SIDE OF AN ISSUE, DOING EVERYTHING THEY CAN IMAGINE TO TRY TO HAVE THEIR WAY, I, WHO AM ON THE RIGHT OR CORRECT SIDE OF AN ISSUE, INTEND TO DO EVERYTHING I CAN UNDER THE RULES TO STOP THEM. I SAID THAT I WOULD DO IT, AND I INTEND TO DO IT. THAT IS WHAT I'M IN THE PROCESS OF DOING. I'D LIKE TO ASK SENATOR KINTNER A QUESTION. [LB88]

PRESIDENT FOLEY: SENATOR KINTNER, WOULD YOU YIELD? [LB88]

SENATOR CHAMBERS: I WILL WAIT FOR HIM, WHEREVER HE IS. YOU CAN TAKE YOUR TIME, SENATOR KINTNER. I'M A VERY PATIENT MAN. [LB88]

SENATOR KINTNER: YES, I WILL YIELD. [LB88]

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SENATOR CHAMBERS: SENATOR KINTNER, I KNOW THAT WHAT YOU ARE TRYING TO DO, BASED ON WHAT YOU'VE SAID, IS TO FIND A MIDPOINT OR SOME POINT OF COMPROMISE WHERE THE AMOUNT THAT THIS FEE WOULD BE RAISED WOULD NOT BE AS MUCH AS THE BILL BUT NOT TO AS LOW AN AMOUNT AS MAYBE I WOULD PREFER. IS THAT AN ACCURATE STATEMENT? [LB88]

SENATOR KINTNER: THAT IS CORRECT. [LB88]

SENATOR CHAMBERS: WHAT IS THE LOWEST AMOUNT THAT YOU WOULD BE WILLING TO ACCEPT? OR WOULD YOU RATHER NOT SAY AT THIS POINT BECAUSE WE ARE IN THE PROCESS OF PROCESSING YOUR AMENDMENT? [LB88]

SENATOR KINTNER: WELL, I'M AT THE POINT. I FIGURED IT OUT BY TAKING THIS CPI CALCULATOR AND PLUGGING THE NUMBERS IN AND TAKING WHAT IT...WHAT THE VALUE OF THE MONEY WAS THEN VERSUS WHAT THE VALUE OF THE MONEY IS NOW. SO I JUST TOOK IT UP, AND THAT'S EXACTLY WHAT I DID. SO I'M COMFORTABLE WHERE I AM. [LB88]

SENATOR CHAMBERS: AND THIS IS AS LOW AN AMOUNT AS YOU'RE WILLING TO GO, THIS \$35? [LB88]

SENATOR KINTNER: THAT IS CORRECT. [LB88]

SENATOR CHAMBERS: SO THEN YOU'RE NOT REALLY WILLING TO COMPROMISE, ARE YOU? YOU'RE WILLING TO CUT A DEAL WITH A PERSON WHO IS ON YOUR SIDE. [LB88]

SENATOR KINTNER: RIGHT. [LB88]

SENATOR CHAMBERS: COMPROMISES ARE MADE WITH PEOPLE WHO DISAGREE WITH YOU. SO YOU AND SENATOR CAMPBELL ARE NOT AT ODDS OR FOES. YOU DON'T HAVE TO COMPROMISE BECAUSE YOU'RE ALREADY IN AGREEMENT. ALL YOU DID WAS CUT A DEAL. I'M THE ONE WHO IS ON THE OTHER SIDE. BUT YOU DON'T WANT TO COMPROMISE WITH ME, DO YOU, SINCE YOU ARE AT THE STICKING POINT? LET ME SAY IT IS A DIFFERENT WAY. SINCE \$35 IS YOUR MINIMUM, AS FAR AS LOWERING THE AMOUNT FROM WHAT THE BILL SAYS ORIGINALLY, THERE IS NOTHING YOU CAN DO AS FAR AS COMPROMISING WITH SOMEBODY TO MAKE IT LOWER THAN THAT. CORRECT? [LB88]

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SENATOR KINTNER: YES. I AM THE COMPROMISE. THAT'S HOW WE GOT TO MY NUMBER. I AM THE COMPROMISE. [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: BUT YOU'RE NOT WILLING TO COMPROMISE WITH ME THEN. IS THAT CORRECT? [LB88]

SENATOR KINTNER: CORRECT. [LB88]

SENATOR CHAMBERS: THANK YOU. AND THAT'S AN INCORRECT POSITION FOR HIM TO TAKE. SEE, WHAT SENATOR KINTNER DID, HE'S GOT HIS HEAD IN THE LION'S MOUTH, THEN HE PULLED THE LION'S TAIL. WHAT HAPPENS IN A SITUATION LIKE THAT? THEY DON'T EVEN DO THAT IN THE CIRCUS WHERE THEY'RE VERY CRUEL TO THE ANIMALS. SO ALL I CAN DO, SINCE I MADE AN OFFER AND IT WAS REFUSED, IS TO POSE A QUESTION TO THE ONE WHOSE BILL IT IS. BUT I'LL TURN ON MY LIGHT BECAUSE I KNOW MY TIME IS OUT ON MY OPENING. THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD. [LB88]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I FIND SENATOR KINTNER'S AMENDMENT INTERESTING, BUT I ALSO HAVE SOME CURIOSITY ABOUT IT. I KNOW OF NO OTHER STATE IN THE UNION, AND I DON'T PRETEND TO BE A LEGAL SCHOLAR, BUT I KNOW OF NO OTHER STATE THAT ALLOWS EACH COUNTY TO DESIGNATE WHAT THE AMOUNT WILL BE. I THINK WE MIGHT HAVE A PROBLEM THERE. I GOING TO ASK THE LEGAL PEOPLE THAT DO UNDERSTAND THESE THINGS TO LOOK AT THAT, IF WE CAN IN FACT GO THERE. SO WHETHER THAT AMOUNT BE \$35, OR AS LONG AS WE OPEN IT UP TO EACH COUNTY TO DECIDE, OR \$50, AS I STAND RIGHT NOW, I'M GOING TO HAVE A LITTLE BIT OF PROBLEM WITH SENATOR KINTNER'S AMENDMENT. I WOULD LIKE TO BE ABLE TO SUPPORT IT AND GET THE MAXIMUM AMOUNT DOWN TO \$35, AT WHICH POINT I WOULD STILL CONTINUE TO OPPOSE THE BILL. BUT WE WOULD BE DOING AT LEAST LESS HARM. WE WOULD NO LONGER BE AT 300 PERCENT. WE'D BE JUST SLIGHTLY OVER 200 PERCENT WHICH, WHILE UNACCEPTABLE, IS BETTER THAN 300 PERCENT. SO WE NEED TO DO A LITTLE MORE LOOKING AT SENATOR KINTNER'S IDEA AND SEE IF WE CAN LEAVE A FLEXIBLE AMOUNT FOR THE COUNTIES TO DECIDE. I'M NOT SURE. PERHAPS SENATOR CHAMBERS WILL HAVE AN OPINION ON THAT. AND I WILL YIELD MY TIME TO HIM IF HE WOULD LIKE TO DISCUSS THAT. [LB88]

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PRESIDENT FOLEY: SENATOR CHAMBERS. [LB88]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. AND AS A NONLAWYER, YOU JUMPED TO THE HEART OF THE ISSUE PREMATURELY. YOU RAISED AN ISSUE, BUT I WANTED TO NIBBLE AROUND THE EDGES FIRST. WHAT I WOULD LIKE TO DO IS ASK SENATOR SEILER A QUESTION OR TWO ON THE VERY ISSUE THAT YOU RAISED. [LB88]

PRESIDENT FOLEY: SENATOR SEILER, WOULD YOU YIELD? [LB88]

SENATOR SEILER: I WILL YIELD. [LB88]

SENATOR CHAMBERS: SENATOR SEILER, THE LANGUAGE IN QUESTION THAT SENATOR BLOOMFIELD BROUGHT TO US TALKS ABOUT EACH COUNTY BOARD BEING ABLE TO SET THE AMOUNT FOR A WEDDING...A MARRIAGE LICENSE UP TO \$35. HERE IS THE QUESTION THAT I WOULD ASK OF YOU, AND SENATOR BLOOMFIELD WOULD LIKE AN ANSWER ALSO: FIRST OF ALL, ARE MARRIAGE LICENSES REQUIRED BY THE STATE OR BY THE COUNTY? [LB88]

SENATOR SEILER: I THINK THE MARRIAGE LICENSES ARE REQUIRED BY THE STATE AND THEY'RE FILED, I BELIEVE, WITH THE COUNTY, AND THEN THEY'RE FORWARDED TO THE BUREAU OF VITAL STATISTICS. [LB88]

SENATOR CHAMBERS: RIGHT. BUT IT IS A STATE-REQUIRED DOCUMENT? [LB88]

SENATOR SEILER: THAT IS CORRECT. [LB88]

SENATOR CHAMBERS: CURRENTLY, EVERY COUNTY CHARGES THE SAME AMOUNT FOR THIS STATE-REQUIRED DOCUMENT, AND THAT'S \$15. WOULD IT BE CONSTITUTIONAL TO HAVE THAT WHICH IS REQUIRED BY THE STATE COST DIFFERING AMOUNTS IN EACH COUNTY BASED ON WHAT THE COUNTY WANTS TO CHARGE? OR IS IT A CHARGE WHICH... [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS ...MUST BE SET BY THE STATE THAT WOULD BE THE SAME IN EVERY COUNTY FOR THIS STATE-MANDATED PAPER? WHAT WOULD YOUR THOUGHT BE ON THAT? [LB88]

SENATOR SEILER: WELL, MY THOUGHT ON THAT IS, IS THAT THE COUNTY COULD CHARGE FOR ITS LABOR AND IT MAY VARY CLEAR ACROSS THE STATE. SO IF THIS IS TO REFLECT WHAT THEIR COSTS ARE, THEY COULD

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VARY. AND THEY DO IN OTHER INSTANCES: ON HOW MUCH THEY CHARGE YOU FOR COPIES, THINGS LIKE THAT. [LB88]

SENATOR CHAMBERS: BUT... [LB88]

SENATOR SEILER: THE STATE I DON'T THINK HAS A MINIMUM AMOUNT OR A REQUIRED AMOUNT DICTATED IN ITS STATUTE. I BELIEVE THAT'S LEFT TO THE COUNTIES TO CHARGE. [LB88]

SENATOR CHAMBERS: WELL, IF THE COUNTIES CAN CHARGE WHAT THEY WANT TO, WHY DON'T THEY JUST SET A HIGHER RATE THAN \$15? THIS NOT A FEE, OR WHATEVER YOU CALL IT, TO REIMBURSE COUNTY EMPLOYEES FOR WORK. IT'S A FEE... [LB88]

PRESIDENT FOLEY: TIME. [LB88]

SENATOR CHAMBERS: ...SET BY THE STATE. THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CAMPBELL. [LB88]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. AND FOR THE QUESTION THAT SENATOR CHAMBERS IS ASKING, WE ARE DOING SOME RESEARCH RIGHT NOW TO TRY TO FIND OUT OTHER EXAMPLES WHERE A RANGE IS PUT INTO STATUTE. SO, SENATOR CHAMBERS, WE ARE WORKING ON YOUR QUESTION AND IT IS A GOOD QUESTION. I PUT MY LIGHT ON TODAY BECAUSE SENATOR SMITH REMINDED ME THE OTHER DAY THAT WHEN WE ARE IN AN EXTENDED DEBATE, USING SENATOR CHAMBERS' TERM, OR WHAT OTHER PEOPLE'S TERMS MIGHT BE A FILIBUSTER, THAT WE CERTAINLY HAVE THE RIGHT AS SENATORS TO STAND UP AND TALK ABOUT ISSUES OR OTHER MATTERS IF WE SO WISH. AND SO I WANT TO CHOOSE THIS TIME TO TALK A LITTLE BIT ABOUT WHAT HAPPENS IN EXTENDED DEBATE AND THE LESSONS I'VE LEARNED. AND ONE OF THE EXPERIENCES THAT IS JUST INDELIBLY IMPRESSED IN MY MEMORY IS WHEN I WAS A FRESHMAN. AND I'M GOING TO NOT NAME NAMES TO PROTECT THE PEOPLE, BUT I HAD A LOBBYIST COME AND SAY, WE HAVE A VERY SIMPLE BILL FOR YOU TO CARRY. AND I LOOKED AT IT AND I READ IT AND IT...YOU KNOW, I THOUGHT, WELL, THIS IS A SIMPLE BILL, IT'S OKAY. AND I WENT...I THINK IT MIGHT HAVE BEEN MY FIRST BILL IN COMMITTEE, AND THAT WENT FINE AND PUT IT ON THE FLOOR. AND WE HAD A LOT OF DISCUSSION ONE DAY, AND SO IT APPEARED ON THE AGENDA THE NEXT DAY. AND I WAS ANSWERING QUESTIONS AND I THOUGHT I WAS DOING FINE. AND SENATOR KARPISEK STOOD UP AND SAID, COLLEAGUES, I WANT TO

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MAKE THIS VERY CLEAR TO ALL OF YOU, THAT WE ARE IN A FILIBUSTER ON THIS BILL. OKAY, I...YOU KNOW, IT'S LIKE I HAD, HAD 20 CUPS OF COFFEE. YOU KNOW, I'M LIKE, REALLY, OH, MY GOSH, WHAT'S GOING TO HAPPEN HERE? AND SO, TO SET THE CONTEXT FOR YOU, THIS WAS ON A THURSDAY AFTERNOON BEFORE A FOUR-DAY RECESS, AND THAT THURSDAY AFTERNOON HAPPENED TO BE THE THURSDAY BEFORE EASTER WEEKEND. AND MY COLLEAGUES WERE ALL IN THEIR CHAIRS. MANY OF THEM HAD THEIR CARS PACKED. THEY WERE READY TO GO HOME. AND I WAS STANDING BETWEEN THEM AND GOING HOME. SO THE QUESTION THEN ARISES: AT WHAT POINT DO YOU SAY, I'M GOING TO WITHDRAW THIS BILL? AND IT SEEMED AS IF SO MUCH WAS WHIRLING AROUND ME. AND IT WAS LIKE I KEPT SAYING TO MYSELF, I NEED TO FOCUS HERE, I NEED TO FOCUS, WHAT AM I DOING, BECAUSE SO MANY PEOPLE WERE TALKING--YOU KNOW, DO THIS, DO THAT, DO THIS, DO THAT, THIS IS DAH DAH DAH DAH DAH DAH. AND SPEAKER FLOOD TOOK ME OUT INTO THE ROTUNDA AND IT WAS JUST THE TWO OF US. AND HE SAID, SENATOR CAMPBELL, I WANT TO MAKE SOME POINTS TO YOU AND LET YOU KNOW WHAT YOUR OPTIONS ARE. AND HE DESCRIBED THE OPTIONS: I COULD CONTINUE THE BILL; I COULD WITHDRAW THE BILL; AND, MOST IMPORTANTLY, HE WANTED ME TO KNOW THAT, AS THE INTRODUCER OF A BILL, I HAD CONTROL OF THAT BILL. SO NO MATTER WHAT MY COLLEAGUES WERE SAYING INSIDE OR WHAT THE LOBBYISTS WERE SAYING... [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CAMPBELL: ...ON THE OUTSIDE, I CONTROLLED THAT BILL. AND SO I HAD THEN THAT TIME TO FOCUS AND REALIZE THAT, WHILE THIS WAS A SIMPLE BILL, IT PROBABLY NEEDED MORE WORK. AND SO I WALKED INTO THE CHAMBERS AND I WITHDREW THAT BILL. I WILL NOT BE WITHDRAWING THIS BILL THAT WE HAVE BEFORE US BECAUSE I'M VERY COMMITTED AND REALIZE THAT THE COUNTIES DO NEED AN INCREASE IN THIS FEE AFTER 20 YEARS. THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. SENATOR CHAMBERS. [LB88]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, WHAT ALSO COULD HAVE BEEN PRESENTED TO SENATOR CAMPBELL IS THAT SHE COULD ASK THAT THE BILL BE PASSED OVER AND SHE WOULDN'T HAVE TO WITHDRAW IT AND IT WOULD NOT BE DEAD. I ASK HER, DID SHE...WOULD SHE WITHDRAW THE BILL? SHE SAID NO. IF SHE'D HAVE SAID YES, WE'D HAVE DONE IT THEN. SHE SAID SHE IS NOT GOING TO, SO I'M GOING TO DO WHAT I SAID THAT I WOULD DO. AND THAT'S ANOTHER

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THING THAT THE NEW PEOPLE ARE GOING TO LEARN: THAT I WILL. AND WE REACH A POINT IN THE PROCEEDINGS WHERE THE RULES ARE WHAT WILL DETERMINE HOW LONG WE'LL DEAL WITH A BILL. I OFFERED THE TOP NEGOTIATOR--I OFFERED SENATOR CAMPBELL'S HENRY KISSINGER--A CHANCE TO NEGOTIATE AND HE SAID NO. APPARENTLY, HE IS SPEAKING FOR HER. BUT I USE THE WORD "APPARENTLY." SINCE SENATOR CAMPBELL IS HERE AND ABLE TO SPEAK FOR HERSELF, I WOULD LIKE TO ASK HER A QUESTION. [LB88]

PRESIDENT FOLEY: SENATOR CAMPBELL, WOULD YOU YIELD? [LB88]

SENATOR CAMPBELL: CERTAINLY, MR. PRESIDENT. THANK YOU. [LB88]

SENATOR CHAMBERS: FIRST QUESTION: IF SENATOR KINTNER'S LIFE WAS ON THE LINE, WOULD YOU WITHDRAW THIS BILL? [LB88]

SENATOR CAMPBELL: CERTAINLY. [LB88]

SENATOR CHAMBERS: AND IF I TELL YOU THAT IT IS, DO YOU TRUST ME? YOU WANT TO ROLL THE DICE? [LB88]

SENATOR CAMPBELL: SENATOR CHAMBERS, I WOULD NEVER SACRIFICE A LIFE AS THE WAY YOU ARE PUTTING THE PARENTHESES AROUND THIS QUESTION. IF SENATOR KINTNER'S LIFE DEPENDED ON IT, I THINK I KNOW WHAT MY ANSWER IS, VERY CLEAR. [LB88]

SENATOR CHAMBERS: WELL, IF MINE DEPENDED ON IT, WOULD YOU WITHDRAW IT? [LB88]

SENATOR CAMPBELL: SENATOR CHAMBERS, EVERYONE'S LIFE IS MORE IMPORTANT THAN A BILL. IF THAT'S TRULY WHAT THE QUESTION IS, IF THAT'S TRULY WHAT MY CHOICE WOULD BE, I WOULDN'T SACRIFICE YOUR LIFE FOR A BILL. [LB88]

SENATOR CHAMBERS: THAT IS SO TOUCHING YOU ALMOST PERSUADE ME TO ALTER MY COURSE BUT NOT QUITE. HERE IS THE SERIOUS QUESTION THAT I WILL ASK. SENATOR KINTNER SAID THAT \$35 IS HIS ABSOLUTE MINIMUM. IT IS YOUR BILL. BUT YOU DON'T HAVE COMPLETE CONTROL OF THE BILL, CONTRARY TO WHAT SPEAKER FLOOD SAID. THERE ARE CERTAIN THINGS THAT CAN BE DONE WITH THE BILL BY YOU SINCE YOU ARE THE INTRODUCER. BUT WHEN THE BILL IS ON THE FLOOR, YOU DON'T HAVE COMPLETE CONTROL. AND I THINK YOU KNEW HE WAS SPEAKING ADVISEDLY IN THAT SETTING. IS \$35 YOUR ABSOLUTE MINIMUM ALSO? [LB88]

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SENATOR CAMPBELL: SENATOR CHAMBERS, I BELIEVE THAT THE CONVERSATION THAT I'VE HAD WITH SENATOR KINTNER, IN TERMS OF OUR COMPROMISING AND WORKING OUT, THAT, YES, I WOULD SAY \$35 IS WHERE I WOULD STAY. [LB88]

SENATOR CHAMBERS: THANK YOU. NOW HERE IS THE OTHER QUESTION. WAS SENATOR KINTNER AGAINST YOUR BILL AT THE TIME YOU AND HE BEGAN DOING WHATEVER YOU ALL DID THAT YOU CHARACTERIZE AS COMPROMISE? WAS HE AGAINST THE BILL? [LB88]

SENATOR CAMPBELL: SENATOR CHAMBERS, I DID NOT DIRECTLY ASK HIM THAT QUESTION, BUT I KNEW WHEN HE CAME TO TALK TO ME THAT HE HAD, CERTAINLY, RESERVATIONS--AND VERY STRONG RESERVATIONS--ABOUT THE CONTEXT OF THE BILL AND WHAT WAS... [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CAMPBELL: ...CONTAINED IN IT. [LB88]

SENATOR CHAMBERS: BUT HE DIDN'T SAY FORTHRIGHTLY, IN THE WAY THAT I DID, THAT HE IS AGAINST THE BILL. HE NEVER SAID THAT DIRECTLY, CORRECT? [LB88]

