

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

Floor Debate  
February 23, 2015

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[LB10 LB37 LB40 LB41 LB42 LB43 LB45 LB65 LB77A LB88 LB91 LB92 LB93 LB95  
LB97 LB99 LB100 LB109 LB118 LB122 LB126 LB142 LB142A LB149 LB150 LB151  
LB157 LB159 LB160 LB167 LB168 LB170 LB171 LB180 LB181 LB198 LB219 LB220  
LB220A LB231 LB247 LB272 LB275 LB282 LB283 LB298 LB313 LB330 LB352 LB365  
LB415 LB446 LB460 LB474 LB498 LB514 LB558 LB561 LB586A LB642 LR26CA LR53  
LR54 LR55 LR65 LR66]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING. WELCOME TO THE GEORGE W. NORRIS CHAMBER FOR THE THIRTY-FIRST DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR MARIO HATCHER FROM THE BELLEVUE CHRISTIAN CENTER IN BELLEVUE, NEBRASKA, SENATOR CRAWFORD'S DISTRICT. PLEASE RISE.

PASTOR HATCHER: (PRAYER OFFERED.)

SPEAKER HADLEY: THANK YOU. I CALL TO ORDER THE THIRTY-FIRST DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. RECORD, MR. CLERK.

CLERK: I HAVE A QUORUM PRESENT, MR. PRESIDENT.

SPEAKER HADLEY: ANY CORRECTIONS FOR THE JOURNAL?

CLERK: I HAVE NO CORRECTIONS.

SPEAKER HADLEY: ANY MESSAGES, REPORTS, OR ANNOUNCEMENTS?

CLERK: MR. PRESIDENT, BILLS READ ON FINAL READING LAST FRIDAY, FEBRUARY 20, WERE DELIVERED TO THE GOVERNOR AT 12:18 ON THAT DATE. (RE: LB40, LB41, LB42, LB43, LB65, LB91, LB92, LB93, LB95, LB99, LB100, LB109, LB118, LB126, LB149, LB150, LB151, LB157, LB159, LB168, LB170, LB171, LB198, LB219, LB220, LB220A, AND LB247.) ENROLLMENT AND REVIEW REPORTS LB45, LB180, LB298, LB313, AND LB352 AS CORRECTLY ENGROSSED. NEW RESOLUTION: SENATOR SEILER OFFERS LR65; THAT WILL BE LAID OVER AT THIS TIME. THAT'S ALL THAT I HAVE, MR. PRESIDENT. (LEGISLATIVE JOURNAL PAGES 593-594.) [LB40 LB41 LB42 LB43 LB45 LB65 LB91 LB92 LB93 LB95 LB99 LB100 LB109 LB118 LB126 LB149 LB150 LB151 LB157 LB159 LB168 LB170 LB171 LB180 LB198 LB219 LB220 LB220A LB247 LB298 LB313 LB352 LR65]

SPEAKER HADLEY: THANK YOU, MR. CLERK. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN

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AND DO HEREBY SIGN LR53, LR54, AND LR55. MR. CLERK, WE WILL START WITH GENERAL FILE, LB10. [LR53 LR54 LR55 LB10]

CLERK: MR. PRESIDENT, LB10, A BILL BY SENATOR McCOY. (READ TITLE.) INTRODUCED ON JANUARY 8 OF THIS YEAR, REFERRED TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. THE BILL WAS ADVANCED TO GENERAL FILE. I HAVE NO COMMITTEE AMENDMENTS. I DO HAVE OTHER AMENDMENTS TO THE BILL, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE RECOGNIZED TO OPEN ON LB10. [LB10]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. LB10 WOULD REINSTATE THE WINNER-TAKE-ALL SYSTEM FOR ELECTING THE PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES HERE IN THE GREAT STATE OF NEBRASKA. CURRENTLY, 48 OTHER STATES AWARD THEIR ELECTORAL VOTES BY THE WINNER-TAKE-ALL SYSTEM. ELECTORAL COLLEGE LEGISLATION HAS BEEN INTRODUCED IN NEBRASKA 14 TIMES SINCE LB1206 WAS INTRODUCED IN 1990 TO END NEBRASKA'S LONGSTANDING PRACTICE OF AWARDED OUR ELECTORAL VOTES BY THE WINNER-TAKE-ALL SYSTEM AND CHANGE TO THE CONGRESSIONAL OR MOST COMMONLY REFERRED TO AS THE DISTRICT PLAN OF APPORTIONMENT. LB1206 DID NOT ADVANCE IN 1990 AND IT WAS REINTRODUCED AS LB115 IN 1991 BY SENATOR DIANA SCHIMEK. LB115 DID ADVANCE TO GENERAL FILE AND WAS DEBATED AT LENGTH. IT PASSED WITH A MINIMUM OF 25 VOTES ON EACH ROUND OF VOTING, INCLUDING FINAL READING. IT WAS SIGNED INTO LAW BY GOVERNOR BEN NELSON. INTERESTING NOTE OF COURSE, IF YOU'RE FOLLOWING THE YEARS, LB115 WOULD HAVE BEEN PASSED IN A REDISTRICTING YEAR WHEN YOU HAD A LOT OF DISCUSSION ABOUT OUR ELECTORAL SYSTEM HERE IN NEBRASKA AND ACROSS THE COUNTRY. IN 1993, TWO BILLS WERE INTRODUCED TO RETURN NEBRASKA TO THE WINNER-TAKE-ALL SYSTEM WITH ONE OF THE BILLS ADVANCING TO GENERAL FILE. AND AGAIN IN 1995 AND 1997, LB65 AND LB103 WERE PASSED BY THE BODY RETURNING NEBRASKA TO THE WINNER-TAKE-ALL SYSTEM. BOTH WERE VETOED BY THEN-GOVERNOR BEN NELSON. SINCE THAT TIME, THE GOVERNMENT COMMITTEE HAS SENT SIMILAR LEGISLATION TO THE FLOOR FOR FULL DEBATE FOUR OTHER TIMES: LB1179 IN 2000, LB454 IN 2001, LB253 IN 2003, AND LB864 IN 2006. THE FULL LEGISLATURE DIDN'T HAVE THE OPPORTUNITY TO DEBATE ANY OF THESE BILLS. LB433 WAS HELD BY THE GOVERNMENT COMMITTEE IN 2007, AND I INTRODUCED LB777 IN 2010 AND LB21 IN 2011. AND THEN THE LEGISLATURE DEBATED LB382 FOR A SHORT TIME LAST YEAR BEFORE IT WAS BRACKETED BY THE INTRODUCER. AND THIS, COLLEAGUES, BRINGS US TO WHERE WE ARE TODAY. I THINK WE ALL AGREE ON, NO MATTER WHICH SIDE OF THE