SENATOR CAMPBELL: THAT IS CORRECT, SENATOR. [LB88]

SENATOR CHAMBERS: SENATOR, I HAVE ANOTHER QUESTION OR TWO. BUT MY TIME ON THIS OPPORTUNITY TO SPEAK IS EXPIRING, SO I'LL PUT MY LIGHT ON AGAIN. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SEILER. EXCUSE ME. MR. CLERK FOR AN ANNOUNCEMENT. [LB88]

ASSISTANT CLERK: MR. PRESIDENT, I DO HAVE AN ANNOUNCEMENT. THE RETIREMENT COMMITTEE WILL HAVE AN EXECUTIVE SESSION IN ROOM 2022 AT 10:00. [LB88]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR SEILER. [LB88]

SENATOR SEILER: WILL SENATOR CHAMBERS YIELD? [LB88]

PRESIDENT FOLEY: SENATOR CHAMBERS, WOULD YOU YIELD? [LB88]

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SENATOR CHAMBERS: YES, I WILL. [LB88]

SENATOR SEILER: SENATOR CHAMBERS, I...WE GOT SHORTCHANGED ON OUR TIME ON THE QUESTION YOU ASKED ME, SO I'D LIKE TO RESPOND. COUNTIES, UNDER LEGISLATIVE 33-110, ARE GIVEN A FEE AS SET OUT AND WHAT THEY CAN AND CANNOT CHARGE FOR. AND IN THIS CASE, THE FEE IS THEN DEPOSITED IN THE COUNTY GENERAL FUND. THE QUESTION I HAVE...IF THE FEE IS NOT FOR SERVICES RENDERED, THEN IT COULD WELL BE A TAX. AND IT WOULD APPEAR TO ME THAT THIS IS JUST ANOTHER TAX, NOT A FEE, IF IT DOESN'T HAVE A CORRELATION TO THE AMOUNT OF SERVICES PROVIDED. [LB88]

SENATOR CHAMBERS: IS THERE A PROVISION IN THE NEBRASKA CONSTITUTION THAT TAXES MUST BE UNIFORM THROUGHOUT THE STATE? [LB88]

SENATOR SEILER: THAT'S CORRECT. THAT'S WHAT IT... [LB88]

SENATOR CHAMBERS: AND THIS IS A STATE-MANDATED DOCUMENT WE'RE SPEAKING OF. IT IS REQUIRED THROUGHOUT THE STATE. SO WOULDN'T THE AMOUNT, SINCE IT IS A TAX, HAVE TO BE UNIFORM THROUGHOUT THE STATE AND ONE COUNTY COULDN'T SAY THIS AND ANOTHER COUNTY SAY THE OTHER? [LB88]

SENATOR SEILER: THAT IS CORRECT. [LB88]

SENATOR CHAMBERS: SO THE WORDING OF THIS LANGUAGE ON THE PARTICULAR THING WE ARE TALKING ABOUT HERE WOULD NOT WITHSTAND CONSTITUTIONAL MUSTER, IN YOUR OPINION. [LB88]

SENATOR SEILER: IN MY OPINION, IT WOULD NOT, BECAUSE IT DOESN'T REFER TO THE SERVICES THAT IT'S ACTUALLY PERFORMED. [LB88]

SENATOR CHAMBERS: THANK YOU. AND SENATOR SEILER WAS CORRECT. WE DID GET SHORTCHANGED, AND I FORGOT TO COME BACK TO YOU BECAUSE I WAS DISTRACTED. BUT SENATOR BLOOMFIELD HAD RAISED THE ISSUE. AND SINCE IT'S YOUR TIME, I'M NOT GOING TO STRETCH IT UNLESS YOU'RE GOING TO GIVE ME THE REST OF IT. [LB88]

SENATOR SEILER: I'LL YIELD THE REST OF MY TIME, MR. SPEAKER, TO SENATOR CHAMBERS. [LB88]

PRESIDENT FOLEY: ROUGHLY, 3:00, SENATOR. [LB88]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SEILER. AND I DO WANT TO FOLLOW THE RULES. SENATOR CAMPBELL, SENATOR KINTNER, AND OTHERS MAY LEARN SOMETHING FROM THIS EXTENDED DEBATE. I HAVE SOME PRIORITY MOTIONS THAT I COULD OFFER AND I COULD HAVE BEEN DOING THE TALKING. BUT, IF YOU REMEMBER, I SAID I CAN FIDDLE WITH YOUR AMENDMENTS NOW, WHAT YOU'RE DOING. NOT ONLY ARE YOU HELPING ME TO RUN OUT THE CLOCK, BUT IF I HAD WANTED TO THROW IN THE TOWEL AND BE WILY, I WOULD HAVE LET YOU GO AHEAD AND GET YOUR AMENDMENT AND THE BILL WOULD HAVE BEEN STRUCK DOWN AS UNCONSTITUTIONAL. YOU CAN LISTEN TO STAFF IF YOU WANT TO. THEY DO THE BEST THAT THEY CAN. I'M NOT CONDEMNING THEM. I'M NOT CRITICIZING THEM. I'M NOT CONDEMNING SENATOR KINTNER. BUT THERE IS A SPANISH PROVERB: SHOEMAKER TO THY LAST, L-A-S-T. THAT MEANS--THAT'S A MACHINE THAT HAS SOMETHING TO DO WITH THE CONSTRUCTION OF SHOES--DO THAT WHICH YOU KNOW HOW TO DO. NOW, IF SENATOR CAMPBELL IS WILLING TO ACCEPT WHAT SENATOR KINTNER, WHO IS NOT A LAWYER, BROUGHT TO HER...AND I BELIEVE IT'S CLEARLY UNCONSTITUTIONAL. AND REMEMBER, SENATOR BLOOMFIELD POINTED OUT THAT HE'S NOT A LAWYER, BUT HE PICKED IT UP IMMEDIATELY. I DID WANT TO FIDDLE WITH THE AMENDMENT FOR A WHILE BEFORE PUTTING THE KIBOSH ON IT. BUT SINCE HE RAISED A VALID ISSUE, IT SHOULD BE ADDRESSED AT THAT TIME. [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: IF THERE IS AN AMOUNT SET FOR LICENSE PLATES, COUNTIES CANNOT SAY, WELL, IT COSTS US SO MUCH AND SO MUCH TO PROCESS THE PLATES, SO WE'RE GOING TO TACK SOMETHING ELSE ON IT TO PAY FOR THE AMOUNT OF WORK THAT GOES INTO IT. THAT IS NOT THE WAY THE LAW WORKS. THAT'S NOT THE WAY THE CONSTITUTION WORKS. BUT IF THAT'S WHAT YOU ALL WANT TO DO--AND YOU'RE GOING TO HAVE SOME OTHER BILLS WHERE LOBBYISTS ARE GOING TO TELL YOU, IGNORE WHAT THE SUPREME COURT DID, BUT THESE LOBBYISTS ARE PAID TO GET YOU TO DO SOMETHING--YOU NEED TO THINK AND YOU NEED TO EVALUATE AND LISTEN. THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD. [LB88]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. I ALSO WANT TO THANK SENATOR CHAMBERS AND SENATOR SEILER, WITH THEIR LEGAL TRAINING, BEING ABLE TO WORK THIS OUT TO ANSWER MY QUESTION IN THE WAY THAT

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I KIND OF FELT IT MIGHT GO. I TALKED BRIEFLY TO SENATOR KINTNER. HE SAYS HE TALKED TO AN ATTORNEY THAT HAS A DIFFERENT OPINION. WHEN HE RETURNS TO THE FLOOR, I WILL YIELD MY TIME TO HIM. BUT BEING AS I'M ON MY TIME RIGHT NOW AND WE'RE BURNING A LITTLE TIME, TO THE NEW SENATORS IN THE BODY, IF YOU OBSERVE UP HERE ON THIS FRONT DESK, THERE'S A GROWING STACK OF BOOKS. SENATOR CHAMBERS ALSO HAS A SET BACK THERE. THESE ARE THE BILLS IN PAPER FORM. I HAVE ASKED FOR A COPY OF THEM TO BE PROVIDED TO ME. THEY ARE KEPT AT THIS OPEN SPOT FOR EVERYONE THAT WISHES TO USE THEM TO BE ABLE TO GET TO. SO THEY ARE AVAILABLE TO YOU IN A PAPER FORM IF YOU CHOOSE TO LOOK AT ANYTHING. THEY'RE YOUR BOOKS MORE THAN THEY ARE MINE, SO FEEL FREE TO USE THIS STACK OF BOOKS. AND I'M SURE SENATOR CHAMBERS WOULD MAKE YOU THE SAME ARRANGEMENT. AND WITH THAT, I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR KINTNER. [LB88]

PRESIDENT FOLEY: SENATOR KINTNER, 3:30, SENATOR. [LB88]

SENATOR KINTNER: WELL, THANK YOU, SENATOR BLOOMFIELD. AND, YOU KNOW, WE GET INTO THESE EXTENDED DEBATES. I GUESS WE'RE FIVE AND A HALF HOURS INTO THIS THING. IT GETS TO THE POINT WHERE I THINK I'D RATHER HEAR MY VOICE THAN SENATOR CHAMBERS' IF ONLY FOR TWO MINUTES. BUT, YOU KNOW, IN THIS...WHAT I WANTED TO DO WITH THIS IS I WANTED TO GIVE SOME FLEXIBILITY. THIS IS A FEE. IT'S NOT A TAX. IT'S A FEE FOR A SERVICE. YOU KNOW, YOU DON'T KNOW WHAT THE COURTS ARE GOING TO SAY. IF WE KNEW, WE...THE, YOU KNOW, HORSE RACING, CIGAR BARS, I MEAN, WE GOT NO IDEA WHAT THE COURT IS GOING TO SAY ON THESE THINGS. BUT, YOU KNOW, THIS IS CERTAINLY A SERVICE WE'RE PROVIDING, PROVIDING A MARRIAGE LICENSE. YOU'RE PAYING FOR THAT SERVICE. IT'S NOT A TAX. IT'S NOT A GENERAL TAX. IT'S A FEE AND I'M CONFIDENT WITH THAT. BUT THE POINT I WAS GETTING TO HERE IS THAT I JUST DIDN'T WANT TO MANDATE SOME AMOUNT AND THEN THE, YOU KNOW, COUNTY COMMISSIONERS, WELL, THAT'S IT, THEY SAY IT'S GOING TO BE 30 BUCKS, IT'S GOING TO BE 30 BUCKS. NO. I WANTED TO THROW IT BACK ON THEM A LITTLE BIT AND LET THEM CORRELATE THIS TO THEIR ACTUAL COSTS. LET THEM SET THE FEE, UP TO \$35, AND THEN THEY HAVE TO GO FACE THE VOTERS AND SAY, THIS IS WHY WE DID THIS. YOU KNOW, I'M A BIG ACCOUNTABILITY AND TRANSPARENCY GUY, AND I REALLY THINK THAT, YOU KNOW, ANYTIME THAT WE CAN HOLD OUR ELECTED OFFICIALS ACCOUNTABLE, INCLUDING THIS BODY AND MYSELF, WE SHOULD DO THAT. SO I THINK IT'S A GREAT WAY TO KEEP THE COSTS DOWN. YOU KNOW, THEY ARE...AND I THINK THEY WILL BE MORE HESITANT TO RAISE THE COST IN SOMETHING THEY CAN'T JUSTIFY. I DON'T KNOW EXACTLY WHAT THEIR TRUE COST IS. I REALLY DON'T. ALL I COULD DO WAS GET OUT THE CPI

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CALCULATOR AND FIGURE OUT, YOU KNOW, WHAT WE WERE CHARGING 25 YEARS AGO AND WHAT THAT EQUALS TODAY. THAT'S AS CLOSE AS I COULD COME TO GETTING A TRUE COST. THEY KNOW THEIR TRUE COSTS. LET THEM SET IT, UP TO \$35, AND THEN LET THEM GO FACE THE VOTERS AND JUSTIFY THAT. I THINK THAT'S A GREAT WAY TO DO IT. I THINK WE CAN HOLD THEM ACCOUNTABLE FOR THAT. AND I THINK THAT THAT'S A PRUDENT WAY TO DO IT UNLESS SOMEONE CAN COME UP WITH THE EXACT COST, WHICH IS NOT THE SAME IN ALL 93 COUNTIES. THERE IS YOUR PROBLEM. IT'S A DIFFERENT COST IN DIFFERENT COUNTIES. SO I THINK THIS THE PRUDENT WAY TO DO IT. I ENCOURAGE... [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR KINTNER: ...EVERYONE TO SUPPORT THIS. THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATORS KINTNER AND SENATOR BLOOMFIELD. SENATOR CHAMBERS. [LB88]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I'D LIKE TO ASK SENATOR BLOOMFIELD A QUESTION. [LB88]

PRESIDENT FOLEY: SENATOR BLOOMFIELD, WOULD YOU YIELD? [LB88]

SENATOR BLOOMFIELD: YES, I WOULD. [LB88]

SENATOR CHAMBERS: SENATOR BLOOMFIELD, YOU APPARENTLY COMMUNICATE BETTER WITH SENATOR KINTNER THAN I DO. DID HE ANSWER YOUR QUESTION ABOUT THE VALIDITY OF ALLOWING THAT SLIDING SCALE WHEN THE MONEY IS GOING TO GO INTO THE GENERAL FUND? [LB88]

SENATOR BLOOMFIELD: I THINK HE ATTEMPTED TO, BUT HIS DISCUSSION DID NOT PERSUADE ME THAT IT IS, IN FACT, LEGAL. I AM INCLINED TO AGREE WITH YOU AND SENATOR SEILER THAT THIS IS A TAX UNDER A DIFFERENT NAME. AS I SAID YESTERDAY, A TAX IS A TAX IS A TAX; UNDER ANY OTHER NAME, IT'S JUST AS UGLY. LIKE A ROSE IS A ROSE, ANY OTHER NAME... [LB88]

SENATOR CHAMBERS: THANK...OH. [LB88]

SENATOR BLOOMFIELD: ...SMELLS AS SWEET. [LB88]

SENATOR CHAMBERS: THANK YOU. [LB88]

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SENATOR BLOOMFIELD: I GUESS WE ARE ON YOUR TIME, SO. [LB88]

SENATOR CHAMBERS: OKAY. HERE IS WHAT I'M GOING TO SAY ABOUT WHAT WE HAVE DISCUSSED. I'M SAVING SENATOR CAMPBELL FROM HERSELF BY FOLLOWING...BY HER FOLLOWING SENATOR KINTNER. HE SAYS WE DON'T KNOW WHAT THE COURT IS GOING TO SAY. I CAN SHOW INSTANCES WHERE I PREDICTED WHAT THE COURT WOULD SAY BETTER THAN ANYBODY ELSE. IN ONE CASE, THE INTRODUCER OF A BILL ASKED THE GOVERNOR TO VETO IT AND THE GOVERNOR VETOED IT. AND HERE IS THE ARGUMENT THAT I GAVE. I READ THE ARTICLE YESTERDAY. I'M GOING TO GIVE A LITTLE BACKGROUND SO YOU WILL UNDERSTAND MY LEGAL REASONING. THE BILL DEALT WITH AN ISSUE THAT A JAILER IN SOME LITTLE TOWN RAISED. SENATOR WALLMAN, WHO REPRESENTED THAT AREA, BROUGHT SOMETHING THAT THE JAILER WANTED. AND THE JAILER IS NOT A LAWYER. AND THE JUDICIARY COMMITTEE, OF WHICH I WAS NOT A MEMBER AT THAT TIME BECAUSE I HAD BEEN TERM LIMITED, PASSED A BILL THAT SAID ANYTHING THAT IS LISTED ON A SIGN BY THE JAIL AS CONTRABAND IS CONTRABAND, AND IF YOU BRING ANYTHING CONTRABAND INTO THE PRISON, THE JAIL, THAT IS A MISDEMEANOR, WHICH IS A CRIME. THE CONSTITUTION AND THE STATUTES MAKE IT CLEAR THAT THE ONLY BODY IN POWER TO AUTHORIZE TO CREATE CRIMES IS THE LEGISLATURE. THE SPEAKER OF THE LEGISLATURE, SENATOR FLOOD, DIDN'T KNOW IT. THE CHAIRPERSON OF THE JUDICIARY COMMITTEE, SENATOR ASHFORD, DIDN'T KNOW IT. OTHER LAWYERS IN THE BODY AT THAT TIME DIDN'T KNOW IT, AND THEY PASSED THAT BILL WITHOUT A DISSENTING VOTE. HAD THE WORLD-HERALD NOT WRITTEN AN ARTICLE ABOUT THE BILL, I WOULD NOT HAVE KNOWN ABOUT IT. BUT AS SOON AS I READ THE SMALL ITEM, AND IT WAS NOT TO CRITICIZE THE BILL, JUST TO SAY WHAT HAD BEEN DONE, I TOOK THE TIME TO WRITE. I DON'T REMEMBER HOW MANY PAGES THE LETTER RAN, BUT IT WAS LIKE A BRIEF. AND I STARTED WITH THE FACT THAT NOTHING IN THIS STATE IS A CRIME UNLESS THE LEGISLATURE DECLARES IT TO BE SO. NO OTHER ENTITY CAN CREATE A CRIME, NOT THE COURTS, NOT THE GOVERNOR, NOT THE JAILERS, OR ANYBODY ELSE. AND THE GOVERNOR KNEW THAT I WAS CORRECT, BUT HE WANTED TO STAY ON GOOD TERMS WITH THE LEGISLATURE. AND THEY WERE THE ONES... [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: ...WHO SENT IT OVER TO HIS DESK. SO HE TALKED TO SENATOR FLOOD, AND SENATOR FLOOD DIDN'T WANT TO EMBARRASS THE LEGISLATURE BY ASKING THE GOVERNOR TO SEND THE THING BACK. AND SENATOR FLOOD TALKED TO ME, AND YOU CAN ASK HIM, IF ANY OF YOU TALK TO HIM. THE LEGISLATURE COULD HAVE ASKED THE GOVERNOR TO RETURN THE BILL, AND THE GOVERNOR WOULD HAVE RETURNED IT. BUT THEN THE

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LEGISLATURE WOULD HAVE HAD TO KILL THAT WHICH IT SENT OVER TO THE GOVERNOR WITHOUT A DISSENTING VOTE, AND THEY WOULD HAVE HAD TO ADMIT THAT NOBODY ON THE LEGISLATIVE FLOOR CAUGHT AN OBVIOUS BLUNDER. SO THEY WORKED WITH SENATOR WALLMAN AND THEY AGREED THAT, SINCE THE LEGISLATURE HAD SENT IT TO THE GOVERNOR, THE THING TO DO IS LET THE GOVERNOR DEAL WITH THE BILL IN THE WAY IT SHOULD BE DEALT WITH, AND THAT WAS TO VETO IT. HAD I NOT INTERVENED, THE GOVERNOR WOULD HAVE SIGNED THAT BILL. BUT I ALSO LET HIM KNOW... [LB88]

PRESIDENT FOLEY: TIME, SENATOR. [LB88]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KINTNER, YOU'RE RECOGNIZED. SENATOR KINTNER WAIVES. SENATOR CAMPBELL. [LB88]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I HAD AN OPPORTUNITY TO HAVE A CONVERSATION OFF THE MIKE WITH SENATOR SEILER. AND SO, MR. PRESIDENT, WOULD SENATOR SEILER YIELD TO A QUESTION? [LB88]

PRESIDENT FOLEY: SENATOR SEILER, WOULD YOU YIELD? [LB88]

SENATOR SEILER: I WILL. [LB88]

SENATOR CAMPBELL: SENATOR SEILER, IN MY QUESTION TO YOU, I CLEARLY UNDERSTOOD WHAT YOU AND SENATOR CHAMBERS ARE SAYING. I AM NOT AN ATTORNEY, AND SO IT'S HELPFUL THAT WE CAN ASK YOU QUESTIONS. MY QUESTION TO YOU WAS THAT YOUR ANSWER PERTAINED TO THE WAY THE AMENDMENT IS CURRENTLY WRITTEN. IS THAT CORRECT? [LB88]

SENATOR SEILER: THAT'S CORRECT. [LB88]

SENATOR CAMPBELL: IS IT CORRECT THAT, IF WE LOOKED AT OTHER LANGUAGE PERTINENT TO WHAT THE SERVICE RENDERED WOULD BE, THAT IT'S THE LANGUAGE WITHIN THAT AMENDMENT THAT COULD BE CHANGED TO MAKE IT CONSTITUTIONAL? [LB88]

SENATOR SEILER: YOU WOULD BE CHANGING IT TO A SERVICE-RELATED ACCOUNT AND WOULD BE THEN POSSIBLY...YOU WOULD NOT BE SETTING A DOLLAR AMOUNT, THAT YOU WOULD LET THAT UP TO THE COUNTY BOARD FOR ITS REIMBURSEMENT. AND I BELIEVE I MENTIONED TO YOU THAT I DON'T

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BELIEVE WE HAVE A RESIDENTIAL REQUIREMENT ON MARRIAGE LICENSE ANYMORE, AND YOU COULD GET SHOPPING DONE REAL QUICKLY, GOING FROM ONE COUNTY TO THE OTHER, GETTING THE CHEAPEST LICENSE... [LB88]