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ISSUE YOU MIGHT FIND YOURSELF ON LB10, I THINK WE ALL WOULD COME TO THIS FLOOR IN FULL AGREEMENT THAT WE WOULD LIKE TO SEE, WANT TO SEE INCREASED VOTER TURNOUT ACROSS NEBRASKA. I THINK IT'S GOOD FOR FUTURE GENERATIONS OF NEBRASKANS. I THINK IT'S GOOD FOR OUR STATE, AND IT'S GOOD FOR OUR COUNTRY WHEN WE CAN INCREASE VOTER TURNOUT FROM THE WAY IT IS TODAY, WHICH IS LESS THAN WHAT I THINK ALL OF US WOULD AGREE IS PREFERABLE. TO SEE IF THIS HAS REALLY HAPPENED BECAUSE NEBRASKA USES THE DISTRICT PLAN INSTEAD OF WINNER TAKE ALL, WE REALLY NEED TO LOOK AT THE NUMBERS FOR THE ELECTION CYCLES FOLLOWING THE CHANGE IN STATUTE IN 1991 HERE IN NEBRASKA. SO WE'RE ALL ON THE SAME PAGE, I THINK ONE OF THE THINGS THAT'S IMPORTANT TO KNOW IN THIS DISCUSSION WHEN I SPEAK ON VOTER TURNOUT, I'M TALKING ABOUT THE PERCENTAGE OF ELIGIBLE CITIZENS WHO VOTED, NOT THE PERCENTAGE OF REGISTERED VOTERS WHO CAST BALLOTS. WE ALSO NEED TO LOOK AT VOTER TURNOUT OVER A NUMBER OF YEARS, NOT JUST ONE ELECTION CYCLE. WHEN THE 2008 PRESIDENTIAL ELECTION IS DISCUSSED, AND I WOULD IMAGINE THAT IT WILL BE THIS MORNING, I WOULDN'T EXPECT ANYTHING LESS, RECORD VOTER TURNOUT IS MENTIONED. BUT DOES THE DATA BACK UP THAT CLAIM? I THINK THAT'S A VERY IMPORTANT...COLLEAGUES, A VERY IMPORTANT BIT OF INFORMATION THAT'S IMPORTANT TO KEEP IN MIND. DOES THE DATA BACK UP THE CLAIM? YOU SHOULD HAVE RECEIVED A TWO-SIDED HANDOUT THAT WOULD HAVE BEEN AT THE END OF LAST WEEK. IT WAS PASSED AROUND BY THE PAGES WHEN WE THOUGHT IT WAS POSSIBLE WE MIGHT GET TO THIS BILL BEFORE WE LEFT FOR THE WEEKEND. ONE SIDE IS A GRAPH TITLED VOTER TURNOUT PERCENTAGE, NEBRASKA VERSUS NATIONAL. IT SHOWS VOTER TURNOUT PERCENTAGES FOR PRESIDENTIAL ELECTIONS FROM 1952 TO 2008. NEBRASKA'S PERCENTAGE SHOWN IN RED IS INCLUDED IN THE NATIONAL NUMBER SHOWN IN BLUE. YOU WILL NOTICE 1952, 1956, AND 1960 HAVE THE HIGHEST VOTER TURNOUTS. THE 2008 ELECTION IS ACTUALLY THE FOURTH IN VOTER TURNOUT, WITH 1992 LESS THAN 1 PERCENTAGE POINT BEHIND OVERALL IN FIFTH. THE LINES REPRESENTING NEBRASKA VERSUS THE NATION FOLLOW SIMILAR PATHS IN ELECTION CYCLES FROM 1988 TO 1996 WHERE YOU SEE THE NATIONAL VOTER TURNOUT PERCENTAGE CLOSE THE GAP ON NEBRASKA. ON THE BACKSIDE OF THAT SHEET, YOU'LL FIND A GRAPH TITLED VOTER TURNOUT PERCENTAGE CHANGE. YOU WILL SEE THAT NEBRASKA'S VOTER PERCENTAGE MIRRORS WHAT HAPPENED ON THE NATIONAL LEVEL IN 1992 AND 1996. IF THE DISTRICT PLAN, COLLEAGUES, HAD A POSITIVE EFFECT ON VOTER TURNOUT, I BELIEVE THE DATA WOULD SHOW THE RED LINE PULLING FARTHER AWAY FROM THE BLUE LINE. AND, IN FACT, YOU CAN LOOK AT THESE NUMBERS, THE BLUE LINE OVERTAKES THE RED LINE IN 2000. AND JUST SO YOU WONDER, AND I THINK IT SAYS AT THE BOTTOM OF THE SHEET WHERE WE FOUND THIS DATA. WE DIDN'T COME UP

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WITH IT ON OUR OWN. IT ACTUALLY IS A VERY IN-DEPTH ACADEMIC STUDY DONE BY A RESEARCHER AT AMERICAN NATIONAL UNIVERSITY. READING THROUGH THE TRANSCRIPTS FOR LB1206 IN 1990 ALL THE WAY UP TO LB433 IN 2007, THERE WERE A FEW RUNNING ARGUMENTS AGAINST NEBRASKA RETURNING TO THE WINNER-TAKE-ALL SYSTEM THAT I WANT TO ADDRESS HERE IN MY OPENING THIS MORNING. I'M SURE I'LL HAVE THE OPPORTUNITY AT SOME POINT TO GO THROUGH A LITTLE BIT MORE OF THEM LATER ON THIS MORNING. THE DISTRICT PLAN, ONE OF THE FIRST ARGUMENTS THAT YOU HEAR A LOT OF, THE DISTRICT PLAN IS A COMPROMISE BETWEEN WINNER TAKE ALL AND ABOLISHING THE ELECTORAL SYSTEM. AND, OF COURSE, WE ALL KNOW THAT THE DISTRICT PLAN IS STILL THE ELECTORAL SYSTEM. YOU KNOW, NEBRASKA, I BELIEVE, IS AT A DISADVANTAGE UNTIL WE PLAY BY THE SAME SET OF THE RULES AS THE REST OF THE NATION. I MENTIONED THERE'S ONLY TWO STATES AS WE KNOW WHERE WE EMPLOY THE DISTRICT METHOD. ONE, OF COURSE, IS OUR GREAT STATE OF NEBRASKA THAT WE'VE HAD THIS IN PLACE SINCE 1991. THE OTHER ONE IS THE STATE OF MAINE WHERE THEY'VE HAD THE DISTRICT METHOD OF APPORTIONMENT SINCE 1969. ANOTHER ARGUMENT YOU HEAR IS THAT THE DISTRICT PLAN IS A TREND. AND IF YOU GO BACK AND LOOK IN THE TRANSCRIPTS, COLLEAGUES, BACK TO 1990 AND 1991, THAT WAS THE NUMBER ONE REASON GIVEN THAT WE SHOULD GO THIS DIRECTION. THE DISTRICT PLAN IS A TREND. WE'RE GOING TO GO...YOU KNOW, WE'RE GOING...WE'RE ON THE CUTTING EDGE JUST LIKE WE WERE ON THE CUTTING EDGE TO INSTITUTE AND VOTE ON THE UNICAMERAL, AND THAT'S BEEN A LONGSTANDING EXPERIMENT THAT'S WORKED, IN MY VIEW, HERE IN NEBRASKA. HAVING THE DISTRICT PLAN METHOD OF APPORTIONMENT WOULD BE A TREND. AND I WOULD SUBMIT TO YOU, COLLEAGUES, THERE HAS BEEN NO OTHER STATE THAT HAS CHANGED THE DISTRICT PLAN IN NEBRASKA. IN FACT, IF YOU GO BACK TO THE TRANSCRIPT FROM 1993, WHICH WAS THE FIRST TIME THAT YOU HAD A BILL INTRODUCED TO RETURN US TO THE WINNER-TAKE-ALL METHOD OF APPORTIONMENT, SENATOR CUDABACK IN COMMITTEE ASKED SENATOR SCHIMEK, WHEN SHE TESTIFIED IN OPPOSITION: WOULD YOU AGREE THAT IF THE REST OF THE STATES DON'T DO SOMETHING--KEEP IN MIND, THIS IS 1993--THAT IF THE REST OF THE STATES DON'T SOMETHING LIKE THIS, THEN MAYBE WE SHOULD GO BACK THE OTHER WAY? AND SENATOR SCHIMEK RESPONDED: WELL, IT WOULD CERTAINLY BE WORTH TAKING A LOOK AT. WELL, COLLEAGUES, THAT'S WHY I'M STANDING HERE BEFORE YOU TODAY. IT'S MORE THAN SOMETHING WE SHOULD TAKE A LOOK AT. THAT WAS 1993. THAT WAS 22 YEARS AGO. NO OTHER STATE HAS GONE THE ROUTE OF NEBRASKA. ANOTHER ARGUMENT THAT YOU HEAR IS WE NEED TO KEEP THE DISTRICT PLAN METHOD OF APPORTIONMENT BECAUSE MY VOTE DOESN'T COUNT OR VOTERS NEED TO FEEL LIKE THEIR VOTE COUNTS. AND THE RESPONSE I'D HAVE TO THAT IS WE HAD A ROUNDTABLE DISCUSSION ON THIS

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ISSUE. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. WE HAD A ROUNDTABLE DISCUSSION ON THIS ISSUE IN 2010, LR423. AND THAT QUOTE--AND I WROTE THIS DOWN AND I WON'T FORGET IT BECAUSE I THINK IT'S A GOOD ONE--WAS VOTES COUNT AS LONG AS YOUR VOTE IS CAST. VOTES COUNT AS LONG AS YOUR VOTE IS CAST. THE GENTLEMAN WHO OFFERED UP THAT QUOTE WAS NONE OTHER THAN VINCE POWERS WHO IS THE NEBRASKA DEMOCRATIC PARTY CHAIRMAN. AND I SUBSCRIBE TO THAT QUOTE. I THINK IT'S VERY IMPORTANT. YOU KNOW, ANOTHER ARGUMENT THAT YOU'VE OFTEN HEARD IS THIS IS AN EXPERIMENT WORTH TRYING. I THINK WHAT WE DO HERE ON THE FLOOR IS HOPEFULLY MAKE GOOD PUBLIC POLICY. AND I DON'T THINK SOMETIMES THAT WE NEED TO DO THAT WITH THE IDEA IN MIND THAT WE WANT TO BE AN EXPERIMENT. I THINK THE PEOPLE OF NEBRASKA WOULD LIKE US TO THINK THINGS THROUGH A LITTLE MORE THOROUGHLY THAN THAT. [LB10]

SPEAKER HADLEY: TIME, SENATOR. (DOCTOR OF THE DAY INTRODUCED.) MR. CLERK. [LB10]

CLERK: MR. PRESIDENT, THE FIRST AMENDMENT I HAVE TO THE BILL IS SENATOR COOK, AM344. (LEGISLATIVE JOURNAL PAGE 478.) [LB10]

SPEAKER HADLEY: SENATOR COOK, YOU'RE RECOGNIZED. [LB10]

SENATOR COOK: THANK YOU, MR. CHAIRMAN, AND GOOD MORNING, COLLEAGUES. I RISE TO INTRODUCE AM344 TO LB10. AM344 IS A SIMPLE AMENDMENT THAT REMOVES THE STATUTORY REQUIREMENT THAT A POLITICAL PARTY FORMULATE AND PROMULGATE A STATE PLATFORM DURING THEIR PRESIDENTIAL YEAR PARTY CONVENTION. THE REQUIREMENT THAT A POLITICAL PARTY FORMULATE AND PROMULGATE A STATE PLATFORM IS AN UNNECESSARY MANDATE IN STATE LAW THAT SHOULD BE REMOVED FROM STATE LAW. ADOPTION OF AM344 DOES NOT RESULT IN A PROHIBITION THAT A POLITICAL PARTY, WHICH IS A FREE ASSOCIATION, A FREE PEOPLE, THAT THEY FORMULATE AND ADOPT A PLATFORM FOR THEMSELVES AND BY THEIR OWN VOLITION. ADOPTION OF AM344 MERELY REMOVES THE REQUIREMENT FROM OUR STATE LAW. MEMBERS, IN ADDITION TO INTRODUCING AND URGING THE ADOPTION OF THIS AMENDMENT, I RISE IN OPPOSITION TO LB10, THE UNDERLYING LEGISLATION. THE SUBSTANCE OF THIS PROPOSED AMENDMENT STRIKES DIRECTLY AT THE REASON WHY LB10 SHOULD NOT BE ADOPTED. AN INDEPENDENT NONPARTISAN UNICAMERAL

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FUNCTIONS TO THE BENEFIT OF ALL NEBRASKANS. ELECTED LEGISLATORS, SWORN TO DULY PROTECT THE CONSTITUTION OF THIS STATE AND THE CONSTITUTION OF THE UNITED STATES, STAND APART FROM POLITICAL PARTY MEMBERSHIP. THIS IS ESPECIALLY TRUE IN THIS INSTITUTION, THE NATION'S SOLE NONPARTISAN LEGISLATIVE BODY. I LOOK FORWARD TO FLOOR DEBATE AND DISCUSSION ON THE ADOPTION OF AM344 AND THE UNDERLYING LEGISLATION. SPECIFICALLY, I LOOK FORWARD TO DISCUSSING THE JUSTIFICATIONS AND POLICY REASONS MADE BY PROPONENTS OF LB10 FOR AMENDING NEBRASKA LAW TO RETURN TO A WINNER-TAKES-ALL DISTRIBUTION OF ELECTORAL COLLEGE VOTES. REVIEWING THE JUSTIFICATIONS PUT FORWARD BY PROPONENTS OF THE BILL REVEAL THAT THOSE JUSTIFICATIONS ARE CONTRADICTORY AND, WHEN VIEWED IN A SMALLER POLITICAL REALITY, SOMEWHAT DISINGENUOUS. THE GOVERNMENT, MILITARY AND VETERAN AFFAIRS COMMITTEE HELD A PUBLIC HEARING OF LB10 ON FEBRUARY 4, SURELY, PRIOR TO ADVANCING THE LEGISLATION IN AN UNAMENDED FORM TO GENERAL FILE ON FEBRUARY 9, THE COMMITTEE OF JURISDICTION DISCUSSED THE ALTERNATE POLICIES IN A BALANCED AND THOUGHTFUL MANNER. HOWEVER, NOW THAT LB10 IS BEFORE THE FULL LEGISLATURE ON GENERAL FILE, AN ADDITIONAL OPPORTUNITY PRESENTS ITSELF TO REEXAMINE THE JUSTIFICATIONS FOR ADVANCING A RETURN TO WINNER-TAKES-ALL DISTRIBUTION OF ELECTORAL COLLEGE VOTES. COLLEAGUES, THIS IS A DELIBERATIVE BODY AND LAW MAKING IS A DELIBERATIVE PROCESS. AN IMPORTANT COMPONENT OF THIS DELIBERATIVE PROCESS IS TO EXAMINE THE JUSTIFICATIONS PUT FORWARD BY PROPONENTS OF ANY LEGISLATIVE PROPOSAL. ACCORDING TO THE NEBRASKA SECRETARY OF STATE JOHN A. GALE, WHO TESTIFIED IN SUPPORT OF LB10, THERE ARE, QUOTE UNQUOTE, STRONG REASONS TO SUPPORT THE, QUOTE UNQUOTE, WINNER-TAKES-ALL DISTRIBUTION OF ELECTORAL COLLEGE VOTES. AM344 WILL PROVIDE THE OPPORTUNITY TO DISCUSS AND DELIBERATE WHAT THESE STRONG REASONS ARE PRECISELY. FIRST, HOWEVER, A DISCUSSION SHOULD FOCUS ON ARGUMENTS ADVANCED BY LB10'S SPONSORING SENATOR, SENATOR BEAU McCOY. ACCORDING TO LB10'S SPONSORING SENATOR, NEBRASKA IS AT A DISADVANTAGE COMPARED TO OTHER STATES IN THE COUNTRY BECAUSE OF THE ALLOTMENT OF ELECTORAL COLLEGE VOTES BY CONGRESSIONAL DISTRICT. WHY DOES THE INTRODUCING SENATOR SUPPORT THIS LEGISLATION? DURING THE SPONSORING SENATOR'S OPENING STATEMENT BEFORE THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, IT IS STATED BY LB10'S SPONSORING SENATOR THAT NEBRASKA IS AT A DISADVANTAGE UNTIL OUR STATE PLAYS BY THE SAME SET OF RULES AS THE REST OF THE NATION: LB10 COMMITTEE HEARING TRANSCRIPT, THAT'S FROM PAGES 3 AND 4. MR. CHAIR, MAY I HAVE A GAVEL, PLEASE? THANK YOU. THERE ARE TWO DISTINCT ISSUES IN THAT STATEMENT. FIRST, THAT NEBRASKA IS

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CURRENTLY AT A DISADVANTAGE IN RELATION TO OTHER STATES BECAUSE OUR STATE USES A DISTRICT ALLOTMENT SYSTEM FOR ELECTORAL COLLEGE VOTES. SECOND, NEBRASKA WILL CONTINUE TO BE AT A DISADVANTAGE UNTIL OUR STATE USES THE SAME SYSTEM AS THE REST OF THE NATION. THIS SECOND PORTION OF THE STATEMENT IS INTERESTING. THE NEBRASKA LEGISLATURE CANNOT, WILL NOT, AND IS NOT CURRENTLY DEBATING CHANGE TO THE SYSTEM OF ELECTORAL COLLEGE VOTE DISTRIBUTION IN ANY OTHER STATE NOR CAN THIS BODY DEMAND UNIFORMITY AMONG VARIOUS STATES. AS A SUPPORTER OF MEDICAID EXPANSION, I'VE LEARNED THIS LESSON FOR TWO SESSIONS IN A ROW. SO PUTTING THIS WISH FOR NATIONAL UNIFORMITY ASIDE FOR THE MOMENT, THE FIRST STATEMENT THAT NEBRASKA IS AT A DISADVANTAGE COMPARED TO OTHER STATES BECAUSE WE USE DISTRICT ALLOTMENT SYSTEM, NEBRASKA IS AT A DISADVANTAGE UNDER THE DISTRICT ALLOTMENT SYSTEM. COLLEAGUES, I WANT US TO THINK ABOUT HOW THAT STATEMENT IS A FACT. WHAT PRECISELY IS THE DISADVANTAGE OR ARE THE DISADVANTAGES OF THAT TYPE OF ALLOTMENT? A LABORED READING OF THE COMMITTEE HEARING TRANSCRIPT SHOWS THAT THE INTRODUCER BELIEVES THAT THE STATE OF NEBRASKA IS AT A DISADVANTAGE DUE TO OUR DISTRICT ALLOTMENT OF ELECTORAL COLLEGE VOTES FOR THE FOLLOWING REASONS: BECAUSE CANDIDATES FOR THE OFFICE OF PRESIDENT VISIT OTHER STATES AND NOT NEBRASKA. NEBRASKA IS AT A DISADVANTAGE BECAUSE CANDIDATES FOR THE OFFICE OF PRESIDENT WHEN THEY CAMPAIGN IN OUR STATE FAIL TO ADDRESS THE STATE AS A SINGLE ENTITY. I LOOK FORWARD TO DISCUSSING EACH OF THESE SUPPOSED DISADVANTAGES DURING OUR FLOOR DEBATE ON THIS MEASURE. IT IS IMPORTANT TO CAREFULLY EXAMINE THE PUBLIC POLICY JUSTIFICATIONS PUT FORWARD BY SUPPORTERS OF THIS BILL SO THAT VOTES TAKEN BY THIS LEGISLATURE ARE REGISTERED APPROPRIATELY. I URGE THE BODY TO SUPPORT AM344 TO LB10. AGAIN, THIS AMENDMENT IS A SIMPLE AMENDMENT THAT REMOVES THE STATUTORY REQUIREMENT THAT A POLITICAL PARTY FORMULATE AND PROMULGATE A STATE PLATFORM DURING THEIR PRESIDENTIAL YEAR PARTY CONVENTION. THE REQUIREMENT THAT A POLITICAL PARTY FORMULATE AND PROMULGATE A STATE PLATFORM IS AN UNNECESSARY MANDATE IN STATE LAW THAT SHOULD BE REMOVED. ADOPTION OF THIS AMENDMENT DOES NOT RESULT IN THE PROHIBITION THAT ANY POLITICAL PARTY, WHICH IS A FREE ASSOCIATION OF PEOPLE, OF FREE PEOPLE, FORMULATE AND ADOPT A PLATFORM FOR THEMSELVES AND BY THEIR OWN VOLITION. ADOPTION OF AM344... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR COOK: ...MERELY REMOVES THE REQUIREMENT FROM STATE LAW.