SENATOR CAMPBELL: YES. [LB88]

SENATOR SEILER: ...WHICH I DON'T THINK IS A GOOD...GOOD POLICY. [LB88]

SENATOR CAMPBELL: THANK YOU, SENATOR SEILER. AND WE CERTAINLY WILL TAKE A LOOK AT THAT. BUT I DID WANT MY COLLEAGUES TO KNOW THAT THE CONVERSATION IS CONTINUING TO TAKE A LOOK AT WHAT THE LANGUAGE IS WITHIN SENATOR KINTNER'S AMENDMENT AND WHAT...HOW WE SHOULD APPROACH THIS. THANK YOU, MR. PRESIDENT. THAT'S ALL I WANTED TO CLARIFY. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. SENATOR BLOOMFIELD. [LB88]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. BEFORE SENATOR CAMPBELL SPOKE, I WAS GOING TO ASK HER A QUESTION. I GUESS I STILL WILL, IF SHE WILL YIELD. WOULD SENATOR CAMPBELL YIELD TO A QUESTION, PLEASE? [LB88]

PRESIDENT FOLEY: SENATOR CAMPBELL, WOULD YOU YIELD TO A QUESTION? [LB88]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. YES, I WOULD. [LB88]

SENATOR BLOOMFIELD: THANK YOU, SENATOR CAMPBELL. MY QUESTION WOULD BE, IF WE WERE TO RESUBMIT AN AMENDMENT, SIMILAR TO SENATOR KINTNER'S, THAT JUST SET THE FEE AT A FLAT \$35, WOULD YOU BE WILLING TO GO THERE? [LB88]

SENATOR CAMPBELL: YES, SENATOR BLOOMFIELD, I WOULD. [LB88]

SENATOR BLOOMFIELD: OKAY. I MAY OFFER THAT AMENDMENT. I WOULD STILL OPPOSE THE BILL AT THAT AMOUNT, BUT AT LEAST IT WOULD BE AN IMPROVEMENT. SO THANK YOU. AND IF YOU HAVE ANY FURTHER STATEMENT YOU WISH TO MAKE...I'LL YIELD THE REMAINDER OF MY TIME TO SENATOR CAMPBELL. [LB88]

SENATOR CAMPBELL: THANK YOU, SENATOR BLOOMFIELD. I CERTAINLY

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WOULD ENTERTAIN SUCH AN AMENDMENT, BUT I WOULD WANT TO TALK TO SENATOR KINTNER. AND I THINK WE'RE ALSO TRYING TO DO SOME CONTINUED RESEARCH ON THE ISSUE, BASED ON SENATOR CHAMBERS' AND YOUR QUESTION. BUT I THANK YOU VERY MUCH FOR YIELDING THE TIME AND ASKING THE QUESTION. THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL AND SENATOR BLOOMFIELD. SENATOR CHAMBERS, AND THIS IS YOUR THIRD TIME ON THIS AMENDMENT, SENATOR. [LB88]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, BEFORE I FINISH, WELL, I CAN WRAP UP QUICKLY WHAT I WAS SAYING ON THAT OTHER MATTER. THERE ARE ISSUES THAT WILL COME TO THE LEGISLATURE AND NOBODY LOOKS AT THEM, SO THEY WIND UP IN THE LAW BOOKS, AS UNCONSTITUTIONAL AS THEY CAN BE. MAYBE, AT SOME OTHER POINT, I WILL GO INTO A LITTLE MORE DETAIL ABOUT THE BEHIND-THE-SCENES MANEUVERING WHERE PEOPLE DON'T WANT TO ASSUME RESPONSIBILITY FOR ANYTHING. THE GOVERNOR SHOULD HAVE JUST VETOED THE BILL. BUT HE WAS GOING TO SIGN IT IF I HADN'T GOTTEN INVOLVED. NOW SENATOR CAMPBELL HAS BEEN PUT IN THE POSITION OF MAKING A BILL VERY COMPLICATED. AND THERE IS NO GUARANTEE THAT WHAT SHE AND SENATOR SEILER SAID WOULD WITHSTAND CONSTITUTIONAL MUSTER WHEN THE FEE, AS YOU WANT TO CALL IT, IS BEING CHARGED FOR SOMETHING THAT IS MANDATED BY THE STATE THAT ANY AND EVERYBODY OBTAIN IN ORDER TO HAVE WHAT'S CALLED A MARRIAGE THAT WILL BE LEGALLY RECOGNIZED. IT'S NOT A SITUATION OF ALL THAT THE TRAFFIC WILL BEAR OR TO HAVE A...NOT A LOTTERY, BUT A COMPETITION AMONG THE COUNTIES TO SEE WHICH ONE IS GOING TO SELL MORE OF THIS STATE-MANDATED DOCUMENT. I'D LIKE TO ASK SENATOR CAMPBELL A QUESTION BASED ON HER CONVERSATION WITH SENATOR SEILER. [LB88]

PRESIDENT FOLEY: SENATOR CAMPBELL, WOULD YOU YIELD? [LB88]

SENATOR CAMPBELL: CERTAINLY, MR. PRESIDENT. [LB88]

SENATOR CHAMBERS: SENATOR CAMPBELL, DID YOU HEAR SENATOR SEILER SAY THAT IF YOU CRAFT THIS KIND OF LANGUAGE...AND I DON'T KNOW HOW YOU ALL ARE GOING TO ESTABLISH THAT IT'S FOR THIS, TO REIMBURSE THIS, WITHOUT SETTING SOME GUIDELINES AND SO FORTH TO MAKE SURE THAT WHAT YOU ARE DOING IS CONSTITUTIONAL, EVEN IF IT CAN BE DONE. BUT ARE YOU ALSO PREPARED TO SAY THAT THIS MONEY WILL GO INTO A DISCRETE FUND FOR USE ONLY IN DEFRAYING THE COSTS OF ISSUING MARRIAGE LICENSES? YOU'RE WILLING TO DO THAT ALSO? [LB88]

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SENATOR CAMPBELL: SENATOR CHAMBERS, TO MY KNOWLEDGE, WE HAVE NOT DONE THAT IN OTHER FEES THAT COME INTO A COUNTY. THE COUNTY COLLECTS A LOT OF FEES. IT'S JUST NOT A MARRIAGE LICENSE. AND TO MY KNOWLEDGE, WE HAVE NOT TAILORED THAT OTHER THAN, I BELIEVE, IN THE AUTOMOBILE LICENSE. BUT THERE ARE A NUMBER OF FEES THAT GO INTO THE COUNTY GENERAL FUND AND I WOULD...I'M ONE OF THOSE PEOPLE THAT I'D REALLY LIKE TO TAKE A LOOK AT THOSE ISSUES BEFORE I GIVE YOU A DEFINITIVE ANSWER. [LB88]

SENATOR CHAMBERS: BUT HERE IS WHAT I'M GETTING AT: IN YOUR CONVERSATION WITH SENATOR SEILER, HE SAID THAT MONEY WOULD HAVE TO BE PUT IN A FUND USED FOR THE PURPOSE THAT IT WAS STATED IN THE LAW IT WAS COLLECTED. SO IT COULD NOT GO INTO THE GENERAL FUND. ARE YOU WILLING TO SAY THAT, THAT THIS MONEY, SINCE YOU'VE TOLD US, YOU'VE CONVINCED ALL OF YOUR COLLEAGUES WHO ARE GOING ALONG WITH YOU LIKE LEMMINGS THAT THIS MONEY IS TO DEFRAY THE COST OF ISSUING MARRIAGE LICENSES? IF IT'S NOT GOING TO BE FOR THAT PURPOSE, WHY ARE YOU SAYING THAT'S THE PURPOSE OF IT? AND IF IT IS FOR THAT PURPOSE, WHY NOT A DISCRETE FUND SET ASIDE FOR IT? [LB88]

SENATOR CAMPBELL: BUT, SENATOR CHAMBERS, ALL I'M SAYING IS THAT I WOULD WANT TO LOOK AT THE CONSISTENCY OF WHAT WE DO WITH FEES AND WHAT WE EXPECT OF COUNTIES BEFORE I GIVE YOU A DEFINITIVE ANSWER ON THAT. [LB88]

SENATOR CHAMBERS: OKAY. THANK YOU. I WOULD LIKE TO ASK SENATOR SEILER A QUESTION. [LB88]

PRESIDENT FOLEY: SENATOR SEILER, WOULD YOU YIELD? [LB88]

SENATOR SEILER: I WILL YIELD. [LB88]

SENATOR CHAMBERS: SENATOR SEILER, SENATOR BRASCH BROUGHT THE INFORMATION YESTERDAY WHICH ESTABLISHED THAT IF SOMETHING IS A FEE, IT GOES INTO A FUND ASSOCIATED WITH WHAT THAT FEE IS FOR. IF IT GOES INTO THE GENERAL FUND, IT IS A TAX. DIDN'T YOU TELL HER THAT, IF SHE IS GOING TO PUT THIS LANGUAGE IN THAT TRIES TO DO WHAT YOU ALL WANT TO DO--AND I DON'T THINK THAT WILL DO IT BUT LET'S SAY THAT IT CAN--PUT IN LANGUAGE TO SAY THAT IT'S TO REIMBURSE FOR THE ISSUANCE OF THESE MARRIAGE LICENSES, THAT THAT MONEY DERIVED FROM THE ISSUANCE OF THOSE LICENSES WOULD HAVE TO GO INTO A FEE SET ASIDE FOR THAT PURPOSE? IS THAT...IS OR IS THAT NOT WHAT YOU INDICATED TO

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HER, BECAUSE MAYBE I MISUNDERSTOOD YOU? [LB88]

SENATOR SEILER: I BELIEVE YOU HAVE TWO ISSUES THERE. ONE IS, IS IT A TRUE REIMBURSEMENT? THEN IT COULD GO INTO THE GENERAL FUND BECAUSE THAT IS WHERE IT WOULD BE PAID FROM BY THE COUNTY. BUT IF IT'S A FLAT FEE AND EXCEEDS THE ACTUAL COST, THEN I BELIEVE THAT, IN ORDER TO MAKE IT SO IT'S NOT A TAX, YOU'D HAVE TO HAVE A SPECIFIC FUND. [LB88]

PRESIDENT FOLEY: TIME, SENATOR. [LB88]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: SENATOR SCHNOOR. [LB88]

SENATOR SCHNOOR: I WOULD LIKE TO YIELD ALL OF MY TIME TO SENATOR BLOOMFIELD, PLEASE. [LB88]

PRESIDENT FOLEY: SENATOR BLOOMFIELD. [LB88]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SCHNOOR. THERE IS ANOTHER LITTLE PROCEDURE THERE THAT THE NEW PEOPLE MAY NOT HAVE SEEN A LOT YET. I WAS TOLD I HAD ALREADY SPOKEN THREE TIMES ON THIS MATTER SO I CANNOT SPEAK AGAIN. I ASKED SENATOR SCHNOOR TO YIELD ME SOME TIME. HE WAS GRACIOUS ENOUGH TO DO THAT. IF WE ARE IN EXTENDED DEBATE AND YOU SEE YOUR SIDE'S GUY HAVING A LITTLE TROUBLE, YIELD HIM SOME TIME IF HE NEEDS IT. IT'S PERFECTLY LEGIT AND IT'S SOMETHING WE DO FAIRLY REGULARLY. THAT BEING SAID, THE REASON I WANTED TO SPEAK AGAIN, I THINK, WITH THE QUESTION I ORIGINALLY RAISED AND WITH SENATOR CHAMBERS' AND SENATOR SEILER'S DISCUSSION ON IT, THAT NOT ONLY WOULD THE KINTNER AMENDMENT BE DEEMED UNCONSTITUTIONAL, SENATOR CHAMBERS' FLOOR AMENDMENT, WHICH HAS LOWERED THE AMOUNT, WOULD ALSO BE UNCONSTITUTIONAL. THEREFORE, I'M GOING TO URGE MY COLLEAGUES TO VOTE AGAINST BOTH THESE AMENDMENTS. AND SINCE I AM DEALING WITH YIELDED TIME, I CANNOT YIELD MY TIME TO ANYONE ELSE, BECAUSE THIS IS ACTUALLY SENATOR SCHNOOR'S TIME. SO I WILL JUST QUIETLY SIT DOWN. AND THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD AND SENATOR SCHNOOR. SENATORS, YOU'VE HEARD THE DEBATE ON FA5. THE QUESTION IS, SHALL FA5 BE ADOPTED? EXCUSE ME. I'M SORRY, SENATOR. SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON FA5. [LB88]

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SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, MY AMENDMENT IS NOT CRAFTED...LET ME ASK THE CLERK A QUESTION. MR. CLERK, IS THIS THE ONE THAT SAYS UP TO \$25, RATHER THAN UP TO \$35? IS THAT THE AMENDMENT THAT WOULD JUST SWITCH "TWENTY" FOR "THIRTY"? [LB88]

ASSISTANT CLERK: SENATOR, YOUR AMENDMENT WOULD STRIKE "THIRTY" AND INSERT "TWENTY." [LB88]

SENATOR CHAMBERS: THANK YOU. SENATOR BLOOMFIELD IS CORRECT. BUT I HAVE ANOTHER AMENDMENT I INTEND TO OFFER WHICH WOULD MAKE THE AMOUNT A FLAT \$5. BUT THIS ONE IS DRAFTED TO TRACK THE LANGUAGE THAT IS IN THIS ORIGINAL AMENDMENT. BUT WHAT I'M GOING TO DO, SINCE NOBODY HAS TOO MUCH CONCERN ON THE OTHER SIDE ABOUT THE CONSTITUTION, I'M GOING TO TAKE A VOTE ON MY AMENDMENT AS DRAFTED. AND BECAUSE ALL I'M GOING TO DO IS TAKE THE TIME NECESSARY TO TRY TO MAKE MY CASE, IF IT'S NOT ADOPTED, I HAVE A RECONSIDERATION MOTION THAT I'M GOING TO PUT UP THERE. AND THE REASON THAT THESE OTHERS MAY VOTE AGAINST IT, SENATOR BLOOMFIELD, IS NOT THAT THEY THINK IT'S UNCONSTITUTIONAL. THEY JUST DON'T LIKE IT. SO MAYBE IF I GIVE THEM A CHANCE TO DO SOME RECONSIDERING, WE CAN WIN THEM OVER. BUT HERE IS WHAT IS NOT WISE. IF A CONSTITUTIONAL ISSUE IS RAISED, WHAT I SAY IS NOT THE FINAL WORD ON IT. WHAT SENATOR SEILER SAYS IS NOT THE FINAL WORD ON IT. WHAT THE LEGISLATURE SAYS IS NOT THE FINAL WORD. BUT IF THE ISSUE IS RAISED, WHY BE BULLHEADED AND SAY, WELL, THIS IS WHAT I WANT TO DO AND I'M GOING TO KEEP WRITING THINGS INTO THIS SIMPLE CONCEPT UNTIL I THINK I'VE GOT IT WRITTEN IN A WAY THAT THE COURT WILL ACCEPT IT? JUST SET A FLAT FEE, AND THERE IS NO IMPEDIMENT UNDER THE CONSTITUTION TO DOING THAT. SOMETIMES, PEOPLE ARE SO EAGER TO GET SOMETHING DONE THAT ANYTHING OFFERED BY SOMEBODY ELSE WILL BE ACCEPTED. IF I HAD A BILL--AND I TAKE PRIDE IN THE WORK THAT I DO IN THE SENSE THAT I PUT THE AMOUNT OF TIME IN IT I FELT WAS NECESSARY TO PUT IT IN THE SHAPE IT SHOULD BE IN--BUT IF AFTER ALL OF THAT THE DISCUSSION SHOWED ME THAT THERE ARE SOME POSSIBLE CONSTITUTIONAL INFIRMITIES, IF I HAD THE SUPPORT OF MOST OF THE MEMBERS OF THE LEGISLATURE, I WOULD CHANGE IT TO GET RID OF THAT POSSIBILITY. BUT SENATOR CAMPBELL, APPARENTLY, IS GOING TO TRY TO HAVE SOMEBODY WRITE THAT THIS MONEY IS REIMBURSEMENT FOR THE LABOR EXPENDED. NOW THERE HAVE BEEN BILLS, SUCH AS ALLOWING PEOPLE TO OBTAIN COPIES OF DOCUMENTS, AND A CERTAIN AMOUNT OR NO MORE THAN A CERTAIN AMOUNT CAN BE CHARGED... [LB88]

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PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: ...FOR EACH ONE OF THOSE DOCUMENTS. WE'RE NOT TALKING ABOUT THAT. YOU DON'T HAVE TO GET A COPY OF ANYTHING IF YOU DON'T WANT TO. BUT IF YOU WANT TO GET MARRIED, YOU MUST OBTAIN THIS STATE-REQUIRED PAPER. AND I DON'T BELIEVE THE COUNTIES CAN BE AUTHORIZED TO CHARGE WHATEVER THEY WANT TO EVEN ON A SLIDING SCALE. SENATOR KINTNER HAS CONVINCED SENATOR CAMPBELL OTHERWISE. SENATOR SEILER THINKS IF YOU PUT A LOT OF EXPLANATORY LANGUAGE, THEN YOU MIGHT SURVIVE CONSTITUTIONAL MUSTER. AND I STILL DON'T THINK YOU WILL. AND I DON'T BELIEVE YOU CAN SHOW ME A PARALLEL SITUATION TO THIS WHERE THERE IS ALL THIS EXPLANATORY LANGUAGE ABOUT WHAT THE MONEY IS GOING FOR. THANK YOU, MR. PRESIDENT. I WOULD ASK FOR A CALL OF THE HOUSE AND A...(MICROPHONE MALFUNCTION). [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. THERE'S 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 PLEASE, MR. CLERK. [LB88]

ASSISTANT CLERK: 27 AYES, 3 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. 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. SENATORS DAVIS, MURANTE, AND CRAIGHEAD, PLEASE RETURN TO THE FLOOR AND RECORD YOUR PRESENCE. THE HOUSE IS UNDER CALL. SENATOR CRAIGHEAD, PLEASE RETURN TO THE FLOOR AND RECORD YOUR PRESENCE. THE HOUSE IS UNDER CALL. MR. CLERK, PLEASE PROCEED WITH THE ROLL CALL VOTE. [LB88]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGE 362.) VOTE IS 43 AYES, 0 NAY...43 NAYS...EXCUSE ME. 0 AYES, 43 NAYS, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE AMENDMENT FAILS. MR. CLERK. [LB88]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN. [LB88]

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PRESIDENT FOLEY: I RAISE THE CALL. SENATOR CHAMBERS. [LB88]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I DON'T KNOW WHAT THAT VOTE WAS FOR. I DON'T KNOW IF THAT VOTE MEANS THAT THE SENATORS HAVE A PROBLEM WITH THE CONSTITUTIONAL ISSUE THAT WAS RAISED OR WHETHER THEY DON'T WANT TO REDUCE THE AMOUNT FROM \$35 TO \$25. BUT THE WAY THE AMENDMENT WAS CRAFTED, IT WOULD HAVE LEFT THAT SLIDING SCALE. FOR MY PURPOSES, IT DOESN'T MATTER WHETHER YOU ADOPT ANY AMENDMENT THAT I OFFER OR NOT. MY GOAL TODAY IS TO ENSURE THAT YOU ARE NOT GOING TO VOTE DIRECTLY ON THIS AMENDMENT IN THE FORM THAT IT WAS PRESENTED TO YOU BY SENATOR KINTNER AND SENATOR CAMPBELL. AND I THINK GIVING YOU THE OPPORTUNITY TO VOTE NO ON SOMETHING I PRESENT RELIEVES A CERTAIN AMOUNT OF THE STRESS AND PRESSURE AND MAYBE EVEN THE HOSTILITY YOU MAY FEEL. BUT NONE OF THAT IS OF ANY MOMENT TO ME. I'M GOING TO STAY THE COURSE. I WOULD LIKE TO ASK SENATOR SEILER A QUESTION. [LB88]

PRESIDENT FOLEY: SENATOR SEILER, WOULD YOU YIELD? [LB88]

SENATOR SEILER: YES. [LB88]

SENATOR CHAMBERS: SENATOR SEILER, SINCE YOU AND SENATOR CAMPBELL HAVE COME TO THE CONCLUSION THAT WITH CERTAIN LANGUAGE THIS SLIDING SCALE WOULD BECOME CONSTITUTIONAL, WOULD YOU GIVE AN EXAMPLE OF WHAT THAT LANGUAGE WOULD SAY? [LB88]

SENATOR SEILER: WELL, I THINK THE LANGUAGE HAS TO REFLECT THAT THE COUNTY BOARD WOULD SET THE FEES BASED ON SERVICES RENDERED. [LB88]

SENATOR CHAMBERS: UP TO \$35. [LB88]

SENATOR SEILER: I'M NOT SURE THAT THEY CAN...YEAH, I SUPPOSE IF THEIR SERVICE RENDERED CAME TO \$36, THEY WOULD JUST HAVE TO EAT THE OTHER DOLLAR. [LB88]