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THANK YOU, MR. CHAIRMAN. [LB10]

SPEAKER HADLEY: YOU'VE HEARD THE OPENING ON AM344. WISHING TO SPEAK ARE SENATORS KINTNER, CHAMBERS, CRAWFORD, AND HANSEN. SENATOR KINTNER, YOU ARE RECOGNIZED. [LB10]

SENATOR KINTNER: THANK YOU, MR. PRESIDENT. WELL, FOLKS WATCHING AT HOME GET TO SEE THE NONPARTISAN LEGISLATURE AT ITS BEST. I GOT TO TELL YOU, YOU KNOW, EVERY TIME THE LIBERALS WANT TO STOP THE CONSERVATIVES FROM DOING SOMETHING, IT'S PARTISANSHIP. NO, IT'S NOT. THERE ARE MERITS OF THIS BILL, THERE ARE PROBABLY THINGS PEOPLE DON'T LIKE ABOUT THIS BILL. I THINK WE CAN TALK ABOUT THIS BILL, WHAT IT WILL DO, HOW IT WOULD AFFECT THE STATE, YOU KNOW, AND SAY...AND LEAVE OUT THE CALLS OF PARTISANSHIP. I DON'T THINK THAT HAS ANY MERIT. AND SENATOR McCOY WAS MAKING SOME GOOD POINTS. I WOULD LIKE TO HEAR THE REST OF THOSE POINTS, SO I'M GOING TO YIELD THE REST OF MY TIME TO SENATOR McCOY. [LB10]

SPEAKER HADLEY: SENATOR McCOY, YOU'RE YIELDED 4:14. [LB10]

SENATOR McCOY: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KINTNER. I'D LIKE TO CONCLUDE...I RAN OUT A LITTLE BIT OF TIME TO FINISH MY OPENING ON LB10. OBVIOUSLY THERE'S A DISCUSSION ON SENATOR COOK'S AM344. I WANT TO FINISH WITH WHERE WE'RE AT, WHAT I BELIEVE. I THINK WE CAN HAVE A VERY LOGICAL AND RATIONAL DISCUSSION ABOUT THIS ISSUE. BECAUSE I THINK THAT THERE ARE SOME REALLY CLEAR CUT...I MENTIONED VOTER TURNOUT. I MENTIONED THE FACT THAT THIS WASN'T A TREND THAT CAUGHT ON. NOW THERE ARE GOING TO BE THOSE WHO SAY, WELL, THE TREND TO GO TO A UNICAMERAL DIDN'T CATCH ON EITHER AND WE DIDN'T SAY, WELL, WE'RE THE ONLY STATE AND, THEREFORE, WE OUGHT TO GO BACK TO A BICAMERAL LEGISLATURE. I UNDERSTAND THAT. I THINK THAT'S A LITTLE DIFFERENT THAN THIS. YOU KNOW, I GREW UP...AS MANY OF YOU KNOW, GREW UP OUT ON THE EDGE OF THE BORDER BETWEEN COLORADO AND NEBRASKA IN A VERY RURAL AREA. NOW YOU DON'T REALLY EVER EXPECT TO SEE A PRESIDENTIAL CANDIDATE OUT IN THAT NECK OF THE WOODS. NOW IF YOU LIVE IN THE STATE OF IOWA, YOU DO. AND YOU OFTENTIMES SEE PRESIDENTIAL CANDIDATES IN VERY RURAL AREAS OF THE STATE OF IOWA. YOU KNOW, I WASN'T AROUND TO SEE IT BUT SOME MEMBERS HERE ON THE FLOOR WERE. YOU HEAR...IN FACT NET HAD A SPECIAL SOMETIME AGO, I THINK IT WAS A COUPLE OF YEARS AGO, I BELIEVE THE TITLE WAS "1968: THE YEAR NEBRASKA MATTERED". OF COURSE, THAT'S IN REFERENCE TO THE 1968 PRESIDENTIAL PRIMARIES WHEN SENATOR ROBERT KENNEDY WON THE DEMOCRATIC PRIMARY AND RICHARD NIXON



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WON THE REPUBLICAN PRIMARY. AND IF YOU GO BACK AND YOU HEAR, I'VE HEARD MY PARENTS TALK ABOUT IT. I'VE HEARD A LOT OF RELATIVES THAT I HAVE ACROSS THE STATE OF NEBRASKA. SOME OF YOU PROBABLY HAD A CHANCE TO WITNESS THAT. I DID NOT. YOU HAD PRESIDENTIAL CANDIDATES THAT CRISSCROSSED THE STATE OF NEBRASKA LIKE WE'VE NEVER SEEN SINCE. NOW CLEARLY THIS BILL IS TALKING ABOUT IN A GENERAL ELECTION. A LITTLE BIT DIFFERENT. WELL, MY POINT WITH THIS ENTIRE BILL IS THIS, I REPRESENT AN AREA OF WHAT COULD BE DEEMED RURAL NEBRASKA. AGRICULTURE AREA ON THE WEST SIDE OF OMAHA, MANY VIEWERS THAT REPRESENT VAST SECTIONS OF RURAL NEBRASKA. YOU KNOW, RURAL NEBRASKANS' VOTES, THEY COUNT JUST AS MUCH AS SOMEBODY WHO LIVES IN OMAHA OR SOMEBODY THAT LIVES IN LINCOLN. BUT WHEN WE HAVE A PRESIDENTIAL CANDIDATE WHO JUST COMES TO OMAHA FOR A QUICK RALLY, IT DOESN'T MATTER WHICH PARTY, THAT DOESN'T NECESSARILY SPEAK TO NEBRASKA AS A WHOLE. I THINK THAT A PRESIDENTIAL CANDIDATE, WHO WANTS TO GET ONE ELECTORAL VOTE IN NEBRASKA OUGHT TO HAVE TO WORK FOR ALL FIVE, BECAUSE WE ALL MATTER. EVERY NEBRASKAN MATTERS NO MATTER WHERE YOU ARE, FROM SCOTTSBLUFF TO OMAHA, FROM VALENTINE TO BEATRICE. THAT'S THE WHOLE POINT OF THIS BILL. IT'S NOT PARTISAN. I'M SURE SOMEBODY'S GOING TO SAY IT IS. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR McCOY: WE'RE ALL MEMBERS OF SOME POLITICAL PARTY OR WE'RE NOT, WE'RE AT LEAST ALL AFFILIATED WITH ONE, OR UNAFFILIATED, I GUESS, IF YOU WANT TO LOOK AT IT THAT WAY. I THINK THIS BILL COUNTS AND WE SHOULD RETURN TO WINNER TAKE ALL, BECAUSE CLOSE PRESIDENTIAL ELECTIONS MIGHT BE THE THING OF THE FUTURE. WE'VE SEEN A FEW OF THEM. AND, IF SO, WOULDN'T IT BE NICE TO HAVE PRESIDENTIAL CAMPAIGNS CAMPAIGN IN NORTH PLATTE, CAMPAIGN IN SCOTTSBLUFF, NOT JUST IN OMAHA? I THINK THAT BENEFITS DEMOCRACY AND I THINK IT BENEFITS NEBRASKA. THAT'S THE INTENT OF THIS BILL. YOU KNOW, THERE WAS EVEN AN AMENDMENT IN 1995 WHEN THIS BILL WAS ON THE FLOOR, WHICH, BY THE WAY, DOUG KRISTENSEN FROM KEARNEY INTRODUCED THIS BILL TWICE. TWO DIFFERENT TIMES IN 1995 TO 1997 WHEN HE INTRODUCED THE BILL... [LB10]

SPEAKER HADLEY: TIME, SENATOR. SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, AS I HAVE SAID IN THE PAST, I LISTEN TO MY COLLEAGUES. I LISTENED TO SENATOR KINTNER AND AS A RESULT I WOULD LIKE TO ASK HIM

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A QUESTION OR TWO IF HE WILL YIELD. [LB10]

SPEAKER HADLEY: SENATOR KINTNER, WILL YOU YIELD TO A QUESTION?  
[LB10]

SENATOR KINTNER: AGAINST MY BETTER JUDGMENT, YES. [LB10]

SENATOR CHAMBERS: YOU KNOW WHAT I LIKE ABOUT SENATOR KINTNER? HE SAID: AGAINST HIS BETTER JUDGMENT. HE'D RATHER NOT. BUT BECAUSE HE RESPECTS THE TRADITIONS OF THE LEGISLATURE, HE WILL. AND FOR THAT, I RESPECT SENATOR KINTNER. NOW THAT KUMBAYA HAS PASSED, I WANT TO ASK HIM MY QUESTIONS. (LAUGHTER) SENATOR KINTNER, IF I UNDERSTOOD YOU, YOU SAID THIS IS NOT A PARTISAN ISSUE. IS THAT WHAT YOU SAID?  
[LB10]

SENATOR KINTNER: NO. I SAID THAT THE PARTISAN ARGUMENT IS NOT THE ARGUMENT WE OUGHT TO BE USING. THAT WAS HOW I SAID IT. [LB10]

SENATOR CHAMBERS: OH. BUT THIS IS A PARTISAN ISSUE, ISN'T IT? THE ISSUE ITSELF, ISN'T THIS TOP OF THE AGENDA FOR THE REPUBLICAN PARTY? [LB10]

SENATOR KINTNER: IN OUR STATE OR NATIONALLY? [LB10]

SENATOR CHAMBERS: LET'S TAKE IT AT HOME BECAUSE THEY SAY ALL POLITICS ARE LOCAL. [LB10]

SENATOR KINTNER: WELL, I HAVEN'T SEEN THE AGENDA OF THE REPUBLICAN PARTY BUT IT IS SOMETHING I THINK THEY DO SUPPORT. BUT THEY'VE NOT GIVEN ME THE AGENDA AND THEY HAVE NOT TOLD ME WHAT TO DO. [LB10]

SENATOR CHAMBERS: BUT YOU ARE GOING TO FOLLOW THEIR LEAD ON THIS, AREN'T YOU? [LB10]

SENATOR KINTNER: NO. [LB10]

SENATOR CHAMBERS: THEN YOU'RE GOING TO VOTE AGAINST... [LB10]

SENATOR KINTNER: I'M GOING TO DO WHAT I WANT TO DO. [LB10]

SENATOR CHAMBERS: THEN YOU'RE GOING TO VOTE AGAINST IT? [LB10]

SENATOR KINTNER: I'M GOING TO DO WHAT I WANT TO DO. [LB10]

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SENATOR CHAMBERS: AND WHAT YOU WANT TO DO IS GO ALONG WITH THE PARTY, ISN'T IT? [LB10]

SENATOR KINTNER: I'LL SUPPORT SENATOR McCOY. [LB10]

SENATOR CHAMBERS: THEN I'LL HAVE A CHANCE TO SEE HOW YOU VOTE, WON'T I? [LB10]

SENATOR KINTNER: YES. [LB10]

SENATOR CHAMBERS: THANK YOU. [LB10]

SENATOR KINTNER: OKAY. [LB10]

SENATOR CHAMBERS: I'D LIKE TO ASK SENATOR McCOY A QUESTION OR TWO. [LB10]

SPEAKER HADLEY: SENATOR McCOY, WOULD YOU YIELD TO A QUESTION? [LB10]

SENATOR McCOY: CERTAINLY. [LB10]

SENATOR CHAMBERS: I'M GLAD YOU'LL YIELD TO A QUESTION ON THIS ISSUE, SENATOR McCOY. YOU SAID SOMETHING ABOUT IOWA AND THESE PEOPLE GOING AROUND THE STATE OF IOWA TO HAVE GATHERINGS AND SO FORTH. DO THEY HAVE A PRESIDENTIAL PRIMARY IN IOWA TO YOUR KNOWLEDGE? [LB10]

SENATOR McCOY: WELL, THEY HAVE THE CAUCUS, SENATOR CHAMBERS. [LB10]

SENATOR CHAMBERS: NO, THAT'S NOT WHAT I ASKED YOU. DO THEY HAVE A PRESIDENTIAL PRIMARY IN IOWA? [LB10]

SENATOR McCOY: WELL, I BELIEVE THEY REFER TO IT AS A CAUCUS, SENATOR CHAMBERS, ALTHOUGH I'M NOT AS WELL VERSED ON IOWA POLITICS AS I'M SURE YOU MAY BE. [LB10]

SENATOR CHAMBERS: SO THEY DON'T HAVE A PRIMARY THOUGH, DO THEY? [LB10]

SENATOR McCOY: WELL, I BELIEVE THEY REFER TO IT AS A CAUCUS, SENATOR CHAMBERS. [LB10]

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SENATOR CHAMBERS: NOW WHICH IS THE FIRST STATE, OTHER THAN MAYBE SOME LITTLE BITTY STATE, BUT WHICH IS THE FIRST STATE OF ANY SIGNIFICANCE IN THE MINDS OF THE NATIONAL PARTIES TO START THIS CAUCUSING OR WHATEVER ANYBODY WANTS TO CALL IT FOR PRESIDENTIAL CANDIDATES? WHICH STATE IS CONSIDERED TO BE AT THE HEAD OF THE PACK? [LB10]

SENATOR McCOY: IS THAT A QUESTION, SENATOR? [LB10]

SENATOR CHAMBERS: YES. [LB10]

SENATOR McCOY: WELL, I THINK WE ALL KNOW WHICH IN A CHRONOLOGICAL ORDER WHICH HAS ALWAYS HISTORICALLY BEEN FIRST ON THE CALENDAR IN A PRESIDENTIAL ELECTION CYCLE, AND THAT WOULD BE THE STATE OF IOWA FOLLOWED SHORTLY AFTER BY THE STATE OF NEW HAMPSHIRE. [LB10]

SENATOR CHAMBERS: NOW DO YOU THINK THE FACT THAT IOWA IS FIRST HAS SOMETHING TO DO WITH PEOPLE TRYING TO ESTABLISH SOMETHING BY GOING TO IOWA FOR THEIR GATHERINGS, FOR IOWA'S GATHERINGS, WHATEVER THEY'RE CALLED? DO YOU THINK THAT DRAWS THESE CANDIDATES? [LB10]

SENATOR McCOY: WELL, IT MAY INITIALLY DRAW CANDIDATES, SENATOR CHAMBERS, JUST AS THE IOWA STRAW POLL THAT WILL BE I BELIEVE LATER ON THIS SUMMER AT A YET TO BE DETERMINE LOCATION IN IOWA. BUT I THINK WHAT KEEPS PRESIDENTIAL CAMPAIGNS PROBABLY COMING BACK TO THE STATE OF IOWA IS THAT IOWA HISTORICALLY HAS BEEN A BATTLEGROUND STATE IN A GENERAL ELECTION, AND ONE THAT IS EVENLY DIVIDED BETWEEN THE POLITICAL PARTIES AND IS OFTEN A BELLWETHER STATE FOR WHERE, IN NATIONAL ELECTION, THE FINAL DETERMINATION OF WHAT A NATIONAL ELECTION MAY BE. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ARE YOU AWARE THAT NO REPUBLICAN WHO HAS WON THAT CAUCUSING IN IOWA HAS EVER WON THE PRESIDENCY? ARE YOU AWARE OF THAT? [LB10]

SENATOR McCOY: WELL, I'D HAVE TO GO BACK AND LOOK AT MY HISTORY, SENATOR CHAMBERS, BUT I'LL TAKE YOUR WORD FOR IT. [LB10]

SENATOR CHAMBERS: THAT'S WHY I ASKED ARE YOU AWARE OF IT? [LB10]

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SENATOR McCOY: WELL, IF THAT'S TRUE, I'LL TAKE YOUR WORD FOR IT. [LB10]

SENATOR CHAMBERS: NO, I DIDN'T SAY IT. I ASKED IF YOU'RE AWARE OF IT. [LB10]