SENATOR CHAMBERS: BUT THEY WOULD HAVE TO PUT THAT LANGUAGE IN IT. [LB88]

SENATOR SEILER: RIGHT. [LB88]

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SENATOR CHAMBERS: THEY HAVE TO PUT A DOLLAR AMOUNT, OTHERWISE THEY COULD CHARGE ANYTHING THEY WANT TO AND JUST SAY THAT'S WHAT IT COSTS. NOW THEY WOULD HAVE TO DOCUMENT THIS COST ON EACH ONE OF THOSE LICENSES, WOULDN'T THEY? WOULDN'T THEY HAVE TO DOCUMENT THE TIME JUST LIKE A LAWYER? IF YOU CHARGE \$120 A MINUTE, YOU HAVE TO DOCUMENT THE NUMBER OF MINUTES IN ORDER TO JUSTIFY THE FINAL TOTAL THAT YOU ARE CHARGING, WOULD YOU AGREE? [LB88]

SENATOR SEILER: THAT'S TRUE. [LB88]

SENATOR CHAMBERS: OKAY. AND I KNOW NOBODY MAY CHARGE THAT AMOUNT BUT TO KEEP IT SIMPLE FOR ME. NOW, WITH WHAT THESE COUNTY EMPLOYEES ARE DOING, THEY WOULD HAVE TO DOCUMENT, IF THEY CAN CHARGE UP TO \$35, THAT WHAT THEY DID REALLY CONSUMED THAT MUCH TIME AND THEY COULD NOT MERELY STATE...LET ME ASK THE QUESTION A DIFFERENT WAY. WOULD IT BE SUFFICIENT TO STATE THAT IN PROCESSING THIS APPLICATION FOR A MARRIAGE LICENSE, I HEREBY CERTIFY THAT I PUT IN ENOUGH TIME TO COST \$35 OR MORE? DO YOU THINK THAT WOULD BE SUFFICIENT FOR AN AUDIT? [LB88]

SENATOR SEILER: NO. I THINK WHAT THE COUNTY BOARD WOULD BE, UNDER THAT LANGUAGE, WHICH I'M NOT NECESSARILY IN FAVOR OF, BUT FOR YOUR PURPOSES, I THINK THE COUNTY CLERK WOULD HAVE TO SAY WE HAVE DONE AN ANALYSIS OF OUR OFFICE AT THE FIRST OF EVERY YEAR, TAXABLE YEAR, AND SAY OUR ANALYSIS IS THAT IT COSTS US \$6.25 TO PROCESS A MARRIAGE LICENSE. [LB88]

SENATOR CHAMBERS: BUT IF IT'S A FEE ON EACH ONE, THEY WOULD HAVE TO DETERMINE AND PROVE THAT THE FEE FOR EACH ONE OF THOSE EQUAL...THAT THE AMOUNT OF TIME PUT ON IT WOULD JUSTIFY THE CHARGE THEY ARE MAKING, IN YOUR OPINION. [LB88]

SENATOR SEILER: WELL, I DON'T THINK YOU WOULD HAVE TO DO IT ON EACH ONE. YOU WOULD JUST HAVE TO DO WHAT--BECAUSE THEY ARE PRETTY STANDARD DOCUMENTS--YOU'D JUST HAVE TO CALCULATE A REASONABLE FEE THAT COVERS...OR REASONABLE COST THAT IT COSTS. [LB88]

SENATOR CHAMBERS: AND YOU THINK...AND YOU BELIEVE THAT'S THE WAY AN AUDITOR WOULD LOOK AT THESE ITEMS. [LB88]

SENATOR SEILER: I DO. [LB88]

SENATOR CHAMBERS: THANK YOU. I DISAGREE. [LB88]

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SENATOR SEILER: THAT'S WHAT LAWYERS DO. [LB88]

SENATOR CHAMBERS: DO YOU THINK...CAN YOU THINK OF ANY OTHER CIRCUMSTANCE LIKE THIS ONE THAT WE ARE CREATING HERE OF A STATE-MANDATED DOCUMENT IN ORDER TO OBTAIN A LEGAL STATUS? [LB88]

SENATOR SEILER: NO. I CAN'T. [LB88]

SENATOR CHAMBERS: SO YOU'RE NOT...YOU CAN'T... [LB88]

SENATOR SEILER: THERE'S OTHER FEES AND WHEN SKIMMING THROUGH THE CONSTITUTION, I NOTICE THAT THE COUNTY BOARDS ARE UP AGAINST A .5 MILL LEVY. I'M WONDERING IN MY OWN MIND IS IF THESE DOCUMENTS ARE CALLED FEES RATHER THAN TAXES IN ORDER TO STAY BELOW THAT CONSTITUTIONAL CEILING THEY'VE GOT. [LB88]

SENATOR CHAMBERS: WELL, IT DOESN'T MATTER WHY THE COUNTY IS DOING WHAT IT IS DOING IF A... [LB88]

SENATOR SEILER: NO, IT ISN'T THE COUNTY DOING IT. IT IS US. [LB88]

SENATOR CHAMBERS: NO, I'M SAYING... [LB88]

SENATOR SEILER: I LOOKED IN THE MIRROR AND THE DEVIL WAS THERE. [LB88]

SENATOR CHAMBERS: NO, HERE IS WHAT I'M SAYING. ON ISSUING THESE LICENSES, THE COST OR THE PRICE THAT THEY CAN CHARGE IS WHAT WE SAY. THE COUNTIES ARE NOT FREE TO ADD TO THAT AND THAT IS WHY THEY ARE COMING TO THE LEGISLATURE. [LB88]

SENATOR SEILER: THAT'S CORRECT. [LB88]

SENATOR CHAMBERS: ALL RIGHT. SO THE LEGISLATURE IS NOT MAKING A CALCULATION OF HOW MUCH EACH DUTY IS GOING TO COST THE COUNTY WHEN THE LEGISLATURE IMPOSES THAT DUTY. NOW, THERE MIGHT BE A FISCAL NOTE THAT WOULD SAY THIS MUCH IS WHAT IT IS LIKELY TO COST, WHICHEVER ENTITY IS INVOLVED. BUT THAT IS BASED STRICTLY ON WHAT THAT ENTITY SAYS AND NOT WHAT AN AUDITOR FOUND TO BE THE CASE. YOU ARE AWARE OF THAT, AREN'T YOU? [LB88]

SENATOR SEILER: I AM. AND WHAT IT LOOKS LIKE TO ME IS, IT IS JUST AN

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ARBITRARY NUMBER DECIDED BY THE LEGISLATURE THAT THOSE FEES WILL BE X. [LB88]

SENATOR CHAMBERS: AND WHAT THE LEGISLATURE HAS DONE WITH MARRIAGE LICENSES HAS ALWAYS BEEN DO SET THE FEE, CORRECT? [LB88]

SENATOR SEILER: CORRECT. [LB88]

SENATOR CHAMBERS: DOES THE LEGISLATURE SET THE COST OF LICENSE PLATES OR IS EACH COUNTY FREE TO SET THE COST OF THESE LICENSE PLATES AT A LEVEL TO REIMBURSE THEM FOR THE AMOUNT OF TIME IT TAKES THEM TO PROCESS THIS? [LB88]

SENATOR SEILER: I'M NOT EXACTLY SURE HOW THAT...I ASSUME THE STATE SETS THAT BUT I'M NOT EXACTLY SURE IF THERE IS A SHARING OF THOSE FEES OR NOT. [LB88]

SENATOR CHAMBERS: WELL, THEY MIGHT SAY A CERTAIN AMOUNT GOES...PERCENTAGE GOES TO THE COUNTY... [LB88]

SENATOR SEILER: THEY COULD, BUT I'M NOT... [LB88]

SENATOR CHAMBERS: ...JUST TO GIVE SOME KIND OF FLEXIBILITY. [LB88]

SENATOR SEILER: YEAH, I'M NOT AWARE OF THAT, SENATOR CHAMBERS. [LB88]

SENATOR CHAMBERS: ME NEITHER. BUT THE AMOUNT THAT THE PLATE IS GOING TO COST THE CITIZEN, REGARDLESS OF WHAT BECOMES OF THE MONEY THAT IS DERIVED, IS THE SAME THROUGHOUT THE STATE. DO YOU AGREE WITH THAT? [LB88]

SENATOR SEILER: THAT'S CORRECT. [LB88]

SENATOR CHAMBERS: OKAY. AND THAT'S ALL I WILL ASK YOU AT THIS POINT. MEMBERS OF THE LEGISLATURE, WITH THE DISCUSSION THAT WE ARE HAVING NOW, IS IT WORTH COMPLICATING THIS ISSUE THIS MUCH? YOU KNOW WHY IT'S BECOMING THIS COMPLICATED? SENATOR KINTNER CAME UP WITH A NOTION AND HE THINKS IT SOLVES EVERYTHING. YOU CAN ALREADY SEE THAT THERE ARE PROBLEMS CREATED THAT WERE NOT CONFRONTING US BEFORE. THE ONLY THING CONFRONTING US BEFORE, CONFRONTING YOU ALL FIRST OF ALL, WAS WHETHER I CAN HOLD OUT FOR EIGHT HOURS. THE NEXT ISSUE IS WHETHER YOU CAN GET ENOUGH VOTES TO ALLOW THE

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COUNTIES TO GET A MAXIMUM OF \$35. THE ISSUE THAT I THINK YOU ALL ARE TRYING TO PAPER OVER, THOSE WHO ARE PAYING ATTENTION, IS WHETHER THIS SLIDING SCALE IS CONSTITUTIONAL. WHEN YOU WANT TO BE DEEMED MARRIED... [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: ...THERE IS ONLY ONE WAY YOU CAN DO THAT LEGALLY IN THE STATE AND THAT IS TO HAVE A MARRIAGE LICENSE. WITHOUT THE LICENSE, YOU CANNOT HUNT. NOW YOU CAN SAY THAT YOU ARE IN THAT STATUS, BUT THE BENEFITS FROM IT, FROM BEING MARRIED, WILL NOT ACCRUE TO YOU. YOU CANNOT FILE A JOINT TAX RETURN. THERE ARE CERTAIN PRIVILEGES THAT ONLY MARRIED PEOPLE HAVE. THERE ARE OBLIGATIONS AND RESPONSIBILITIES THAT THEY WOULD HAVE. AND THOSE COME INTO BEING NOT THROUGH MUTUAL AGREEMENT OF THE PARTIES BUT BASED ON WHAT THE LAW HAS STATED WITH REFERENCE TO THESE SPECIFIC THINGS THAT I'M TALKING ABOUT. I WOULD LIKE TO ASK SENATOR SEILER A QUESTION SINCE HE IS AT HIS DESK. [LB88]

PRESIDENT FOLEY: TIME IS UP, SENATOR. [LB88]

SENATOR CHAMBERS: THANK YOU. [LB88]

PRESIDENT FOLEY: SENATOR SCHUMACHER, YOU ARE RECOGNIZED. [LB88]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. ONCE AGAIN, SENATOR CHAMBERS I THINK IS RIGHT ON THE POINT THAT HE IS ARGUING. WE HAVE TAKEN A VERY SIMPLE THING OF FIXING SOME FEE FOR SOME LICENSE THAT THE STATE REQUIRES AND HAVE NOW INTRODUCED A FAIRLY LEGITIMATE CONSTITUTIONAL ISSUE, WHETHER OR NOT THE STATE CAN DELEGATE TO THE AUTHORITY...THE AUTHORITY TO THE COUNTY TO SET A FEE FOR STATE SERVICES, WHICH IS PROBABLY AN AUTHORITY RESERVED TO THE LEGISLATURE, BUT THEN AGAIN, MAYBE NOT IF YOU GOT THE RIGHT LAWYERS AND THE RIGHT ACCOUNTANTS AND THE RIGHT BOOKKEEPERS AND THE RIGHT ANALYSIS OF A \$50 OR \$20 FEE OR WHATEVER IT MIGHT END UP BEING. IMAGINE WHAT ROAD WE ARE GOING DOWN. WE WILL LET THE COUNTIES SET THE FEES FOR THE DRIVER'S LICENSE BECAUSE, AFTER ALL, THE TREASURER HAS SO MUCH WORK, GET YOU PRETTIED UP TO TAKE YOUR PICTURE FOR THE DRIVER'S LICENSE. THERE IS NO END TO THIS. AND TO HAVE THIS PARTICULAR ISSUE FACE A COUNTY OFFICIAL WITH AN ACTION ENJOINING THEM FROM COLLECTING THE FEE BECAUSE IT IS IMPROPERLY IMPOSED, WE MAY END UP WITH ZERO FEE AND ALSO A LOT OF UNFUNDED MANDATES TO THE COUNTY ATTORNEY TO

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DEFEND THE LAWSUIT OVER WHETHER OR NOT IT WAS A JUSTIFIED FEE OR WHETHER OR NOT WE HAVE CONSTITUTIONAL AUTHORITY TO DO IT. AND WE HAVE DROPPED INTO THE WEEDS SO MUCH HERE OVER WHAT AMOUNTS TO A SMALL CHANGE IN FEE ONE WAY OR THE OTHER. I'M KIND OF INCLINED TO THINK THAT TRIPLING IT IS A LITTLE BIT ON THE HIGH SIDE. BUT FOR GOSH SAKE, LET'S NOT CREATE A CONSTITUTIONAL ISSUE. IF WE ARE GOING TO PICK A NUMBER FOR A MARRIAGE LICENSE, LET'S PICK A NUMBER AND BE DONE WITH IT. AND WHEN YOU...IN THE BIG SCHEME OF THINGS, WHETHER IT IS THE EXISTING FEE OR \$50, PROBABLY DOESN'T AMOUNT TO MUCH AND PROBABLY THE WHOLE PURPOSE OF THE LAST TWO OR THREE DAYS IS TO GIVE SENATOR CHAMBERS SOME TEACHING TIME. SO I WOULD THINK THAT A VARIABLE FEE SET BY THE COUNTY BOARD ON THIS AT WORST IS UNCONSTITUTIONAL RESULTING IN A ZERO FEE. IF IT IS CONSTITUTIONAL, WE'LL BE BACK NEXT YEAR WONDERING WHETHER OR NOT THE COURT COSTS SHOULD BE A VARIABLE AMOUNT BECAUSE THE COUNTY HAS GOT TO HEAT THE COURTHOUSE AND...OR WHETHER OR NOT THE COUNTY TREASURER SHOULD HAVE MORE BECAUSE SHE HAS GOT TO TAKE PICTURES OR WHETHER OR NOT THIS...THE REGISTER OF DEEDS CAN ADD ON A LITTLE EXTRA FEE ON TOP OF THE DEEDS OR MORTGAGE RECORDING FEE. WHY GO DOWN THIS ROAD? I MEAN, IT IS...THE COUNTY BOARD HAS GOT ENOUGH TO DO WORRYING ABOUT ROADS AND BRIDGES AND THE VARIOUS FUNCTIONS IT HAS GOT TO DEAL WITH THAN FIGHT BATTLES AND DO STUDIES AND ANALYSIS TRYING TO JUSTIFY A FEE AND THEN MAYBE END UP LOSING IN THE SUPREME COURT. A VARIABLE FEE IS A BAD IDEA. AND I...HOPEFULLY WE ARE GOING TO GET THROUGH MOST OF THIS TODAY. THANK YOU. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR CHAMBERS, YOU ARE RECOGNIZED. [LB88]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, IT IS NO SURPRISE THAT I TELL YOU I AGREE WITH SENATOR SCHUMACHER. BUT AT THE OUTSTART ON THIS VARIABLE THING, I SAID WHY COMPLICATE IT WHEN ALL YOU ARE TALKING ABOUT IS RAISING THE AMOUNT. AND YOU ALL ARE GOING TO SIT HERE AND PARTICIPATE IN NONSENSE. NOW YOU ARE GOING TO GO FOR THIS BECAUSE I'VE IRRITATED YOU AND THAT'S HOW I CAN MAKE YOU LEGISLATE. AND THEN I CAN GO OUT OF HERE AND SHOW WHAT A BUNCH OF FOOLS THIS SHIP HAS ON IT. ALL I HAVE TO DO IS PUSH THEIR BUTTON AND THAT'S WHY I WILL SAY FROM TIME TO TIME I OWN THEM. THEIR OWN JUDGMENT TELLS THEM THIS A COCKAMAMIE SCHEME THAT YOU ARE PUTTING TOGETHER. THIS IS NOT JUST SOME ROUTINE, GRASS-CUTTING WAIVER ON THE GRASS BETWEEN YOUR SIDEWALK AND THE STREET AND YOUR YARD. YOU ARE TALKING ABOUT A LEGAL DOCUMENT. AND CURRENTLY, IF YOU HAVE THAT DOCUMENT AND HAVE COMPLIED WITH

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THE LAWS OF THE STATE WHERE YOU LIVE AND GOT THAT DOCUMENT AND YOU WENT THROUGH THE CEREMONY, EVEN IF I AM PRESIDING IN PERFORMING IT, IT HAS TO BE RECOGNIZED IN EVERY STATE IN THIS COUNTRY. THE SO-CALLED LOWER 48, THAT ONE UP THERE IN THE ARCTIC, AND THAT ONE WAY OUT IN THE OCEAN, WHETHER THEY LIKE IT OR NOT, THEY HAVE TO GIVE FULL FAITH AND CREDIT TO THAT MARRIAGE. THE STATE MANDATES IT. AND YOU ARE GOING TO SAY THAT EACH COUNTY IS FREE TO SAY HOW MUCH IT IS GOING TO CHARGE FOR THIS STATE-MANDATED DOCUMENT. I'M SURPRISED, KIND OF, AT SENATOR SEILER'S ANALYSIS ABOUT LETTING THESE INDIVIDUAL COUNTIES CALCULATE HOW MUCH TIME THEY SPEND ISSUING EACH MARRIAGE LICENSE. BUT HE KNOWS HOW PREPOSTEROUS THAT IS. SO HE SAYS, WELL, YOU JUST TAKE A GENERAL AMOUNT. NOW, I'VE READ SOME AUDITORS' REPORTS AND THEY DON'T DEAL IN GENERAL AMOUNTS. WHEN IT COMES TO CERTAIN ITEMS, THERE IS GREAT SPECIFICITY. I HAVE READ AMOUNTS THAT EVEN WAS NOT...WERE NOT ROUNDED OUT TO DOLLARS. SO WE ARE PASSING, YOU ALL, PASSING A LAW, CREATING AN INFIRMITY, GUESSING AS TO WHETHER OR NOT YOU CAN ALLOW A COUNTY JUST TO HAVE SOMEBODY IN THE COUNTY SAY, WELL, WE LOOKED AT THIS OVER THE YEAR AND, YEAH, THEY...THE AMOUNT OF TIME THEY SAY THEY PUT IN ON IT ENTITLED THE COUNTY TO CHARGE THIS MUCH FOR EACH MARRIAGE LICENSE. YESTERDAY IT TOOK FIVE MINUTES, TODAY IT TAKES FIVE HOURS. SO WE SPLIT THE DIFFERENCE AND THEN WE SPREAD IT AROUND TO COVER ALL THESE OTHERS WHICH WOULD FALL SOMEWHERE IN BETWEEN. I HEAR ABOUT ALL THESE BUSINESS PEOPLE OPERATING ACCORDING TO BUSINESS PRINCIPLES. [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: IF I WANT A BOX OF RAISIN BRAN, I HAVE TO PAY THE AMOUNT THAT IS CHARGED. YOU CANNOT FIND ANYWHERE IN THE STATUTE THAT I'M AWARE OF, AND I STAND TO BE CORRECTED, WHERE A SCHEME LIKE THIS HAS BEEN PUT IN PLACE. AND THERE IS NO NEED TO EVEN TRY TO DO IT. IF YOU WANT \$35, SAY \$35. SENATOR KINTNER HAS HAD A CHANCE TO PLAY WITH WHATEVER TOY HE PLAYED WITH THAT MADE HIM COME UP WITH THE NOTION THAT \$35 IS WHAT THE LEGISLATURE OUGHT TO ACCEPT. YOU CAN DO IT IF YOU WANT TO. BUT YOU ARE GOING TO HAVE TO SPEND A LITTLE MORE TIME TO GET TO THE POINT WHERE YOU CAN. AND I'M GOING TO TAKE ALL OF THE TIME THAT I NEED BECAUSE THIS IS ONE OF THOSE INSTANCES... [LB88]

PRESIDENT FOLEY: TIME. [LB88]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB88]

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PRESIDENT FOLEY: SENATOR SEILER. [LB88]