SENATOR McCOY: WELL, AGAIN, I WOULD HAVE TO GO BACK AND CHECK THE PRESIDENTIAL ELECTION CYCLES TO SEE WHETHER OR NOT THAT'S THE CASE, SENATOR CHAMBERS. [LB10]

SENATOR CHAMBERS: THANK YOU. THAT'S ALL. MEMBERS OF THE LEGISLATURE, WE'RE GOING TO HAVE TROUBLE TRYING TO GET AN ANSWER OUT OF SENATOR McCOY. WHEN YOU ASK SOMEBODY, ARE YOU AWARE OF IT, YOU COULD LENGTHEN IT BY SAYING DO YOU OF YOUR PERSONAL, INDIVIDUAL KNOWLEDGE KNOW SOMETHING? IF YOU'RE NOT AWARE, IF YOU DON'T KNOW THE ANSWER, YOU SAY, NO, I'M NOT AWARE OF IT. HE AND EVERYBODY WHO IS POLITICAL KNOWS WHY IOWA DRAWS SO MUCH ATTENTION. AND FOR HIM TO STAND ON THIS FLOOR AND TRY TO GIVE THE IMPRESSION THAT IT'S BECAUSE IOWA... [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: SAY IT AGAIN? [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: OH, THANK YOU. [LB10]

SPEAKER HADLEY: SENATOR CRAWFORD, YOU ARE RECOGNIZED. [LB10]

SENATOR CRAWFORD: THANK YOU, SPEAKER HADLEY, AND GOOD MORNING, COLLEAGUES. AS THE PRESS RELEASE FROM THE SECRETARY OF STATE'S OFFICE NOTES, THE U.S. CONSTITUTION LEAVES THE METHOD OF DISTRIBUTING ELECTORAL VOTES UP TO EACH STATE. AND SO, COLLEAGUES, OUR QUESTION THIS MORNING IS TO ASK WHAT'S BEST FOR THE STATE OF NEBRASKA. AND I STAND IN OPPOSITION TO LB10 BECAUSE I DO NOT FEEL THAT LB10 IS WHAT IS BEST FOR THE STATE OF NEBRASKA. I WANTED TO TALK A LITTLE BIT ABOUT WHAT HAPPENED IN 2008, THE ONLY TIME SINCE THIS BILL...SINCE THIS SYSTEM WAS ENACTED WHEN ANY ELECTORAL VOTES WENT TO A DEMOCRATIC CANDIDATE. IN 2008, THE McCAIN CAMPAIGN SPENT LESS THAN \$2,000 IN CD-2. THE OBAMA CAMPAIGN DECIDED TO SPEND MORE MONEY IN CD-2 AND MORE TIME AND MORE EFFORT. THE CAMPAIGN ACTUALLY SENT STAFF TO NEBRASKA. THE CAMPAIGN ACTUALLY PAID RENT

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IN NEBRASKA STOREFRONTS, INCLUDING A STOREFRONT IN OLD TOWN BELLEVUE. WE HAD A PRESIDENTIAL CAMPAIGN SPENDING MONEY IN NEBRASKA, SPENDING TIME IN NEBRASKA. WE HAD A PRESIDENTIAL CAMPAIGN FOR THE FIRST TIME IN MY MEMORY COMING TO CREIGHTON UNIVERSITY TO RECRUIT STUDENTS TO WALK IN NEIGHBORHOODS IN NEBRASKA. SO USUALLY WHAT WE SEE IS CAMPAIGNS COME AND RECRUIT OUR STUDENTS TO GO WALK IN NEIGHBORHOODS AND DO WORK IN IOWA. AND FOR THE FIRST TIME IN 2008, THEY WERE WALKING IN OUR COMMUNITIES AND SPEAKING TO PEOPLE IN NEBRASKA. AND WE WERE MOBILIZING NOT JUST STUDENTS BUT OTHER PEOPLE IN THE STATE OF NEBRASKA TO GO DOOR-TO-DOOR AND TALK TO FELLOW NEBRASKANS ABOUT THE PRESIDENTIAL ELECTION BECAUSE THERE WAS A SENSE THAT WE COULD ACTUALLY PERHAPS WIN THIS ONE ELECTORAL VOTE BECAUSE OF THE SYSTEM THAT WE HAD. SO THE SYSTEM THAT WE HAD CREATED A NECESSARY BUT NOT SUFFICIENT CONDITION FOR NEBRASKA TO GET ATTENTION AND MONEY DURING THE PRESIDENTIAL ELECTION SEASON. IT REALLY DEPENDS ON HOW CLOSE THE PRESIDENTIAL RACE IS. IT DEPENDS ON THE STRATEGIES OF THE TWO CAMPAIGNS. AGAIN, IT'S A NECESSARY BUT NOT SUFFICIENT CONDITION FOR US TO HAVE THAT TIME AND ENERGY AND ATTENTION PAID TO OUR STATE. BUT IN AN INCREASINGLY POLARIZED ELECTORAL MAP WHERE CANDIDATES CAN IGNORE MOST OF THE COUNTRY, WE IN NEBRASKA RIGHT NOW HAVE ONE POTENTIAL HOT PROPERTY. I DON'T SEE ANY POSSIBLE STATE INTEREST IN GIVING THAT ADVANTAGE AWAY. TO BE ABLE...TO SAY THAT WE HAVE FIVE VOTES ACROSS THE STATE AND SOMEONE HAS TO COME GET ALL FIVE VOTES, COLLEAGUES, THAT'S JUST NOT THE CASE. THOSE FIVE VOTES HAVE GENERALLY BEEN SEEN AS IN THE BAG, AND WHEN YOU HAVE VOTES THAT ARE SEEN AS IN THE BAG, ONE PARTY TAKES YOU FOR GRANTED AND THE OTHER PARTY IGNORES YOU. AND THAT'S NOT GOOD FOR THE STATE OF NEBRASKA. WHAT'S GOOD FOR THE STATE OF NEBRASKA IS FOR US TO SAY, IF YOU WANT ANY OF OUR ELECTORAL VOTES, YOU COME TO OUR STATE, YOU CAMPAIGN IN OUR STATE, YOU RECRUIT PEOPLE TO WALK IN COMMUNITIES IN OUR STATE. YOU COME LISTEN TO US AND YOU HEAR... [LB10]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CRAWFORD: THANK YOU...YOU HEAR HOW OUR AGRICULTURAL CONCERNS ARE DIFFERENT THAN IOWA. WE WANT YOU TO HEAR FROM OUR CATTLEMEN. AND IF THOSE CANDIDATES ARE IN OUR STATE, THEY'RE GOING TO HEAR ABOUT ISSUES ACROSS THE STATE. WE WANT OUR REPUBLICAN GOVERNOR TO BE ABLE TO TELL THE PEOPLE WHO ARE RUNNING FOR

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PRESIDENT ON THE REPUBLICAN SIDE COME TO OUR STATE, MEET WITH ME, HEAR ABOUT THE BASE, HEAR ABOUT OUR AG INDUSTRY IN OUR STATE; WE WANT YOU TO PAY ATTENTION TO US AND THEN WE'LL CONSIDER IF YOU GET ANY OF OUR ELECTORAL VOTES. THANK YOU. [LB10]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATOR HANSEN. [LB10]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE TODAY IN OPPOSITION OF LB10. I'M SURE FOR THOSE OF YOU NOTICING AND STUDYING YOUR COMMITTEE STATEMENT, I WAS THE LONE NO VOTE ON THIS BILL COMING OUT OF THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. SO FOR THAT REASON, I WOULD LIKE TO STAND UP AND EXPLAIN MY RATIONALE, ALTHOUGH I SEE THAT IN THE SPEED IN WHICH I CLICKED ON LIGHT SOME OF THE SENATORS BEFORE ME HAVE MADE SOME VERY INSIGHTFUL POINTS THAT DESCRIBE MY FEELINGS AND MY VOTE ON THE BILL. A LOT OF THE RATIONALE FOR THIS BILL THAT'S BEEN EXPLAINED BOTH IN THE COMMITTEE HEARING BY SUPPORTERS, BY SENATOR McCOY, THE BILL'S INTRODUCERS, TO ME JUST SEEMS TO BE CONTRADICTORY AND CONFLICTING AND MAKES ME QUESTION THE NECESSITY OF THIS BILL. YOU KNOW, ON ONE HAND, WE'RE TOLD THAT NEBRASKA IS OUT IN AN ISLAND AND ALONE AND THIS IS AN UNPOPULAR PLAN THAT NO OTHER STATES HAVE ADOPTED SO, THEREFORE, WE SHOULD GO WITH THE FLOW AND BECOME MUCH LIKE MANY OTHER STATES IN THE NATION. AT THE SAME TIME, WE'RE TOLD THAT IF MORE STATES HAD JOINED US AND MORE STATES HAD JOINED OUR PLAN THAT WE'D BE RISKING, YOU KNOW, CONSTITUTIONAL CRISES AND PRESIDENTIAL ELECTIONS FALLING TO THE U.S. HOUSE OF REPRESENTATIVES BECAUSE OF THE HUGE RISE IN THIRD PARTIES. WELL, THE SYSTEM IS EITHER EFFECTIVE OR IT'S INEFFECTIVE. WE SEEM TO BE ARGUING BOTH POINTS. ADDITIONALLY, THERE'S SOME NOTION THAT AT LEAST IN THE COMMITTEE HEARING THAT THIS CAME UP MORE, THAT POTENTIALLY SWITCHING BACK TO A WINNER-TAKE-ALL SYSTEM IN NEBRASKA, PASSING LB10, WOULD INCREASE THE NUMBER OF PRESIDENTIAL CAMPAIGNS COMING TO NEBRASKA. I KNOW SENATOR CRAWFORD HAD JUST TOUCHED UPON THIS POINT. BUT WE LOOK AT THIS BILL, YOU KNOW, IN MY LIFETIME, WE'VE HAD, AS FAR AS I COULD TELL, WE'VE HAD ONE YEAR, ONE RACE IN WHICH PRESIDENTIAL CAMPAIGNS WERE ACTUALLY IN NEBRASKA, CONTESTING ELECTORAL VOTES, HAVING STAFF, HAVING VOLUNTEERS GO THROUGH OUR NEIGHBORHOODS. AND THAT WAS IN 2008 OVER A SINGLE ELECTORAL VOTE. I THINK WE CAN ALL LOOK AT THE POLITICAL REALITIES OF OUR STATE AND KNOW THAT IF WE WENT TO WINNER TAKE ALL, WE'RE NOT

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AT A POINT WHERE, UNLESS SOME DRASTIC OPINIONS ABOUT POLITICS IN OUR COUNTRY AND STATE CHANGE IN WHICH NEBRASKA IS GOING TO BECOME A SWING STATE, THEN IT WOULD BE ONE OF THE HANDFUL OF STATES THAT DO GET A LOT OF PRESIDENTIAL ATTENTION. SO WITH THAT, THAT'S A SUMMARY OF KIND OF MY STANCE ON THE BILL. I KNOW SENATOR CHAMBERS WAS IN THE MIDDLE OF AN INSIGHTFUL POINT WHEN HE RAN OUT OF TIME. SO IF HE'S INTERESTED, I WILL YIELD THE BALANCE OF MY TIME TO HIM. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR HANSEN. SENATOR CHAMBERS, 2:20. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HANSEN. I NEGLECTED TO STATE CATEGORICALLY THAT I'M OPPOSED TO LB10. I WAS TRYING TO GET SOME INFORMATION FROM SENATOR McCOY ON THE RECORD, BUT HE DIDN'T WANT TO ANSWER. IOWA DOES NOT HAVE A PRESIDENTIAL PRIMARY. HE KNOWS THAT, EVEN IF HE WON'T ADMIT IT. IF HE IS CONSCIOUS, IF HE HAS READ THE PAPER, HE KNOWS THAT IF HE DOESN'T KNOW ANYTHING ELSE. HE TALKED ABOUT VOTER TURNOUT, YET HE SUPPORTED A BILL CALLED VOTER ID DESIGNED TO SUPPRESS THE VOTE OF CERTAIN PARTICULAR GROUPS IN THIS STATE. NOW HE'S BRINGING A BILL THAT IS DESIGNED TO SILENCE AN ENTIRE AREA OF THE STATE, NOT JUST THE GROUPS THAT I OFTEN SPEAK FOR: BLACK PEOPLE, POOR PEOPLE, LATINOS, NATIVE AMERICANS, THOSE WHO HAVE NO VOTE. WHAT THE BIG SHOTS DO IS SHARPEN THEIR TOOLS OF OPPRESSION ON GROUPS THAT ARE UNPOPULAR BECAUSE... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...THE LARGER POPULATION WILL NOT SAY ANYTHING ABOUT IT BECAUSE THEY FEEL IT DOESN'T BOTHER THEM. BUT THOSE WHO ARE SHARPENING THE TOOLS HAVE BIGGER FISH TO FRY THAN PEOPLE OF MY COMPLEXION, BECAUSE THOSE BIGGER FISH HAVE THE SAME COMPLEXION AS THEY HAVE, AND THEY WIELD POLITICAL POWER. SO IN ORDER TO BE ABLE TO UNDERMINE THEM, THOSE TOOLS MUST BE SHARPENED, EFFICIENT, AND THERE MUST BE AN ENVIRONMENT WHERE THEY WILL BE ACCEPTED AS THE WAY THINGS ARE DONE. THANK YOU, MR. PRESIDENT. AND I'LL SAY MORE ABOUT THAT NEXT TIME I HAVE THE OPPORTUNITY TO SPEAK. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHUMACHER. [LB10]



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SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. I BRING WITH...TO YOU A MESSAGE OF GLAD TIDINGS, BECAUSE IT MAKES THIS A VERY EASY THING FOR EVERYONE TO DO. WE HAVE OUR MARCHING ORDERS. WHEREAS NEBRASKA IS ONE OF ONLY TWO STATES THAT AWARD ELECTORAL COLLEGE VOTES BASED ON THE PRESIDENTIAL WINNER OF CONGRESSIONAL ELECTIONS, WHEREAS IT IS OF THE HIGHEST PRIORITY AND INTEREST TO THE NEBRASKA REPUBLICAN PARTY AND THE CITIZENS OF NEBRASKA THAT THE STATE RETURNS TO A WINNER-TAKES-ALL ELECTORAL VOTE PLAN, WHEREAS THE NEBRASKA REPUBLICAN PARTY SUPPORTS LEGISLATION THAT RETURNS THE STATE TO A WINNER-TAKE-ALL BASIS, AND WHEREAS THE NEBRASKA REPUBLICAN PARTY BELIEVES THAT THE WINNER-TAKES-ALL ISSUE IS A LITMUS TEST FOR THOSE WHO WOULD CLAIM TO BE REPUBLICANS AND SEEK THE SUPPORT THE NEBRASKA REPUBLICAN PARTY, BE IT RESOLVED BY THE NEBRASKA REPUBLICAN PARTY THAT WILL NOT SUPPORT ANY...IN ANY MANNER, FINANCIAL OR OTHERWISE, ANY STATE SENATOR WHO OPPOSES THE RETURN OF THE STATE TO THE WINNER-TAKES-ALL ELECTORAL VOTE PLAN EITHER BY FAILING TO VOTE FOR SUCH IN COMMITTEE OR ON THE FLOOR OF THE LEGISLATURE. THERE YOU HAVE IT. DEBATE OVER. MAYBE YOU SHOULD JUST CALL THE QUESTION. THIS IS NOT ABOUT WORRYING ABOUT WHETHER OR NOT THE HOUSE OF REPRESENTATIVES IS GOING TO HAVE TO VOTE ON A PRESIDENTIAL ELECTION. THIS IS SIMPLY AGAIN ANOTHER THING THAT WE'VE ALREADY SEEN ONCE THIS YEAR IN ORDER TO BRING THE BOYS AND GIRLS IN THE LEGISLATURE INTO LINE WITH THE PARTY. NOW YOU DEMOCRATS, IF YOU DON'T WANT TO BE CALLED REPUBLICANS, YOU KNOW YOU CAN'T VOTE FOR THIS MEASURE. AND YOU REPUBLICANS, YOU'VE GOT YOUR MARCHING ORDERS. AND THE MARCHING ORDERS COME FROM THE SAME LITTLE CLIQUE WHO HAS TO TURN AND TURN AND TURN BECAUSE THERE ARE NO GOOD POLICY IDEAS SO YOU GOT TO MAKE UP PARTISAN IDEAS TO TRY TO GET FRONT AND CENTER AND PUSH YOUR AGENDA. AND THAT SAME LITTLE CLIQUE IS ELECTED BY COUNTY CONVENTIONS THAT THE PARTY CAN'T EVEN TURN OUT 2 PERCENT OF THE VOTE AT, AND IN SOME COUNTIES DON'T HAVE THE CONVENTION ANYMORE BECAUSE NO ONE SHOWS UP FOR IT. THE LEGITIMACY OF THE PRESSURE BEHIND THIS IS COMPLETELY NOT THERE, AND IT ALSO IS NOT ABOUT ELECTIONS; IT'S ABOUT PARTY INFLUENCE IN THIS BODY AND THEY SAID SO AND HAVE NOT RETRACTED THAT RESOLUTION WHICH I READ TO YOU SINCE IT WAS PASSED IN 2011. IF THEY HAVE, THEY HAVEN'T PUBLISHED A RETRACTION AND IT REMAINS IN EFFECT. SO YOU HAVE YOUR MARCHING ORDERS. YOU GOT TO VOTE FOR IT OR YOU'RE NOT A REPUBLICAN. AND IF YOU DON'T MAYBE AT THE END OF THE DAY, THE DEMOCRATS WILL CONTROL THE NEBRASKA LEGISLATURE BECAUSE IF YOU'RE NOT REPUBLICAN, EITHER YOU'RE NONPARTISAN OR YOU ARE A DEMOCRAT, I GUESS. SO THIS IS ALL ABOUT THE PARTISAN CLIQUE TRYING