SENATOR SEILER: THANK YOU, MR. SPEAKER, MEMBERS. SENATOR CHAMBERS, I BELIEVE WHEN I WAS TALKING ABOUT THAT AUDIT I WAS DISTINGUISHING BETWEEN A TAX AND A FEE. AND IT WOULD JUST BE FOLLY TO TRY AND CALCULATE THE COST AT EACH COUNTY OVER WHAT WE ARE TALKING ABOUT HERE IS \$35 IN FEES. YOUR ACCOUNTING BILL WOULD BE JUST OFF THE CHART. SO FOR THE...MY POSITION ON WHAT THEY ARE DOING WITH FA5 IS REACHING "FOLLINESS." BUT I DO HAVE A PHILOSOPHY ABOUT MARRIAGE LICENSE. SENATOR CHAMBERS, WOULD YOU LIKE TO HEAR IT? I THINK IT OUGHT TO BE \$10,000 BECAUSE THEN THEY WOULD REALLY TAKE MARRIAGE SERIOUS. AND DIVORCE SHOULD BE \$2. I WOULD YIELD MY TIME TO SENATOR CHAMBERS. [LB88]

PRESIDENT FOLEY: SENATOR CHAMBERS. [LB88]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, TO FINISH THE COMMENT I WAS GOING TO MAKE BEFORE, IT IS NOT THE AMOUNT NOW THAT I'M FIGHTING FOR ON THIS BILL. IT IS THE PRINCIPLE. AND SENATOR SEILER MADE A COMMENT THAT ON ITS FACE SOUNDS AMUSING AND IT IS. BUT THERE IS A PRINCIPLE INVOLVED THERE. IF INDEED MARRIAGE IS AS IMPORTANT...AND LET'S NOT MAKE IT A RELIGIOUS THING. FOR THE GOOD OF SOCIETY, STABILIZING RELATIONSHIPS, HAVING A CIRCUMSTANCE WHERE CHILDREN THAT ARE BROUGHT INTO THE WORLD WILL BE IN AN ENVIRONMENT WHERE THEY HAVE A BETTER CHANCE OF BEING TAKEN CARE OF AS FAR AS THEIR NEEDS BEING MET, TRAINING, ALL THESE OTHER THINGS, THEN IT SHOULD TAKE MORE THAN A NOTION TO JUST SAY, I THINK I WANT TO TRY THAT OUT. BUT THAT'S THE WAY IT IS. BY THE SAME TOKEN, I WOULD AGREE WITH THE ASPECT OF SENATOR SEILER'S COMMENT THAT SETTING \$2 FOR A DIVORCE. ONCE TWO PEOPLE CANNOT MAKE IT, THEN I DON'T THINK THEY OUGHT TO BE FORCED TO STAY TOGETHER. YOU SHOULD LET THEM SEPARATE AND WE WOULD HAVE FEWER HOMICIDES, FEWER INSTANCES OF DOMESTIC VIOLENCE. BUT TO FIND SOME WAY TO FOCUS ATTENTION WOULD BE DESIRABLE IN A SOCIETY THAT CLAIMS TO VALUE MARRIAGE. BUT I DON'T THINK, NOW THAT I'M GETTING DOWN TO THE PRACTICALITY OF IT, I DON'T THINK THAT SHOULD BE DONE BY WAY OF THE AMOUNT YOU CHARGE FOR SOMEBODY TO GET A LICENSE TO DO IT. THE ONLY PURPOSE OF THE LICENSE IS TO HAVE A PIECE OF PAPER TO INDICATE THAT ALL THE STEPS THAT THE STATE REQUIRED HAD BEEN MET. WHEN I PERFORM THESE CEREMONIES, THERE ARE LINES THAT I HAVE TO FILL IN, THINGS THAT I HAVE TO SIGN. EVERYBODY WHO IS A COCONSPIRATOR OR AN AIDER AND ABETTOR OF THAT MARRIAGE HAS TO PUT THEIR NAME ON THE

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DOTTED LINE. AND THE DOCUMENT THEN SERVES CERTAIN LEGAL PURPOSES. BUT AS TO THE ATTITUDE PEOPLE SHOULD HAVE WHEN THEY GO INTO MARRIAGE, THAT IS A MATTER OF PROPAGANDIZING THEM SO THEY WILL SEE IT THE WAY YOU SEE IT. WHAT I'M TALKING ABOUT HERE NOW GOES TO SOMETHING THAT I THINK WE OUGHT TO BE PAYING MORE ATTENTION TO BECAUSE YOU ALL ARE GOING TO BE TALKING PRETTY SOON ABOUT TRYING TO FIND WAYS TO SHIFT TAX BURDENS. AND THEN YOU ARE GOING TO PAY A LOT MORE ATTENTION, YOU ARE GOING TO BE MORE ENGAGED, AND YOU ARE GOING TO BE MAKING STATEMENTS THAT DON'T MAKE SENSE BECAUSE YOU WILL BE TRYING TO REFLECT WHAT SOME SPECIAL INTEREST GROUP TOLD YOU TO RUN IN THERE AND SAY ON THE FLOOR. AND YOU ARE THE ONE WHO WILL LOOK FOOLISH BECAUSE THEY DON'T HAVE TO SAY IT. [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: THIS IS SOMETHING WHICH YOU OUGHT TO YIELD TO ME ON, NOT JUST BECAUSE I'M TAKING TIME. BUT WHAT I'M SAYING IS CORRECT. AND BY THE WAY, YOU WON'T FIND ME RESISTING EVERY BILL I'M OPPOSED TO IN THE WAY I'M RESISTING THIS, BECAUSE NOT EVERY BILL I'M OPPOSED TO REACHES THE LEVEL OF ESTABLISHED PRINCIPLE AS FAR AS I'M CONCERNED. THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR CHAMBERS, YOU ARE WELCOME TO CLOSE ON YOUR RECONSIDERATION MOTION. [LB88]

SENATOR CHAMBERS: DO I HAVE ANOTHER TIME TO SPEAK? [LB88]

PRESIDENT FOLEY: YES, YOU MAY SPEAK ONE MORE TIME, SENATOR, BEFORE YOU GET TO YOUR CLOSE. THANK YOU. [LB88]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, YOU ONLY HAVE TO PUT UP WITH THIS ONE MORE HOUR. THEN YOU CAN GO GET READY FOR YOUR WEEKEND, UNLESS YOU ARE A MEMBER OF A THREE-DAY COMMITTEE AND YOU TAKE SERIOUSLY YOUR OBLIGATIONS, AS I DO. AND THE JUDICIARY COMMITTEE CERTAINLY REQUIRES SOME INVESTMENT OF TIME AND MENTAL ENERGY. I DON'T BELIEVE THAT SENATOR CAMPBELL WILL HAVE A CONVERSATION WITH ANYBODY IN ANY COUNTY WHO WOULD AGREE TO PUT THIS MONEY IN A DISCRETE FUND WHOSE ONLY PURPOSE IS TO DEFRAY THE COST OF ISSUING MARRIAGE LICENSES, BECAUSE THAT IS NOT WHY THEY ARE BRINGING IT HERE. THEY WANT MONEY TO GO INTO THEIR GENERAL FUND. AND IF YOU ALL DON'T KNOW ANYTHING ELSE, YOU KNOW THAT THE GENERAL FUND IS WHERE THEY GO TO MAKE EXPENDITURES FOR

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WHATEVER THEY ARE GOING TO SPEND MONEY FOR. WHATEVER THEY CAN SPEND MONEY FOR LEGALLY, THEY CAN GET IT OUT OF THE GENERAL FUND AND SPEND IT. THAT'S WHY THEY WANT THIS MONEY TO GO INTO THE GENERAL FUND. THIS IS JUST ONE OF THOSE SMALL WAYS TO START ENCROACHING ON THE PUBLIC WITHOUT THE PUBLIC BEING AWARE OF IT. IF YOU PUT A \$150 FEE ON THESE MARRIAGE LICENSES, PEOPLE WHO COME TO GET MARRIED WOULD PAY IT. THEY WOULD FIND A WAY TO GET THE MONEY IF THEY REALLY WANT TO GET MARRIED. IF THEY HAVE TO SELL DOPE OR GO STICK SOMEBODY UP, BUT THEY WILL GET THE MONEY. THEY DON'T HAVE ANY IDEA WHAT THE COST SHOULD BE. THEY DON'T HAVE ANY IDEA OF ANY CORRELATION BETWEEN WHICH...WHAT THEY ARE BEING GOUGED FOR AND THE AMOUNT OF TIME IT TAKES TO GIVE THEM THAT PIECE OF PAPER. WHEN SENATOR CAMPBELL AND OTHERS TALK ABOUT VERIFYING INFORMATION, THAT DOESN'T HAPPEN ON EVERY LICENSE THAT SOMEBODY APPLIES FOR. THOSE ARGUMENTS CARRY NO PROBATIVE VALUE AS WOULD BE SAID IN THE COURT. IN OTHER WORDS, THEY ARE NOT PERSUASIVE. THEN DON'T ADD WEIGHT TO YOUR SIDE OF THE ARGUMENT. THEY CAN BE MADE BECAUSE THERE MIGHT BE SOME DEGREE OF RELEVANCE, BUT THEY DON'T HAVE ANY VALUE IN TERMS OF MOVING THE ISSUE ONE DIRECTION OR THE OTHER. YOU ALL ARE BOUND AND DETERMINED TO GET THIS INCREASE, AND I'M BOUND AND DETERMINED TO STOP YOU. THERE ARE MORE OF YOU THAN THERE ARE OF ME OBVIOUSLY. SO ULTIMATELY, YOU SHOULD WIN ON THIS BILL. BUT THINK ABOUT IT. WHAT IS THE DRIVING FORCE BEHIND THIS BILL? HOW MANY LEGISLATIVE DAYS ARE GONE? YOU CAN FIGURE THAT OUT VERY EASILY. AND YOU GAVE THEM TO ME. I TOLD YOU THAT IS THE PRICE THAT YOU ARE GOING TO PAY ME. THAT IS THE FEE THAT I SHALL EXACT. AND WHENEVER YOU WANT TO GIVE ME THE TIME, I'M PREPARED TO TAKE IT. AND THERE IS A LINE IN ONE OF RINGO STARR'S SONG ABOUT IT...YOU KNOW IT AIN'T...YOU KNOW IT DON'T COME EASY. AND ONE OF THE LINES TALKS ABOUT PEACE IS HERE. IT IS WITHIN YOUR REACH IF YOU ARE BIG ENOUGH TO TAKE IT. AND TIME IS WITHIN MY REACH... [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: ...AND I'M BIG ENOUGH TO TAKE IT AND I SHALL. I MIGHT BE THROUGH WITH THIS AMENDMENT BECAUSE YOU ALL WON, BUT YOU HAVE NOT CHASTENED ME. YOU HAVE NOT HUMBLED ME. AND TO PROVE IT, I HAVE ANOTHER AMENDMENT COMING UP. AND BY THE WAY, AS SOME OF THE NEW PEOPLE HAVE DISCOVERED, YOU CAN VOTE NO ON A CALL OF THE HOUSE. BUT WHEN THERE ARE SOME THINGS ROUTINELY DONE AND YOU DECIDE YOU ARE GOING TO SHOW YOUR INDEPENDENCE YOU OUGHT TO PICK YOUR BATTLES. YOU OUGHT TO PICK THE TIMES AND THE ISSUES SO YOU WON'T SEEM PETTY, TRIFLING, AND JUVENILE. YOU CAN VOTE ANY WAY

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YOU WANT TO OR NOT VOTE. BUT I'M TELLING YOU THINGS THAT OTHER PEOPLE WON'T TELL YOU. SOME MIGHT EVEN PAT YOU ON THE BACK AND SAY THAT'S GOOD, VOTE NO EVERY TIME SOMEBODY ASKS FOR A CALL OF THE HOUSE. [LB88]

PRESIDENT FOLEY: TIME, SENATOR. [LB88]

SENATOR CHAMBERS: I THOUGHT IT WAS, BUT I'M GOING TO ASK FOR A CALL OF THE HOUSE AND A ROLL CALL VOTE. [LB88]

PRESIDENT FOLEY: THERE'S 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 PLEASE, MR. CLERK. [LB88]

ASSISTANT CLERK: 24 AYES, 4 NAYS TO GO UNDER CALL, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: 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. SENATORS BOLZ, MORFELD, HILKEMANN, AND GARRETT, PLEASE RETURN TO THE FLOOR AND RECORD YOUR PRESENCE. THE HOUSE IS UNDER CALL. MR. CLERK, PLEASE PROCEED TO THE ROLL CALL VOTE. [LB88]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN, LEGISLATIVE JOURNAL PAGES 362-363.) THE VOTE IS 1 AYE, 40 NAYS, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE RECONSIDERATION MOTION FAILS. I RAISE THE CALL. MR. CLERK. [LB88]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO AMEND WITH FA7. (LEGISLATIVE JOURNAL PAGE 363.) [LB88]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU ARE RECOGNIZED TO OPEN ON FA7. [LB88]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THIS AMENDMENT WOULD ELIMINATE THAT VARIABLE OR SLIDING SCALE PROVISION AND PUT A FLAT AMOUNT, AND THAT FLAT AMOUNT IS \$5. THAT IS WHAT THIS AMENDMENT WILL DO. IT IS NOT GOING TO

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RAISE THE FEE, WHICH IS REALLY A TAX, BUT IT IS A TAX REDUCTION. I AM OFFERING YOU THE FIRST OPPORTUNITY THIS SESSION THAT I'M AWARE OF TO CUT A TAX. AND I THINK IT IS VERY REASONABLE AND IT PRIMES THE PUMP FOR WHAT YOU ARE GOING TO BE ASKED TO DO LATER ON IN THE SESSION. AND I WILL, WHEN THAT TIME COMES, PARTICIPATE WITH YOU ALL IN DISCUSSING THOSE ISSUES. MOST OF WHAT YOU ARE GOING TO OFFER, I PROBABLY WILL DISAGREE WITH. I'M KIND OF DISAPPOINTED THOUGH IN THE GOVERNOR. BASED ON SOME OF THE RUMBLINGS THAT I HEAR, THE GOVERNOR HAS AN OBLIGATION TO DELIVER ON A PROMISE HE MADE. AND I'M GOING TO READ WHAT WAS IN THE LEXINGTON CLIPPER-HERALD MAY 10, 2014, WHEN THE GOVERNOR WAS TRYING TO PERSUADE PEOPLE TO VOTE FOR HIM. THIS IS A DIRECT QUOTE FROM THAT NEWSPAPER: DURING A QUESTION AND ANSWER SESSION WITH RESIDENTS AFTER HIS TALK, RICKETTS SAID, IF ELECTED, HE WOULD NOT ALLOW THE TACTICS OF OMAHA SENATOR ERNIE CHAMBERS HIJACK THE AGENDA OF THE LEGISLATURE. QUOTE FROM HIM: ERNIE IS A SMART MAN BUT HE IS ONE MAN. YOU HAVE TO HAVE A COALITION TO SET THE LEGISLATIVE AGENDA. I WANT TO GROW THAT COALITION SO WE DON'T GET TIED UP TALKING ABOUT MOUNTAIN LIONS, UNQUOTE, RICKETTS SAID. NOW MAYBE THE ONLY TIME HE'S GOING TO RELEASE HIS "CRICKETS" ON ME IS WHEN A MOUNTAIN LION ISSUE COMES UP. AND WHEN I ASKED SENATOR SCHUMACHER WHETHER THAT PERSON HE WAS SUPPORTING AND HAD USED THE EXPRESSION STRAIGHT SHOOTER, I MENTIONED MOUNTAIN LION AND YOU KNOW I HEARD A STRANGE SOUND BEHIND ME AND I COULDN'T FIGURE WHAT IT IS BUT NOW I KNOW. IT WAS THE "CRICKETS" CHIRPING. AND HE HASN'T GIVEN THEM ADEQUATE DESCRIPTION OR ORDERS OR DIRECTION ON WHEN THEY ARE SUPPOSED TO START PUTTING ME IN MY PLACE. SOME PEOPLE FEEL THAT I'VE HIJACKED THE SESSION. WHERE ARE HIS "CRICKETS"? WHERE IS THE GOVERNOR? HE'S THE ONE WHO SAID WHAT HE IS GOING TO DO. I HAD MADE NO COMMENT ABOUT THEN-CANDIDATE RICKETTS. THOSE KIND OF PEOPLE WHEN THEY ARE RUNNING FOR THOSE OFFICES DON'T REGISTER ANY KIND OF WAY THAT WOULD REQUIRE ME TO SAY ANYTHING. WITHOUT ME HAVING SAID ANYTHING, HE WANTED TO STRIKE THE FIRST BLOW. HE WANTED TO THROW THE FIRST STONE. AND HE THOUGHT HE COULD INTIMIDATE ME AS HE, BEING A RICH MAN, COULD INTIMIDATE HIS EMPLOYEES. HE SAYS TO THIS ONE, GO, AND HE GOES. HE SAYS TO THIS ONE, COME, AND SHE COMES. HE SAYS TO THE REST OF THEM, STAND UP, AND THEY STAND UP. AND THEN HE TELLS THEM, SIT DOWN, AND THEY SIT DOWN. AND HE THINKS THAT BY HIM UTTERING THIS NONSENSE HE IS GOING TO CONTROL ME. LET THE MEMBERS OF HIS COALITION REVEAL THEMSELVES. BUT DESPITE THE THREAT FROM THAT VERY POWERFUL MAN, I'M GOING TO CONTINUE DOING WHAT I DO. AND IF HIS "CRICKETS" HOP AROUND MINDLESSLY AND CHIRP BRAINLESSLY, HE'S GOT TO GET A BETTER QUALITY CRICKET. BUT MAYBE HE'S CALLED THEM OFF

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AND IS GOING TO SAVE THEM FOR A MORE APPROPRIATE AND OPPORTUNE TIME. BUT THERE ARE SOME PEOPLE WHO CAN INFORM HIM THAT I'M NOT ABOUT TO FOLD AND REFRAIN FROM WHAT I DO BECAUSE OF ANYTHING HE SAYS. THERE IS ONE THING HE CAN PERHAPS CAUSE ME TO REFRAIN FROM DOING. IF I GET MY MOUNTAIN LION BILL OUT OF SENATOR...WELL, ANYWAY WHOEVER IS HEAD OF THE NATURAL RESOURCES COMMITTEE, THEN THE GOVERNOR COULD TELL ME HE'S NOT GOING VETO IT AND HE WOULDN'T HEAR A WORD FROM ME ONCE WE VOTE TO PASS IT. BUT SENATOR SCHILZ HAS MADE IT CLEAR HE IS NOT GOING TO LET THE BILL OUT OF HIS COMMITTEE. BUT DO YOU HEAR ME WHINING AND CRYING? HE HAS GOT HIS ORDERS LIKE OTHERS. CABELA'S IS THE ONE WHO IS PUTTING PRESSURE ON PEOPLE TO MAKE SURE THAT THE MOUNTAIN LION BILL DOESN'T GO. HE EVEN HIRED A MAN TO BE A LOBBYIST AGAINST MY BILL, A MAN WITH WHOM I HAD WORKED AND HAD A DIFFERENT OPINION ABOUT HIM AS HIS BEING A LOBBYIST BECAUSE OF CERTAIN STANDARDS BEING MET AND LINES BEING DRAWN AND NOT CROSSED. HE CAN DO WHATEVER HE WANTS TO, TO MAKE MONEY WHEREVER HE CAN MAKE IT. BUT HE HAS GOT ONE SHOT TO MAKE MONEY FROM CABELA'S, BUT HE IS GOING TO HAVE TO DEAL WITH ME THE REST OF THE TIME I'M IN THE LEGISLATURE. SO HE NEEDS TO ASK HIMSELF WHAT DOETH IT PROFIT A MAN TO GAIN CABELA'S AND LOSE HIS SOUL IN OTHER CONTEXTS? BUT FOR NOW, MY AMENDMENT IS GOING TO SET A FEE OF \$5. THAT'S NOT AS LOW AS I HAD SAID THE OTHER DAY. I SAID \$2 OR \$3. SO I DECIDED TO CHANGE THAT "OR" TO THE WORD "AND." PUT THE TWO NUMBERS TOGETHER: TWO AND THREE EQUAL FIVE. SO I COMPROMISED RIGHT THERE AND AM OFFERING A FEE OF \$5. AND TO MAKE SURE WE HAVE SOMETHING THAT MIGHT CATCH YOUR INTEREST, SINCE YOU HANG OUT WITH THE GOVERNOR, HE IS A MILLIONAIRE BUT YOU ARE NOT. YOU MIGHT BE A "THOUSANDAIRE." YOU MIGHT BE A "HUNDREDAIRE." YOU MIGHT BE A "TEN-DOLLARAIRE." BUT YOU'RE NOT A MILLIONAIRE. SO MY NEXT AMENDMENT IS GOING TO GIVE YOU A CHANCE TO FEEL LIKE A BIG SHOT. I'M GOING TO OFFER AN AMOUNT OF \$3,000. THAT GIVES YOU A CHANCE TO TALK ABOUT SOME BIG MONEY AND THAT MIGHT MOVE YOU. OH, YES, I'M TILLING THE GROUND AND I'M PREPARING FOR WHAT WE ARE GOING TO BE DEALING WITH. THIS IS WHAT COULD BE CALLED A PEEWEE BILL. IF THAT'S ALL IT WERE, I WOULDN'T WASTE TIME ON IT; AND THAT'S WHAT I WOULD BE DOING IF IT WERE JUST WHAT THE BILL IS SAYING AND IT DID NOT INVOLVE A PRINCIPLE, A PRINCIPLE OF HOW THE GOVERNMENT OUGHT TO DEAL WITH THE CITIZENS. AND THAT DEALING SHOULD NOT BE SLIPPING AND SLIDING AROUND BEHIND THEM AND GOUGING THEM BECAUSE YOU KNOW THEY ARE NOT GOING TO PAY ATTENTION AND BE AWARE OF IT. THIS IS A TAX INCREASE. AND SOME OF YOU WILL WANT TO SAY, I NEVER VOTED FOR A TAX INCREASE. YOU KNOW WHAT THIS IS JUST LIKE I DO. [LB88]

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PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: ONE THING POLITICIANS KNOW, IF THEY DON'T KNOW ANYTHING ELSE, THEY KNOW WHAT A TAX IS BUT THEY ALSO KNOW HOW TO HIDE IT AND CONCEAL IT JUST LIKE THEY CAN CAMOUFLAGE OR ATTEMPT TO CAMOUFLAGE THEIR MOTIVES. BUT I'M GOING TO BE VERY FORTHRIGHT AND TRANSPARENT. I'M GOING TO STAY ON THIS BILL AS DARTH VADER TOLD HIS HENCHMEN WHEN THEY WERE GOING AFTER LUKE SKYWALKER IN THEIR LITTLE SPACECRAFTS: STAY ON THE LEADER. THAT MEANT FOCUS ON LUKE SKYWALKER, FORGET ALL THIS OTHER STUFF. AND THAT IS WHAT I INTEND TO DO. I'M GOING TO STAY ON THE BILL. THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD. [LB88]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. COLLEAGUES, LEST WE FORGET WHERE WE ARE AT, AS SENATOR CHAMBERS WILL SOMETIMES POSSIBLY ADMIT TO DOING, WE ARE STILL LOOKING AT AN AMENDMENT TO AM131, THE AMENDMENT WHICH, IN AND OF ITSELF, HAS SERIOUS CONSTITUTIONAL QUESTION. ANY AMENDMENT WE MAKE TO AM131 THAT DOES NOT SPECIFICALLY REMOVE THE LANGUAGE ALLOWING THE COUNTIES TO GO UP AND DOWN, OR MAKE THE CHOICE, I BELIEVE TO STILL BE UNCONSTITUTIONAL. I THINK WE WOULD BE SUBJECT TO A COURT CHALLENGE, AND I THINK WE WOULD LOSE. SO UNTIL WE SEE AN AMENDMENT THAT TOTALLY ELIMINATES AM131 AS WRITTEN AND BRINGS IT BACK WITH A SET AMOUNT, AT SOME NUMBER, MY PREFERENCE WOULD BE MAYBE \$20, BUT UNTIL WE GET TO THAT POINT, I WILL NOT BE VOTING FOR ANY AMENDMENT UNTIL THAT LANGUAGE IS REMOVED TOTALLY. I THINK SENATOR CHAMBERS IS JUST DYING TO SAY SOMETHING SO I WILL YIELD THE REMAINDER OF MY TIME TO HIM. [LB88]

PRESIDENT FOLEY: 3:20, SENATOR CHAMBERS. [LB88]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. YOU SHOULDN'T HAVE SAID THAT I'M DYING TO SAY SOMETHING. THEY WOULD HAVE SAID LET HIM DIE. IT WAS A FIGURE OF SPEECH. BUT HERE IS THE WAY MY AMENDMENT IS CRAFTED. IT GETS RID OF THAT SLIDING OR VARIABLE SCALE LANGUAGE AND IT SIMPLY SAYS THEY WILL SET THE FEE IN AN AMOUNT OF \$5. IT IS A SPECIFIC AMOUNT. THE AMOUNT MAY NOT BE WHAT YOU WOULD LIKE TO SEE, BUT IT DOES GET AWAY FROM THAT "UP TO" SLIDING SCALE. AND AS I STATED BECAUSE I KNOW HOW YOU ARE GOING TO VOTE, MY NEXT AMENDMENT WILL BE FOR A \$3,000 FEE. THAT'S KIND OF A COMPROMISE WITH SENATOR SEILER. HE SAID \$10,000

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AND I THOUGHT THAT WAS A LITTLE STEEP, EVEN IN JEST. AND MY COLLEAGUES HAVE BEEN AROUND RICH PEOPLE BUT NOT LONG ENOUGH TO BE ABLE TO DIGEST THAT AMOUNT AND BE DEALING WITH IT IN ANY WAY ON THEIR OWN. I HAVE RESISTED THE TEMPTATION TO POLL THE BODY AND SEE WHICH ONES HAVE GOTTEN THEIR INVITATIONS TO PARTICIPATE AS LUMINARIES AT THE AK-SAR-BEN BALL. BUT I KNOW THE ANSWER RIGHT NOW: ZERO, NOT ONE OF YOU. NO, NOT ONE. BUT WHO IS DOING THE WORK OF THE RICH PEOPLE? WHY, YOU ALL ARE DOING THE WORK OF THOSE WHOSE NUMBERS YOU WILL NEVER JOIN. BUT THAT'S THE WAY POLITICS IS DONE. THERE ARE TWO BILLIONAIRE INDUSTRIALISTS, THE LAST NAME IS SPELLED K-O-C-H PRONOUNCED COKE LIKE THE COAL OR LIKE THE SOFT DRINK. WHEN WE HAD A GENTLEMAN IN THIS BODY WHOSE LAST NAME WAS SPELLED K-O-C-H, HE PRONOUNCED IT COOK. THERE WAS A MAYOR OF NEW YORK WHOSE NAME WAS SPELLED K-O-C-H AND HE PRONOUNCED IT "KOTCH." SO WHY WOULD THE KOCH BROTHERS CALL THEMSELVES COKE? THEY WANT TO BE IN A DISTINCTIVE CATEGORY... [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: ...ALL THEIR OWN, NOT MISTAKEN FOR ANY OF THE LOWER ORDERS. AND THEY HAVE SET ASIDE ALMOST A BILLION DOLLARS, 800-AND-SOME...90-SOMETHING MILLION DOLLARS TO BUY ELECTIONS FOR THE "REPELICAN" PARTY OR THOSE MEMBERS OF THE PARTY WHO WILL DO THEIR BIDDING. MR. PRESIDENT, WAS THAT MY SECOND TIME SPEAKING? [LB88]

PRESIDENT FOLEY: YOU ARE ACTUALLY ON SENATOR BLOOMFIELD'S TIME AT THIS MOMENT, SENATOR. [LB88]

SENATOR CHAMBERS: OH, OKAY. THANK YOU. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS AND SENATOR BLOOMFIELD. SENATOR CHAMBERS, YOU ARE NEXT IN THE QUEUE. YOU'RE RECOGNIZED. [LB88]

SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, YOU MIGHT THINK THAT I'M GOING CONTRARY TO WHAT I SAY WHEN I INDICATE IF YOU'VE GOT SOMETHING TO SAY TO SOMEBODY YOU OUGHT TO SAY IT TO THEM, NOT BEHIND THEIR BACK. THE GOVERNOR MAY NOT PAY ATTENTION TO WHAT WE DO HERE, BUT I WROTE HIM A LETTER AND SENT IT TO HIM AND HE GOT. SO HERE IS WHAT I WROTE IN THAT LETTER. YOU GRATUITOUSLY HAVE CHOSEN TO DECLARE POLITICAL WAR ON ME. NOT ONE TO RUN FROM A THREAT OR SHRINK FROM A BELLIGERENT CHALLENGE, I CHEERFULLY

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ACCEPT, CONDITIONED, OF COURSE, ON YOUR BEING ELECTED GOVERNOR. SINCE YOUR BELLICOSE WORDS HAVE SET AN UNMISTAKABLY UNFRIENDLY TONE, I SHALL RETORT IN KIND. IN THE CLIPPER ARTICLE, FORMER GOVERNOR ORR LAUDED YOU AS, QUOTE, A MAN OF FAITH, UNQUOTE, WHICH IMPLIES THAT YOU ACCEPT THE BIBLE. ASSUMING THAT YOU DO, I OFFER UP A QUOTE FOR YOUR EDIFICATION. QUOTE, THEREFORE, DOTH JOB OPEN HIS MOUTH IN VAIN, HE MULTIPLIES WORDS WITHOUT KNOWLEDGE, UNQUOTE. JOB 35:16. FURTHER, THE BIBLE SAYS OF CERTAIN TYPES OF PEOPLE, QUOTE, THEIR MOUTHS SPEAKETH GREAT SWELLING WORDS, UNQUOTE. YOUR IMPOLITIC WORDS PLACE YOU IN THAT NUMBER. AND THAT IS FOUND IN THE BOOK OF JUDE, THE 16TH VERSE. A WORD YOU REPEAT INCESSANTLY, IN FACT, AD NAUSEAM, IS "GROW." AS IN THE "OLD MacDONALD" REFRAIN, HERE A GROW, THERE A GROW, EVERYWHERE A GROW, GROW, YOU ARE GOING TO GROW THE ECONOMY, GROW BUSINESS, GROW AGRICULTURE, GROW THE STATE, AND NOW GROW AN ANTI-SENATOR CHAMBERS LEGISLATIVE COALITION IF YOU ARE ELECTED. ABOUT THE ONLY TWO THINGS YOU ARE NOT PLEDGED TO GROW ARE WISE AND HAIR. ALTHOUGH I GROW WEARY OF AND ANNOYED BY YOUR GROW FETISH, IT HAS CAUSED A RHYME TO GROW IN MY MIND. IT IS TITLED "THE GROWER": YOU'LL GROW THIS, YOU'LL GROW THAT, AND THEN YOU'LL GROW THE OTHER. AFTER YOU GROW ALL THOSE THINGS, WHY, THEN, YOU WILL GROW YET ANOTHER. FROM TIME TO TIME I WILL SHARE WITH YOU OTHER THINGS. BUT I LET THE GOVERNOR KNOW HOW I RESPONDED TO HIM. AND I DON'T KNOW IF THOSE OF YOU WHO ARE IN HIS CAMP WERE THREATENED BY HIM OR PROMISED SOMETHING BY HIM. BUT IN THE SAME WAY THAT WE HAVE HAD BLACK PEOPLE, DURING OUR STRUGGLE TO GET SOME OF OUR RIGHTS, SAY THAT WE OUGHT TO LET PEOPLE SLAP US AROUND AND SPIT ON US AND DO NOTHING, I COUNSEL THOSE PEOPLE, DON'T JUDGE...DON'T MAKE THE MISTAKE OF JUDGING MY MANHOOD BY THAT OF MARTIN LUTHER KING. AND I TOLD MY BROTHERS AND SISTERS, WHEN THEY HAD BEEN TAUGHT AND PROPAGANDIZED TO LET THESE VICIOUS COPS BEAT THEM AND NOT TRY TO FIGHT BACK, LET THESE WHITE PEOPLE, WHEN THEY SAT DOWN AT LUNCH COUNTERS, POUR HOT COFFEE ON THEM, BUTT CIGARETTES OUT IN THE HAIR OF YOUNG BLACK WOMEN, YOU DO NOT CAUSE A TIGER TO LOSE HIS TASTE FOR RED MEAT BY FEEDING HIM ALL THE MEAT HE CAN EAT. SO BY YOU GIVING YOURSELF UP VOLUNTARILY TO THE VICIOUSNESS OF THESE SAVAGES... [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: ...YOU'RE NOT GOING TO GET ANY RIGHTS, YOU'RE NOT GOING TO GET ANY FREEDOM. AND THE REASON MARTIN LUTHER KING GOT THE PEACE PRIZE AND MALCOLM X DIDN'T IS BECAUSE MARTIN LUTHER KING SAID LET THEM DO ANYTHING THEY WANT TO YOU AND MALCOLM X SAID YOU

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HAVE THE RIGHT TO DEFEND YOURSELF. MARTIN LUTHER KING WAS A FOIL FOR MALCOLM X. THEY CHOSE AND LIONIZED MALCOLM...MARTIN LUTHER KING SO THEY WOULDN'T HAVE TO DEAL WITH MALCOLM X AND MEN LIKE HIM. SO I DON'T WANT MR. RICKETTS TO THINK THAT HE HAS GOT A MODERN-DAY MARTIN LUTHER KING ON HIS HANDS. HE IS GOING TO HAVE TO SHOW ME WHAT HE IS GOING TO DO TO ME. AND IF HE PUTS SOME OF YOU BETWEEN HIM AND ME...MY TIME IS PROBABLY UP. I WILL SAY IT ON MY NEXT TIME.
[LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD. [LB88]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. AND I WANT TO THANK YOU, SENATOR CHAMBERS, FOR NOT USING THE TIME THAT I YIELDED TO YOU TO DISPARAGE OUR GOVERNOR. THANK YOU FOR DOING THAT ON YOUR TIME AND NOT ON MINE. I HAVE BEEN PROMISED NOTHING BY THIS GOVERNOR. I HAVE NOT BEEN SCARED BY THIS GOVERNOR. I DON'T THINK I WILL FIND MYSELF BETWEEN THE GOVERNOR AND YOU, BUT I WILL FIND MYSELF STANDING INDEPENDENT OF YOU AND OF THE GOVERNOR FROM TIME TO TIME. YOU AND I HAVE COME TO REALIZE THAT OVER THE LAST COUPLE OF YEARS AND THAT'S WHERE I WILL STAND. I GROW A LITTLE WEARY OF CONSTANTLY HEARING OUR CONSTITUTIONAL OFFICERS BASHED UP HERE, WHETHER BY SENATOR CHAMBERS OR BY OTHERS. I GROW A LITTLE WEARY OF THE CONSTANT CHARGE THAT WE ARE ALL RACIST. IT JUST GETS A LITTLE OLD SOMETIMES. SENATOR CHAMBERS, I KNOW YOU HAVE LIVED IN THAT WORLD. I HAVE LIVED LONG ENOUGH TO SEE IT. I KNOW IT STILL EXISTS. I EXPERIENCED IT LAST YEAR IN NASHVILLE, TENNESSEE, WHERE I CAME TO THE DEFENSE OF A YOUNG BLACK MAN THAT WAS BEING RUDELY AND BADLY TREATED BY AN ELDERLY WHITE--AND I WON'T USE THE WORD "GENTLEMAN," I WILL USE THE WORD "REDNECK." HE WAS ABSOLUTELY OUT OF LINE AND I DID INTERJECT MYSELF WHERE I PROBABLY HAD NO BUSINESS AT ALL, BUT WHAT HE WAS DOING IS WRONG. AND WHAT I SEE SENATOR CHAMBERS DOING ON A REGULAR BASIS HERE I ALSO FEEL IS WRONG. NOW THAT I HAVE VENTED MYSELF MORE THAN I HAD EVER INTENDED TO ON THAT SITUATION, I WILL GET BACK TO THE BILL AT HAND. WE AS A BODY WHEN WE GO TO A CLOTURE VOTE NEED TO BE CAREFUL OF WHAT IS LEFT ON THE FLOOR BECAUSE THAT PROCESS MOVES VERY RAPIDLY ONCE IT STARTS. I DON'T WANT TO SEE THE ONLY VOTE LEFT TO US ON THE FLOOR TO GO TO SENATOR CHAMBERS' \$2 OR \$3 BILL OR AMENDMENT. SO BE CAREFUL OF WHAT WE DO THERE. I AM NOT IN SUPPORT OF THIS BILL. I WOULD BE IN SUPPORT OF GOING TO A \$20 FEE INSTEAD OF A \$15 FEE. I DON'T CARE TO GO MUCH HIGHER THAN THAT BECAUSE WHATEVER ANYBODY CHOOSES TO CALL IT, IT IS, AS I'VE SAID BEFORE, STILL A TAX. SO I

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WOULD ENCOURAGE ALL OF US TO BE CAREFUL OF AMENDMENTS WE PUT ON AT THIS POINT AS WE ARE APPROACHING, ACCORDING TO MY TIME LINE, WITHIN ABOUT AN HOUR AND 15 MINUTES TO AN HOUR AND A HALF OF CLOSING THIS. WE'LL PROBABLY FINISH IT UP MONDAY MORNING. BE AWARE OF WHAT WE'RE DOING LEST THE LION, THE BEARDED LION, SWALLOW US ALL. THANK YOU. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR BLOOMFIELD. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB88]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. MONDAY, MONDAY (SINGING). BUT I'LL TELL YOU WHAT. YOU ALL ARE GOING TO HEAR WHAT I GOT TO SAY UNLESS YOU STOP YOUR EARS AND GET OUT OF HERE. WE HAVE SUFFERED THIS MESS EVER SINCE WE'VE BEEN IN THIS COUNTRY. SENATOR BLOOMFIELD IS TIRED OF HEARING WORDS. WHAT WOULD HE BE SAYING IF HE HAD TO LIVE IT AND HIS CHILDREN LIVE IT? I'M NOT GOING TO STOP SAYING WHAT I SAY. AND THE GOVERNOR IS A RICH MAN AND HE CAN DEFEND HIMSELF. BUT IF YOU ALL WANT TO DEFEND HIM, YOU'RE FREE TO DO IT. WHEN HAVE I EVER TOLD ANYBODY YOU CAN'T SAY SOMETHING ON THE FLOOR OR YOU SHOULDN'T SAY IT? GET TIRED. WHAT IS THAT TO ME? WHY DO YOU THINK I'M TAKING THIS TIME? TO WEAR YOU OUT. AND WE GOT 90 DAYS...NOT 90 DAYS LEFT. BUT I'M GOING TO SAY WHAT I CHOOSE TO SAY. AND SENATOR BLOOMFIELD DID NOT HEAR ME SAY SENATOR BLOOMFIELD GOT ANYTHING FROM THE GOVERNOR. I MAKE HATS. IF ONE FITS YOUR HEAD, YOU PUT IT ON YOUR HEAD, DON'T BLAME ME. IF I GIVE A DESCRIPTION AND YOU APPLY IT TO YOURSELF, THAT'S YOUR CONSCIENCE TALKING TO YOU. IF I HAVE SOMETHING TO SAY ABOUT SOMEBODY, I SAY IT. SENATOR BLOOMFIELD KNOWS THAT. ABRAHAM LINCOLN SAID, NEVER PUT YOUR HEAD BETWEEN THE SKILLET AND AN ANGRY WOMAN'S HEAD...HAND AND A HUSBAND WHOM SHE'S ANGRY AT. THAT'S WHAT ABRAHAM LINCOLN SAID. DON'T PUT YOUR HEAD BETWEEN THE SKILLET AND THE ONE SHE'S AIMING IT AT. BUT IF YOU PUT YOUR HEAD THERE, IT MEANS NOTHING TO ME. NOW I'M SUPPOSED TO COME HERE AND ACT LIKE BECAUSE I'M ON THE FLOOR OF THIS LEGISLATURE THINGS ARE LIKE THEY OUGHT TO BE. I HAVE A MEETING SCHEDULED TO TALK TO THE CHIEF OF POLICE IN OMAHA AT NOON. HE WANTS TO TALK TO ME FINALLY AND I WANTED TO TALK TO HIM AND I WILL TALK TO HIM BECAUSE I AGREED TO. BUT IF I READ THE PAPER CORRECTLY, HE SAID THAT THESE COPS WHO OPENED FIRE ON THIS WOMAN AND KILLED HER DIDN'T VIOLATE ANY RULES OF THE OMAHA POLICE DEPARTMENT. I DON'T EVEN WANT TO TALK TO A MAN LIKE THAT. BUT SINCE I AGREED TO, I'M GOING TO MEET WITH HIM. BUT I'M GOING TO LET HIM KNOW EXACTLY WHAT I THINK OF WHAT HE SAID, JUSTIFYING THAT. AND, SENATOR BLOOMFIELD, IT HAPPENED TO BE A

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MIDDLE-AGED WHITE WOMAN. AND THE FARMER THAT WAS DEFENDED WHEN HE WAS SHOT DEAD BY THE STATE PATROL WAS A WHITE MAN IN CAIRO THAT NO OFFICIAL WOULD SPEAK FOR EXCEPT ME, NOT BECAUSE HE WAS WHITE. IN FACT, I WAS TOLD BY WHITE PEOPLE OUT THERE WHAT A RACIST HE WAS. AND I SAID, THEY DIDN'T KILL HIM BECAUSE HE WAS A RACIST. THEY DID TO HIM WHAT WAS WRONG AND THAT'S ALL THAT I LOOKED AT. AND BECAUSE OF MY INTERVENTION, THE STATE PATROL CHANGED THE METHODOLOGY THEY WOULD USE WHEN THEY HAD SOMEBODY IN A STANDOFF. NO WHITE OFFICIAL DID IT. YOUR GOVERNORS DIDN'T DO IT. NONE OF YOUR ELECTED CONSTITUTIONAL WHITE OFFICERS DID IT. NOT ONE WHITE MEMBER OF THIS LEGISLATURE DID IT. I DID IT. AND I KNOW WHAT I BELIEVE AND I KNOW WHAT I'M MADE OF. AND THAT'S WHAT YOU ALL ARE GOING TO HAVE TO DEAL WITH. AND YOU CANNOT MAKE ME SHUT UP. BUT YOU CAN LEAVE THE FLOOR WHENEVER YOU WANT TO. PERSONALLY, I DON'T CARE WHAT ANY OF YOU DO. BUT I CARE ABOUT WHAT I DO. AND I BETTER DO IT THE WAY MY MIND AND MY CONSCIENCE TELLS ME I BETTER DO IT. AND MAYBE THAT'S WHY YOUR KIDS WRITE ALL OF THESE LETTERS TO ME AND NOT TO YOU ALL ABOUT BEING THE KIND OF EXAMPLE OF A MAN THEY WANT TO BE... [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: ...WHO'S NOT AFRAID, WHO DOES HIS HOMEWORK. I'VE EVEN HAD KIDS TALK ABOUT...THEY PAY ATTENTION TO SOME OF THIS, THAT THEY'RE GOING TO START READING SOME BOOKS BECAUSE THEY FOUND OUT THAT I READ BOOKS. THEY THINK BOOKS MADE ME WHAT I AM, WHATEVER IT IS THEY PERCEIVE. THE KID DIDN'T SAY I'M NOT GOING TO GO OUT HERE AND PICK UP A BRICK AND HIT SOMEBODY IN THE HEAD WITH IT; I'M GOING TO START READING BOOKS. AND THAT MEANS SOMETHING TO ME. BUT WHETHER ANY CHILD OR OLD PERSON AGREED WITH ME ON ANYTHING, SENATOR BLOOMFIELD, I HAVE NO MORE CHOICE ABOUT WHAT I AM THAN WATER HAS TO RUN DOWNHILL. I'M BEING WHAT MY NATURE MAKES ME. AND THAT'S THE WAY I WILL ALWAYS BE AND POPEYE'S MANTRA IS MINE: I YAM WHAT I YAM AND THAT'S ALL THAT I YAM. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR BLOOMFIELD, FOR THE THIRD TIME, SENATOR. [LB88]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. SENATOR CHAMBERS, I DON'T BELIEVE IN MY LAST TIME AT THE MIKE I EVER SAID I DIDN'T WANT YOU TO SAY WHAT YOU FELT. I SIMPLY STATED I WAS TIRED OF HEARING THIS BODY REFERRED TO AS RACIST. YOU HAVE AT ONE TIME OR ANOTHER REFERRED TO INDIVIDUALS AS RACIST IN HERE, ONE OF THEM BEING ONE OF THE MOST "UNRACIST," IF THAT'S A PROPER WORD, OR THE LEAST RACIST

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INDIVIDUALS I HAVE EVER MET IN SENATOR BURKE HARR. I DON'T BELIEVE THE MAN HAS A RACIST BONE ANYWHERE IN HIS BODY. WHAT I WAS REFERRING TO AND WHAT I WILL CONTINUE TO DISAGREE WITH YOU ON, SIR, IS THE IDEA THAT THIS BODY IS MADE UP OF A GROUP OF RACISTS. I THINK AS WE LOOK AROUND THIS BODY WE SEE SENATOR PANSING BROOKS. I KNOW SHE DOESN'T HAVE A RACIST BONE ANYWHERE WITHIN HER BODY. I GREW UP AT A TIME WHEN IT WAS VERY EASY, AS DID YOU, TO BECOME RACIST ON ONE SIDE OR THE OTHER. OUR GOVERNMENT AT THAT TIME, WHEN I WAS IN THE MILITARY NOT LONG AFTER OR BEFORE YOU WERE, I DON'T KNOW WHAT YOUR EXACT DATES WERE, WHEN WE WERE BEING DRAFTED, THERE WAS NO DOUBT THERE WAS AN UNEQUAL PORTION OF BLACK FOLKS BEING DRAFTED AND SENT TO VIETNAM. IT WAS OBVIOUS JUST BY THE NUMBERS THAT WERE THERE. SO I WILL NOT DISCOURAGE WHAT YOU HAVE TO SAY, SENATOR. IT'S JUST...OR WILL I TRY TO KEEP YOU FROM SAYING WHAT YOU HAVE TO SAY. BUT I PERSONALLY GROW A LITTLE WEARY OF SEEING MEMBERS OF THIS BODY BEING CALLED A RACIST WHEN I KNOW THEY ARE NOT. AND WITH THAT, I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB88]

PRESIDENT FOLEY: SENATOR CHAMBERS, 2:45. [LB88]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BLOOMFIELD. BUT BEFORE YOU MENTION SOMEBODY BY NAME AND TRY TO ATTRIBUTE A CERTAIN CHARACTER TO THEM, IT MIGHT BEHOOVE YOU TO FIND OUT WHAT MAY HAVE PASSED BETWEEN ME AND THAT PERSON THAT WOULD LEAD ME TO CALL THAT PERSON BY NAME AND SAY SOMETHING. AND THAT PERSON WOULD NOT WANT ME TO SAY IT ON THIS FLOOR AND I WON'T. BUT I KNOW WHAT I'M TALKING ABOUT. AND I DO NOT TAKE BACK ANYTHING THAT I SAID. A WHITE PERSON CANNOT GROW UP IN THIS COUNTRY WITHOUT BEING RACIST. THERE ARE STEREOTYPES THEY HOLD. THERE ARE ATTITUDES THEY HAVE. THEY COULD BE IN A...THEY COULD SEE ME AT A COUNTER. NOW IT DIDN'T HAPPEN WITH PEOPLE IN HERE, WHO ARE HERE NOW. AND THE PERSON WHO'S WAITING ON EVERYBODY SAW ME THERE. BECAUSE WHILE THEY'RE SERVING THIS PERSON, NOBODY WAS THERE BUT ME. THEN THEY COME AND THERE'S SOME WHITE PEOPLE, AND THE FIRST THING THEY DO IS GO TO THE WHITE PERSON. AND YOU KNOW ALL I'LL SAY, LET'S BE FAIR. THEN THE WHITE PERSON WHO KNEW I WAS THERE FIRST AND DID NOT SAY ANYTHING WILL AT THAT POINT SAY, WELL, YEAH, HE WAS HERE BEFORE ME. THAT'S WHAT I LIVE WITH ALL THE TIME. THAT'S THE WHITE PRIVILEGE YOU ALL HAVE THAT YOU DON'T EVEN HAVE TO THINK ABOUT. AND YOU DON'T NOTICE WHAT HAPPENS TO ME BECAUSE IT DOESN'T HAPPEN TO YOU. AND YOU DON'T EVEN THINK--NOT YOU PERSONALLY--YOU DON'T EVEN THINK IT'S TRUE BECAUSE IT DOESN'T HAPPEN TO YOU, THAT NOBODY COULD

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BE THAT PETTY, THAT RACIST IN 2015. BUT WHEN YOU'RE BLACK, IT DOESN'T CHANGE. AND IF I WALKED AROUND HERE HUMBLE, AFRAID TO LOOK A WHITE MAN IN HIS FACE... [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: ...THEY WOULD CHEW ME UP AND SPIT ME OUT. AND THAT'S WHAT THEY WOULD DO ON THIS FLOOR. AS MUCH AS I LIKE LORAN SCHMIT, AN EDITORIAL WAS WRITTEN ACCUSING HIM AND JOHN DeCAMP OF USING RACISM TO STOP ME FROM GETTING A CHAIRMANSHIP. THAT WAS A WHITE NEWSPAPER AND PEOPLE IN THE LEGISLATURE KNEW IT TOO. THEY HAD MADE A THREAT THAT IF YOU SUPPORT SENATOR CHAMBERS ON THIS, WE'RE GOING TO LET PEOPLE KNOW OUT THERE WHERE YOU LIVE, WHO YOU'RE SUPPORTING. AND THERE WERE PEOPLE WHO RAN FOR OFFICE AND THE WHITE OPPONENT WOULD SAY THAT SHE SUPPORTS SENATOR CHAMBERS ON THE DEATH PENALTY. AND AN EDITORIAL SAID, WELL, WHY DIDN'T YOU MENTION ALL OF THE WHITE PEOPLE WHO SUPPORT HIM. THEY'RE MAKING THAT APPEAL TO RACISM. IF YOU DON'T KNOW IT, I KNOW IT. THAT'S WHY THOSE OF US WHO HAVE EXPERIENCE DEAL WITH THINGS DIFFERENTLY FROM THOSE WHO READ ABOUT IT, WHO HEARD ABOUT IT, OR THINK THEY KNOW ABOUT IT. YOU'RE NOT GOING TO KNOW ABOUT IT IF I DON'T TELL YOU. YOU DON'T HAVE TO LIKE IT. GET TIRED OF IT. I'M GLAD. IF YOU'RE TIRED OF HEARING IT,... [LB88]

PRESIDENT FOLEY: TIME, SENATOR. [LB88]

SENATOR CHAMBERS: ...WHY DON'T YOU THINK I'M TIRED OF LIVING IT AND I'M 77 YEARS OLD? YOU SAID TIME? [LB88]

PRESIDENT FOLEY: YES, SENATOR. [LB88]

SENATOR CHAMBERS: OKAY. THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED TO CLOSE ON FA7 TO AM131. [LB88]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THERE'S A SONG THAT BLACK PEOPLE SING, MAYBE WHITE PEOPLE DO TOO: OH, LORD, I DON'T FEEL NO WAYS TIRED. AND WHEN YOU ALL PROVOKE ME AND STIR ME UP, MY ENERGY LEVEL GETS SO HIGH IT'S ALL I CAN DO TO KEEP BOTH FEET ON THE FLOOR. IN FACT, I'M GOING TO TELL SENATOR STINNER DON'T LOOK OVER HERE BECAUSE HE'LL SEE ME LEVITATING AND HE'LL THINK THAT I'M A DEVIL BECAUSE HE CERTAINLY WON'T THINK I'M AN ANGEL. THAT'S THE WAY THINGS

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GO. AND YOU KNOW WHAT I HAVE TO DO? I HAVE TO DEAL WITH THIS STUFF, THEN BE CIVIL, BE CIVIL. AND WHITE PEOPLE WHO DON'T EVEN KNOW OUR CHILDREN CAN GATHER IN MOBS AND ATTACK THEM. CHILDREN! I'M DEALING WITH ADULTS WHO CAN DEAL BACK WITH ME ANY WAY THEY WANT TO. I'M NOT GOING TO BOTHER ANYBODY'S CHILD. YOU THINK I WOULD...IF GEORGE WALLACE HAD A YOUNG CHILD, YOU THINK I WOULD BOTHER HIS CHILD BECAUSE GEORGE WALLACE IS THE FATHER? IT WOULD MAKE ME MORE SYMPATHETIC TO THE CHILD BECAUSE SHE'S GOT A FOOL FOR A FATHER. I'M NOT GOING TO HURT THE CHILD. AND HERE'S WHAT GEORGE WALLACE CAN SAY, AND HE WASN'T CONDEMNED BY WHITE PEOPLE, "SEGREGATION TODAY, SEGREGATION TOMORROW, SEGREGATION FOREVER," WHILE HE'S STOPPING BLACK CHILDREN FROM GOING INTO THE SCHOOLHOUSE DOOR. AND WHEN THAT RACIST, WHOM YOU PROBABLY FEEL IS JUST A CONSERVATIVE, CAN REFER TO PRESIDENT OBAMA AS A HALF-BREED, DO YOU REALIZE THERE ARE CHILDREN IN THESE PUBLIC SCHOOLS WHO HAVE A WHITE PARENT AND A BLACK PARENT SO THEY ARE BEING CALLED HALF-BREEDS BY A MAN ON THE STATE BOARD OF EDUCATION? THAT'S WHAT I'M DEALING WITH. THAT'S WHAT YOU ALL DON'T TALK ABOUT. AND YOU SAY GET TIRED OF ME SAYING IT. GET TIRED. I'LL NEVER GET TIRED OF SAYING IT. AND AS LONG AS I HAVE BREATH IN MY BODY AND A VOICE THAT I CAN CONTROL, I WILL SAY IT WHEN I NEED TO SAY IT. IF I'M ON A HOusetop, I'LL SHOUT IT. IF I'M ON THE STREET CORNER, I'LL UTTER IT. IF I'M IN THIS LEGISLATURE, I'LL SAY IT. AND WHETHER YOU LIKE IT OR NOT MEANS NOTHING TO ME BECAUSE I DON'T LIKE THE WAY MY PEOPLE ARE TREATED, AND I'M TALKING STILL ABOUT CHILDREN. WHEN THEY WERE ALLOWED TO BEAT OUR CHILDREN IN THE SCHOOLS IN OMAHA, I WENT TO THE SCHOOLS AND I CONFRONTED TEACHERS, AND I'M NOT GOING TO TELL YOU ALL THAT I DID. BUT WHEN THEY PUT THEIR HANDS ON CHILDREN, I PUT MY HANDS ON THEM. AND I SAID THERE'S LESS DISPARITY IN SIZE BETWEEN YOU AND ME AND YOU AND THAT CHILD. AND THE TEACHER WAS ALWAYS BIGGER THAN ME. THAT'S WHAT I HAD TO DO IN THE SCHOOLS. AND WHEN CHILDREN WERE ATTACKED IN SCHOOL, THEY WOULD RUN RIGHT TO THE BARBERSHOP WHERE I WORKED. AND I WOULD GO BACK TO THE SCHOOL WITH THEM AND THE TEACHER WOULD HAVE BEEN TAKEN AWAY FOR SAFEKEEPING. WELL, STOP THE TEACHER FROM HITTING THESE CHILDREN. SO WHEN I GOT HERE, I FINALLY GOT A BILL THAT SAID YOU CANNOT USE CORPORAL PUNISHMENT ON CHILDREN. AND I TOLD THEM, THIS SCHOOL, THAT SCHOOL, EVERY SCHOOL WHERE OUR CHILDREN ATTEND ARE MONSTER FACTORIES. AND WHEN YOU INFLICT VIOLENCE ON THESE CHILDREN, YOU'RE TEACHING THEM VIOLENCE AND THERE'S A BITTER CROP THAT WILL BE RAISED AND WE ARE REAPING IT NOW BY WHAT THESE CHILDREN ARE DOING IN OUR COMMUNITY BECAUSE THEIR PARENTS WERE THE ONES WHO WERE BRUTALIZED. AND WHEN YOU YOURSELF ARE BRUTALIZED, IT DOESN'T TEACH YOU NOT TO DO IT. IT TEACHES YOU TO

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REPLICATE IT. AND THAT'S EVEN SAID BY YOUR WHITE PSYCHOLOGISTS AND PSYCHIATRISTS, THAT WHEN YOU MISTREAT CHILDREN, YOU TEACH THEM TO DO WHAT YOU HAVE DONE TO THEM. YOU DON'T TEACH THEM TO BE COMPASSIONATE AND UNDERSTANDING. THEY DON'T KNOW ANYTHING ELSE. [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: AND HOW CAN THEY DO WHAT THEY DON'T KNOW AND HOW CAN THEY KNOW IF SOMEBODY DOESN'T TEACH THEM? AND THERE I WAS GOING INTO THE SCHOOLS, WENT BEFORE THE STATE BOARD OF EDUCATION, WENT BEFORE THE OMAHA SCHOOL BOARD TALKING AGAINST OUR CHILDREN BEING BEATEN. THAT WOULDN'T HAPPEN IN YOUR SCHOOLS AND YOU DON'T BELIEVE IT NOW. THAT'S WHY I DON'T TRY TO CHANGE YOUR MIND ON ANYTHING, AND YOU'RE NOT GOING TO CHANGE MINE. I WOULDN'T TALK TO YOU THIS LONG IN ANY OTHER SETTING BECAUSE IT WOULD BE A WASTE OF MY TIME. I KNOW YOU'RE NOT GOING TO CHANGE, AND YOU KNOW I'M NOT GOING TO CHANGE. BUT I HAVE TO BE HERE AND I'M GOING TO SPEND THE TIME. AND THAT'S EXACTLY WHAT I WILL DO. THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATORS, YOU'VE HEARD THE CLOSING ON FA7. THE QUESTION IS, SHALL FA7 BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE...THERE'S BEEN A REQUEST FOR A ROLL CALL VOTE. [LB88]

ASSISTANT CLERK: (ROLL CALL VOTE TAKEN.) THE VOTE IS 0 AYES, 29 NAYS ON THE ADOPTION OF FA7, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. THE AMENDMENT DOES NOT PASS. [LB88]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR CHAMBERS WOULD MOVE TO RECONSIDER THE VOTE JUST TAKEN. [LB88]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE WELCOME TO OPEN ON YOUR RECONSIDERATION MOTION. [LB88]

SENATOR CHAMBERS: I DIDN'T UNDERSTAND YOU. [LB88]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU MAY OPEN ON YOUR RECONSIDERATION MOTION. [LB88]

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SENATOR CHAMBERS: THANK YOU. MEMBERS OF THE LEGISLATURE, LET ME TELL YOU WHAT HAPPENS WITH THE WAY I RUN MY OFFICE. A LADY WORKS FOR ME, WITH ME, SHE DOESN'T TAKE MESSAGES. WHEN PEOPLE CALL, I TOLD HER DON'T TAKE MESSAGES BECAUSE YOU KNOW WHAT HAPPENS TO HER? SHE GETS...SHE'S NOT THE ONE IN OFFICE. I AM. SHE GETS CURSED OUT. SHE GETS CALLED INSULTING RACIST NAMES. SO I SAID, TAKE NO MESSAGES FROM ANYBODY. ANYBODY WHO CALLS WILL TALK TO ME. THAT'S WHAT HAPPENS DOWN HERE, AND YOU ALL DON'T CONFRONT THAT. THEY DON'T EVEN KNOW HER. SHE ANSWERS THE PHONE. BUT SINCE SHE'S IN MY OFFICE, THE STREAM OF PROFANITY, ALL THE INSULTING RACIAL SLURS THEY CAN THINK OF. AND YOU ALL ARE SO TENDER AND SENSITIVE, YOU COULDN'T SURVIVE HAVING TO LIVE LIKE I LIVE. THAT'S WHAT THAT OLD WHITE ACTOR MEANT WHEN HE SAID, YOU COULDN'T STAND THE TRUTH OR YOU COULDN'T DEAL WITH THE TRUTH. YOU CAN GO HOME AND FORGET THIS. AND IF YOU'RE SMART, YOU WILL. BECAUSE YOU'RE NOT GOING TO DO ANYTHING TO CORRECT IT. BUT IN THE MEANTIME, I'M NOT GOING TO RUN AWAY FROM WHAT IT IS THAT I CONFRONT AND WHAT I HAVE TO DO. THIS BILL IS ONE THAT I WILL CONTINUE TO FIGHT. BUT WHILE I'M FIGHTING ON THIS FLOOR, I HAVE OTHER THINGS ON MY MIND. BUT I CAN FUNCTION BETTER WITH THINGS ON MY MIND THAN MOST PEOPLE ON THIS FLOOR CAN DO WHEN THEY'RE AT THEIR BEST. EVOLUTION IS A GOOD EXPLANATION FOR A LOT OF THINGS. THOSE WHO ARE COMPELLED TO BE ABLE TO DO MORE THAN ONE THING AT A TIME WILL LEARN HOW TO DO IT. THEY GAIN THE FACILITY. ANYBODY COULD DO IT. BUT IF THEY DON'T HAVE TO, THEY'RE NOT GOING TO DO IT. I CANNOT WRITE WITH MY LEFT HAND RIGHT NOW, NOT LEGIBLY. BUT IF I ONLY HAD MY LEFT HAND TO USE, I WOULD LEARN EVENTUALLY HOW TO WRITE AND DO EVERYTHING WITH MY LEFT HAND THAT I CURRENTLY DO WITH MY RIGHT HAND. SO IF YOU DON'T HAVE TO DEAL WITH THE THINGS THAT I DEAL WITH, YOU'RE NOT GOING TO HAVE ANY IDEA OF WHAT I'M TALKING ABOUT. JUST LIKE SOMEBODY WHO ON THANKSGIVING HAS A LARGE TURKEY, HAM, CANDIED SWEET POTATOES AND ALL THOSE THINGS THEY SHOW WHEN THEY TELL YOU THAT WE WILL PREPARE THIS DINNER FOR YOU AND SERVE IT AT YOUR HOUSE. IT'S HARD FOR PEOPLE WHO EAT LIKE THAT TO KNOW THAT THERE ARE PEOPLE GENUINELY HUNGRY. I DON'T MEAN THE FEELING OF WANTING SOME FOOD THAT YOU GET IF YOU EAT AN EARLY BREAKFAST AND YOU HAVE TO EAT A LATE LUNCH. I MEAN SOMEBODY WHO WILL NOT TASTE FOOD FOR MORE THAN A DAY. YOU CANNOT CONCEIVE OF THAT. INTELLECTUALLY, YOU MIGHT TELL YOURSELF THAT THERE ARE HUNGRY PEOPLE. BUT WHEN YOU DO NOTHING TO TRY TO HELP ALLEVIATE THAT HUNGER, THEN EITHER YOU DON'T BELIEVE WHAT YOU'RE SAYING OR YOU'RE A VERY CRUEL, UNFEELING, HEARTLESS PERSON. AND THAT'S WHAT I DEAL WITH IN THIS LEGISLATURE MOST OF THE TIME. THE ONLY DIFFERENCE BETWEEN ME AND THE REST OF YOU IS THAT I'LL SAY IT

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AND YOU WON'T. BUT IN CERTAIN SETTINGS, YOU'RE ALLOWED TO SAY IT. IF YOU'RE AT A CHURCH OR SOME OF THESE OTHER THINGS THEY INVITE SENATORS TO WHERE YOU'RE SUPPOSED TO BE A ROLE MODEL AND SHOW WHAT OUTSTANDING CITIZENS WE ARE, YOU'VE RUN DOWN THE CATALOG. EVEN GEORGE (SIC--MITT) ROMNEY IS NOW TALKING ABOUT A WAR ON POVERTY. HE'S TALKING ABOUT SELLING HIS BEACH HOUSE THAT HAS AN ELEVATOR...A GARAGE AND ELEVATOR TO MOVE HIS CARS TO DIFFERENT LEVELS. HE'S TALKING ABOUT GETTING RID OF THAT BECAUSE NOW HE KNOWS THAT THERE ARE PEOPLE IN POVERTY AND SOMETHING OUGHT TO BE DONE ABOUT IT. AND I GUESS HIS CONTRIBUTION TO THE CAUSE IS TO GIVE UP A BEACHFRONT HOUSE WITH AN AUTOMOBILE ELEVATOR IN HIS GARAGE. AND OUR HEARING THAT, AND WHEN I SAY "OUR" THAT INCLUDES POOR PEOPLE OF EVERY STRIPE AND VARIETY, OUR BURDEN IS TO FEEL JUST A LITTLE BIT LIGHTER AND IT'S JUST A LITTLE EASIER TO BEAR BECAUSE MITT ROMNEY SAYS THAT THERE'S POVERTY AND SOMETHING OUGHT TO BE DONE ABOUT IT, AND HE'S GOING SELL HIS BEACHFRONT HOUSE WITH A GARAGE FOR HIS AUTOMOBILES THAT HAS AN ELEVATOR IN IT. I'M NOT GOING AWAY. AND WHEN THINGS HAPPEN ON THIS FLOOR, I'M NOT GOING TO HIDE IN MY OFFICE. AND I DON'T NEED A COALITION OR ANYBODY BACKING ME UP TO DO WHAT I DO. WHITE PEOPLE ARE ACCUSTOMED TO CLUSTERING AND GANGING UP, GANGING UP. SENATOR BLOOMFIELD IS LUCKY THAT A COP DIDN'T COME AND DO SOMETHING TO HIM BECAUSE OF THE INCIDENT HE INTERVENED IN. SEE, I WOULD RATHER HAVE TO DEAL WITH A ROUGH AND TUMBLE PERSON LIKE SENATOR BLOOMFIELD WITH WHOM I MIGHT DISAGREE ON EVERY ISSUE. BUT WHEN IT COMES TO THE IMPORTANT THINGS, THERE WOULDN'T BE THAT DISAGREEMENT BECAUSE WE CAN SEE EACH OTHER AS A MAN DEALING WITH A MAN. BUT THESE OTHERS.... AND AS LONG AS THERE'S SOMETHING IN MY MIND THAT I FEEL I OUGHT TO SAY, I WILL SAY IT. THAT'S WHY I SAID ON THIS FLOOR, I DON'T FEEL LIKE MEETING WITH THE CHIEF OF POLICE FROM OMAHA. BUT I WILL BECAUSE I PROMISED. BUT THE FIRST THING OUT OF MY MOUTH IS GOING TO BE HAD I KNOWN YOU WERE GOING TO TAKE THE DECISION YOU DID--THE WOMAN HADN'T BEEN SHOT AT THAT TIME; THIS HAPPENED A FEW DAYS AGO; THEN SHE DIED IN THE HOSPITAL--HAD I KNOWN WHAT YOUR DECISION WOULD BE, I WOULDN'T WASTE MY TIME TALKING TO YOU. AND YOU KNOW WHY HE AND THE MAYOR ARE NOW TALKING ABOUT THE PROBLEMS OF SHOOTINGS IN NORTH OMAHA? BECAUSE IT'S BEING PUT ON NATIONAL NEWS AND THEY'RE EMBARRASSED. THAT'S WHY. IT'S NOT A NEW PHENOMENON. I LIVE IN THAT COMMUNITY. AND WHAT I'VE INVITED PEOPLE TO DO IS GET A MAP OF OMAHA AND PUT A DOT WHERE I LIVE, THEN PUT A DOT WHERE ALL THESE OTHER SO-CALLED NEGRO LEADERS THAT THE WHITE PEOPLE HAVE ANOINTED, SEE WHERE THEY LIVE. I LIVE WHERE THE PEOPLE LIVE WHO VOTED FOR ME TO REPRESENT THEM. WHATEVER THEY SEE, I SEE. IF THERE'S A RISK, THEN I ASSUME THE RISK.

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WHEN THE STREETS DON'T HAVE THE POTHOLES FIXED, I WANT TO HAVE TO DODGE THEM AND THEN CALL THE MAYOR'S HOT LINE AND TELL THEM, THESE STREETS NEED TO BE FIXED. IF I DON'T LIVE THERE, HOW DO I KNOW IT? SO WHAT WE ARE GOING TO DO THIS SESSION IS HAVE ME HIJACKING THE PROCESS WHENEVER I NEED TO; YOU ALL BEING ANGRY AND GOING AND TATTLING TO THE SPEAKER OR WHOEVER YOU TATTLETALE TO, WHY DON'T YOU MAKE ERNIE BE QUIET. HE OUGHT TO SAY, YOU GO MAKE HIM BE QUIET. I CAN'T DO IT UNDER THE RULES. WHY DON'T YOU GO PUT A FIST IN HIS MOUTH? HE'S 77 YEARS OLD. HE'S ALMOST 80 YEARS OLD. HE'S CLOSER TO BEING 100 THAN HE IS TO 60. SO YOU GO, JUST SHUT HIM UP. [LB88]

PRESIDENT FOLEY: ONE MINUTE. [LB88]

SENATOR CHAMBERS: WHY DON'T THEY DO IT THAT WAY? TATTLETALES TATTLING TO THE TEACHER. TEACHER, ERNIE WON'T DO WHAT I WANT HIM TO DO. HE TALKS ALL THE TIME. WELL, GO STOP HIM. BE LIKE THE OLD DAYS WHEN A BUNCH OF YOU ALL WOULD GET TOGETHER BECAUSE YOU'RE AFRAID OF ONE MAN ON ONE MAN, SO YOU GET 20 OR 30, THEN THE BRAVERY IS THERE. I'VE GOT A PICTURE THAT I KEEP--I DON'T PUT IT ON THE WALL ANYMORE--OF THE CHARRED REMAINS OF A BLACK MAN THAT THE WHITE PEOPLE IN OMAHA BURNED AND LITTLE WHILE CHILDREN WATCHING AND SOME WHITE MEN IN MILITARY UNIFORMS. IT HAPPENED IN OMAHA, NEBRASKA. AND I LOOK AT THAT. BECAUSE IN THE WAY THE "BIBBLE" SAYS, CAN THE LEOPARD CHANGE HIS SPOTS OR THE ETHIOPIAN HIS SKIN? THAT RACISM IS IN THE "BIBBLE." SO I READ THE "BIBBLE," CAN WHITE PEOPLE CHANGE? [LB88]

PRESIDENT FOLEY: TIME, SENATOR. [LB88]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SPEAKER HADLEY, YOU'RE RECOGNIZED FOR AN ANNOUNCEMENT. [LB88]

SPEAKER HADLEY: COLLEAGUES, TO GIVE YOU A HEADS-UP FOR NEXT WEEK, WE WILL BE CONTINUING WITH LB88 ON MONDAY. AS SPEAKER, I WILL ENTERTAIN A MOTION FOR CLOTURE ON LB88 MIDMORNING ON MONDAY. WE WILL THEN CONTINUE ON TO DEBATE THE GENERAL FILE BILLS LISTED ON TODAY'S AGENDA. THANK YOU, MR. PRESIDENT. [LB88]

PRESIDENT FOLEY: THANK YOU, MR. SPEAKER. MR. CLERK. [LB88]

ASSISTANT CLERK: MR. PRESIDENT, SENATOR CAMPBELL WOULD MOVE TO

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SUSPEND THE RULES, RULE 3, SECTION 14, TO PERMIT CANCELLATION OF THE HEARING ON LB346 WHICH IS SCHEDULED FOR FEBRUARY 4, 2015, BY THE HEALTH AND HUMAN SERVICES COMMITTEE. [LB346]

PRESIDENT FOLEY: SENATOR CAMPBELL, YOU'RE RECOGNIZED TO OPEN ON YOUR MOTION. [LB346]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT AND COLLEAGUES. THIS HAS NOTHING DO WITH LB88. THIS IS AN IMPORTANT SUSPENSION OF THE RULES IN ORDER TO ALLOW US TO CHANGE A HEARING DATE AT THE REQUEST OF SENATOR KRIST WHO NEEDS A CHANGE OF DATE DUE TO A VERY IMPORTANT TESTIFIER THAT CANNOT BE THERE. SO, SENATORS, IF YOU ARE LISTENING WITHIN THE SOUND OF MY VOICE, I WOULD APPRECIATE IT IF YOU WOULD RETURN TO THE CHAMBER BECAUSE WE NEED 30 VOTES IN ORDER TO SUSPEND THE RULES AND CHANGE THIS HEARING. AND I WILL TAKE ONE MOMENT OF PERSONAL PRIVILEGE IN ADDITION TO THIS AND THAT I WOULD LIKE THE BODY TO JOIN ME IN CONGRATULATING SENATOR KRIST, WHO LAST NIGHT WAS INDUCTED INTO THE AVIATION HALL OF FAME. THAT CONCLUDES MY OPENING, MR. PRESIDENT. [LB88 LB346]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB346]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, BEFORE YOU ALL START GETTING MAD, THIS IS A DEBATABLE MOTION. SENATOR CAMPBELL NEEDS SOMEBODY TO TAKE SOME TIME TO GIVE THOSE MALINGERING SENATORS A CHANCE TO GET INTO THIS CHAMBER BECAUSE IT TAKES 30 VOTES TO SUSPEND THE RULES. SO I'M HELPING TO FACILITATE. THAT'S WHAT I DO. I HELP THOSE WHO NEED HELP. AND THAT'S WHAT WE NEED. AND I'VE OFTEN SAID HOW I VOTE AGAINST THE RULES BUT I FOLLOW THEM SCRUPULOUSLY. OTHERS WHO VOTE FOR THE RULES WILL HAVE TO SUSPEND THEM. BUT HERE'S THE THING TO KEEP IN MIND. IF YOU LOOK IN YOUR RULE BOOK ON PAGE 9 YOU'LL SEE LISTED SECTION 2 IN THE MIDDLE OF THE PAGE, IS SECTION 2 OF RULE 2--SUSPENSION OF THE RULES. "THE RULES MAY ONLY BE SUSPENDED BY A THREE-FIFTHS MAJORITY OF THE ELECTED MEMBERS BY A MACHINE VOTE, AND SUCH A MOTION SHALL NOT BE AMENDABLE OR DIVISIBLE." BUT IT IS DEBATABLE. NOW WHEN SENATOR CAMPBELL VOTED FOR THE RULES, SHE ALSO VOTED FOR RULE 2, SECTION 2 SO SHE'S ACTING IN ACCORD WITH THE RULES. ANY DELIBERATIVE BODY MUST ON OCCASION SUSPEND THE RULES BY WHICH IT OPERATES TO ALLOW ENOUGH TIME AND THE MEANS TO GET THINGS DONE THAT COULDN'T BE DONE UNDER THE ORDINARY COURSE OF EVENTS. NOW WHAT I'M DOING IS WHAT I'VE DONE ON OCCASION FOR

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EVERYBODY WHO WAS EVER THE SPEAKER. WHEN SOME TIME NEEDED TO BE TAKEN BUT THEY DIDN'T WANT TO JUST PUT THE BODY AT EASE, THEN I WOULD BE REQUESTED TO TAKE SOME TIME. NOBODY REQUESTED ME TO DO THIS. I'M A MEMBER OF THE BODY. I LOOK OUT AND I SEE A NEED; AND IF I CAN ADDRESS IT, THEN THAT'S WHAT I WILL DO. BUT I THINK WHAT YOU'LL NOTICE IS THAT WE DON'T SEE THE SENATORS TUMBLING IN HERE IN A GREAT NUMBER TO HELP SENATOR CAMPBELL, DO YOU? WHO STAYED HERE THE WHOLE TIME? WHO STOOD UP TO SAY SOMETHING TO HELP OUR COLLEAGUE DO WHAT INDEED IS NECESSARY THAT WE DO? PROBABLY BECAUSE OF THE NATURE OF THE ISSUE, WE'RE GOING TO HAVE TO STAY HERE UNTIL WE GET ENOUGH VOTES TO SUSPEND THE RULES. I'D LIKE TO ASK SENATOR CAMPBELL A QUESTION. [LB346]

PRESIDENT FOLEY: SENATOR CAMPBELL, WILL YOU YIELD? [LB346]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. YES, I WILL. [LB346]

SENATOR CHAMBERS: SENATOR CAMPBELL, IF I UNDERSTOOD YOU CORRECTLY, THIS IS SOMETHING WE...WHEN I SAY WE HAVE TO DO IT, I DON'T MEAN ANYBODY IS GOING TO KILL US, BUT THIS WON'T KEEP UNTIL MONDAY WHEN WE COME BACK, WILL IT? [LB346]

SENATOR CAMPBELL: SENATOR CHAMBERS, THAT IS EXACTLY CORRECT. WE NEED TO CHANGE IN THE PUBLICATION AND THE CLERK OF THE LEGISLATURE HAS INDICATED TO ME THAT WE NEED TO TAKE ACTION TODAY. [LB346]

SENATOR CHAMBERS: AND HOW MANY VOTES DOES IT TAKE TO SUSPEND THE RULES? [LB346]

SENATOR CAMPBELL: IT TAKES 30 VOTES, SENATOR CHAMBERS. AND I APPRECIATE YOUR WILLINGNESS TO KEEP THE CONVERSATION GOING UNTIL WE CAN COUNT TO 30. [LB346]

SENATOR CHAMBERS: AND THE REASON I DID THAT SO PEOPLE WON'T THINK I'M ATTACKING YOU OR GETTING EVEN WITH YOU. THIS IS, AS YOU POINTED OUT IN THE BEGINNING, HAS NOTHING TO DO WITH LB88. WE ARE NOW TRYING TO TRANSACT THE PEOPLE'S BUSINESS. WHERE ARE ALL THOSE PEOPLE WHO MAKE COMMENTS LIKE THAT? I CAN UNDERSTAND THEM LEAVING THE FLOOR WHEN I SPEAK. THAT'S PAR FOR THE COURSE. BUT NOW WE'RE NOT EVEN DISCUSSING A BILL. WHAT WE'RE TRYING TO DO IS SOMETHING THAT GOES TO THE INTEGRITY OF THE LEGISLATURE AND ITS OPERATIONS. IF THIS VOTE IS NOT TAKEN TODAY, I'M NOT GOING TO TELL YOU WHAT MIGHT BE THE OUTCOME. I WOULD LIKE TO ASK SENATOR

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

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CAMPBELL A QUESTION. [LB88 LB346]

PRESIDENT FOLEY: SENATOR CAMPBELL, WILL YOU YIELD? [LB346]

SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. YES, OF COURSE. [LB346]

SENATOR CHAMBERS: SENATOR CAMPBELL, WHAT WOULD BE THE CONSEQUENCES IF WE DON'T GET THIS VOTE TAKEN? [LB346]

SENATOR CAMPBELL: WE WOULD HAVE TO PROCEED WITH THE HEARING AS IT HAS BEEN PUBLISHED FOR THE PUBLIC TO KNOW THAT. AND WHAT IS UNFORTUNATE HERE IS THAT SENATOR KRIST HAS A MAJOR TESTIFIER WITH A LOT OF TECHNICAL INFORMATION THAT HAS A HEALTH ISSUE. AND SO WE ARE TRYING VERY MUCH TO MAKE SURE... [LB346]

PRESIDENT FOLEY: TIME, SENATORS. SENATOR KRIST. [LB346]

SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. GOOD MORNING, NEBRASKA. THIS IS ONE OF THOSE SITUATIONS WHERE A SCHEDULED EVENT IS IN THE BOOKS; AND IN ORDER TO TAKE IT OFF OF THE BOOKS, WE NEED TO SUSPEND THE RULES. IN THIS PARTICULAR CASE, THIS INDIVIDUAL IS A KEY PART IN TESTIMONY AND SHE, UNFORTUNATELY, WAS SCHEDULED FOR SOME SURGERY AFTER THIS EVENT WAS SCHEDULED. I ASK YOU PLEASE TO SUSPEND THE RULES AND THEN TO VOTE TO ALLOW US TO TAKE IT OFF OF THE CALENDAR UNTIL SHE CAN PARTICIPATE AND, IF NEED BE, MOVE INTO MARCH, I UNDERSTAND. SENATOR CAMPBELL AND I HAVE TALKED ABOUT THAT AS POTENTIALLY, UNFORTUNATELY, INEVITABLY, THAT'S WHAT WOULD HAVE TO HAPPEN. I ASK YOU FOR YOUR SUPPORT IN SUSPENDING THE RULES AND IN MOVING...ALLOWING US TO MOVE THIS TO A LATER DATE. THANK YOU. [LB346]

PRESIDENT FOLEY: THANK YOU, SENATOR KRIST. SENATOR CHAMBERS. [LB346]

SENATOR CHAMBERS: MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, WITHOUT USING THESE WORDS, THE SPEAKER JUST TOLD ME I CAN STAND UP AND SHUT UP. SO I DON'T HAVE ANYTHING ELSE TO SAY. THANK YOU. [LB346]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SEEING NO OTHER SENATORS WISHING TO SPEAK, SENATOR CAMPBELL, YOU'RE RECOGNIZED TO CLOSE ON YOUR MOTION. [LB346]

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SENATOR CAMPBELL: THANK YOU, MR. PRESIDENT. I APPRECIATE THE SENATORS WHO HAVE COME BACK ONTO THE FLOOR. I KNOW WE'RE TRYING TO CONDUCT SOME OTHER BUSINESS DURING THE NOONHOUR. BUT I MUCH APPRECIATE THIS. IF MY COUNT IS CORRECT, WE SHOULD BE PRETTY CLOSE TO 30. AND SO I THINK THAT WE CAN PROCEED. THANK YOU, MR. PRESIDENT. [LB346]

PRESIDENT FOLEY: THANK YOU, SENATOR CAMPBELL. SENATORS, YOU'VE HEARD THE MOTION. THE QUESTION IS, SHALL THE MOTION BE ADOPTED? ALL THOSE IN FAVOR VOTE AYE; THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD PLEASE, MR. CLERK. [LB346]

ASSISTANT CLERK: 36 AYES, 0 NAYS ON THE MOTION TO SUSPEND THE RULES. [LB346]

PRESIDENT FOLEY: THE MOTION IS ADOPTED. ITEMS FOR THE RECORD, MR. CLERK? [LB346]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. AN AMENDMENT TO BE PRINTED TO LB65 FROM SENATOR SCHUMACHER. REPORT ON CONFIRMATION OF GUBERNATORIAL APPOINTMENTS FROM HEALTH AND HUMAN SERVICES AND NATURAL RESOURCES. YOUR COMMITTEE ON HEALTH AND HUMAN SERVICES REPORTS LB23, LB87, LB90, AND LB107, ALL TO GENERAL FILE. COMMITTEE ON REVENUE REPORTS LB70 TO GENERAL FILE WITH AMENDMENTS. RETIREMENT SYSTEMS REPORTS LB446 TO GENERAL FILE. I HAVE NOTICE OF COMMITTEE HEARING FROM THE EDUCATION COMMITTEE, BANKING COMMITTEE, AND A NOTICE OF CANCELLATION OF HEARING FROM HEALTH AND HUMAN SERVICES. NEW A BILL. (READ LB220A BY TITLE FOR THE FIRST TIME.) I HAVE TWO REPORTS FROM THE EXECUTIVE BOARD REGARDING THE REFERRAL OF APPOINTMENTS. AMENDMENTS TO BE PRINTED TO LB88 FROM SENATOR KRIST AND SENATOR KINTNER. NAME ADD: SENATOR PANSING BROOKS WOULD ADD HER NAME TO LB294. (LEGISLATIVE JOURNAL PAGES 364-368.) [LB65 LB23 LB87 LB90 LB107 LB70 LB446 LB220A LB88 LB294]

AND FINALLY, A PRIORITY MOTION: SENATOR CAMPBELL WOULD MOVE TO ADJOURN UNTIL MONDAY, FEBRUARY 2, AT 10:00 A.M.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATORS, YOU'VE HEARD THE MOTION TO ADJOURN. ALL THOSE IN FAVOR SAY AYE. THOSE OPPOSED SAY NAY. WE ARE ADJOURNED.