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TO GET SOME TRACTION IN THIS BODY AND YOU WILL HAVE TO DECIDE FOR YOURSELF WHETHER OR NOT THAT'S A PROPER THING TO DO. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. MR. CLERK FOR AN ANNOUNCEMENT. [LB10]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. THE GOVERNMENT COMMITTEE WILL HOLD AN EXECUTIVE SESSION AT 11:00 IN ROOM 2022. [LB10]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CHAMBERS. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, "PROFESSOR" SCHUMACHER. AND I CALL WHAT HE READ THE POLITICAL POLYGRAPH. I KNOW THAT EVERYTHING SENATOR BEAU McCOY DOES IN HERE ON ISSUES LIKE THIS IS STRICTLY POLITICAL, STRICTLY PARTISAN, AND IT'S NEAR THE BOTTOM OF THE BARREL. AND THE SAME WITH SENATOR KINTNER EXCEPT THE PART ABOUT NEAR THE BOTTOM OF THE BARREL. YOU KNOW WHAT I RESENTED? WHEN THAT MAN, THAT MAN CAMPAIGNING FOR AN OFFICE THAT I SAID HE WOULD LOSE AND I SAID ON THIS FLOOR AND I HAVE IT MEMORIALIZED IN AN ARTICLE THAT I COULD LOSE THE GOVERNORSHIP FOR A LOT MORE MONEY THAN SENATOR McCOY WAS SPENDING. TO SHOW HIS CONTEMPT FOR A BLACK PRESIDENT, HE GOT A BOBBLE-HEAD DOLL OF PRESIDENT OBAMA, SET IT ON TOP OF A FENCE POST, THEN CONTEMPTUOUSLY SWEEPED IT ASIDE. AND EVEN SOME "REPELICANS" WERE OUTRAGED AND MADE THEIR FEELINGS KNOWN PUBLICLY. MAYBE THEY FELT JUST LIKE HE DID BUT THEY DIDN'T WANT IT PUBLICIZED LIKE THAT. AND THAT'S THE KIND OF STUFF THAT HAPPENS AND HE'S GOT THE NERVE TO TRY TO PRETEND THAT THERE'S SOMETHING OTHER THAN LOW-DOWN, REPUBLICAN, BOTTOM-OF-THE-BARREL POLITICS. POLITICS, SAID TERRY CARPENTER, IS A DIRTY, BACKSTABBING, DOUBLE-CROSSING RACKET, AND ADDED, THAT'S WHY HE LOVED IT. YOU ALL DON'T WANT TO TELL THE TRUTH THAT EVERYBODY KNOWS. SENATOR KINTNER STOOD UP HERE A FEW MINUTES AGO AND STUMBLED AND FUMBLING TRYING TO PRETEND THAT THIS IS NOT HIGHLY PARTISAN AND POLITICAL AND AT THE TOP OF THE "REPELICAN" AGENDA. HE KNOWS THAT, BUT HE CAN'T ADMIT IT. AND WHEN YOU HOLD A POSITION AND YOU CANNOT ACKNOWLEDGE IT, THAT'S BECAUSE YOU SENSE THAT SOMETHING IS WRONG OR INAPPROPRIATE ABOUT IT. I'M GOING TO BE VERY OPEN AND DIRECT ON THIS FLOOR AND I WOULD EXPECT PEOPLE TO BE THE SAME WAY WITH ME. IF I STAND UP HERE AND PONTIFICATE AND THEN YOU SEE THAT MY CONDUCT DOESN'T FOLLOW WHAT I'VE SAID, CALL ME ON IT. CALL ME ON IT. AND IF YOU SHOW ME THAT I WAS WRONG, I WILL REPENT MYSELF, IN THE LANGUAGE OF THE "BIBBLE."

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THIS HAS TO DO WITH SILENCING THE DEMOCRATS. AND I'M NOT A DEMOCRAT. WOULDN'T BE ONE. YOU COULDN'T PAY ME TO BE ONE. YOU COULDN'T PAY ME TO BE A MEMBER OF EITHER POLITICAL PARTY. BUT WHEN THERE'S A DELIBERATE PROGRAM CALCULATED ATTEMPT TO TAKE THE VOTE AWAY FROM AN ENTIRE SEGMENT OF THIS STATE, IT IS THE WORST IN HYPOCRISY TO COMPARE THAT TO SOME PEOPLE RUNNING AROUND IN SOME SMALL RURAL VILLAGE BECAUSE THE PRESIDENT...THE PRESIDENTIAL CANDIDATE WON'T COME OUT THERE ACTING LIKE HIS OR HER FEELINGS ARE HURT. THEY'RE MORE INTELLIGENT THAN SENATOR BEAU McCOY GIVES THEM CREDIT FOR. BUT ONE THING, THEY WERE INTELLIGENT ENOUGH NOT TO VOTE FOR HIM FOR GOVERNOR, HUH? WE SAY GOVERNOR RICKETTS, NOT GOVERNOR McCOY. BUT HE GOT MOST OF HIS MONEY FROM ONE GUY, WHO, HIMSELF, WAS A FAILURE. AND NOT ONLY DID THIS GUY GIVE ALMOST A MILLION DOLLARS, HE GOT SOME OF HIS UNDERLINGS TO PUT ADDITIONAL MONEY IN THE BUCKET. WELL, MAYBE THEY COULD GIVE A LOT OF MONEY BUT THEY DIDN'T HAVE THE VOTES. HE DIDN'T COME IN LAST. I THINK HE WAS ABOUT THE MIDDLE OF THE PACK. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: BUT IT DIDN'T MAKE ANY DIFFERENCE. HE'S STILL RIGHT BACK HERE WITH ME. NOT ONLY DID I NOT SPEND A NICKEL OR A PENNY TO BE GOVERNOR, I DID NOT EVEN RUN AND I DID AS WELL AS HE DID. HE'S IN THE LEGISLATURE, SO AM I. BUT I HAVE NOT BEEN TOTALLY REJECTED STATEWIDE IN THE SAME MANNER AS HE WAS. I WAS REJECTED STATEWIDE BY WAY OF TERM LIMITS. AND THAT WAS AN INDICATION OF THE RESPECT AND THE TERROR THAT THE PEOPLE THROUGHOUT NEBRASKA REGARD ME WITH. THEY WERE WILLING TO SACRIFICE 48 THAT THEY LOVED TO GET RID OF THE 1 THEY HATE. ALL OF THE 47, 48 THEY LOVED ARE GONE. THE ONE THEY HATE IS BACK. AND HE'S BACK WITH SENATOR McCOY WHO IGNOMINIOUSLY LOST WHEN HE RAN FOR GOVERNOR OF NEBRASKA. SO ARE YOU GOING TO LET HIM TELL YOU HE'S SPEAKING... [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: ...FOR THE PEOPLE OF THIS STATE? [LB10]

PRESIDENT FOLEY: TIME. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR LARSON, YOU'RE RECOGNIZED. [LB10]

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SENATOR LARSON: THANK YOU, MR. PRESIDENT. I RISE IN SUPPORT OF LB10. AND THIS ISN'T ABOUT PARTY, BUT IT'S MORE ABOUT POLICY. AND THE REASON IT'S MORE ABOUT POLICY IS ABOUT MAKING EVERY VOTE COUNT. NOW THERE'S ONLY ONE WAY THAT REALLY MAKES EVERY VOTE COUNT, AND THAT'S THE NATIONAL POPULAR VOTE. AND THAT'S WHAT I'D PREFER TO SEE HERE TODAY. BUT WHEN WE TALK ABOUT THE CONGRESSIONAL DISTRICT SYSTEM VERSUS WINNER TAKE ALL, I THINK IT EXACERBATES THE PROBLEM THAT WE'RE SEEING NATIONWIDE WITH SWING STATES. RIGHT NOW, SWING STATES HOLD ALL OF THE CONTROL, 12 OF THEM, ACTUALLY. AND IT'S BECAUSE SWING STATES HOLDING ALL OF THE CONTROL WE HAVE THINGS LIKE MEDICARE PART D IN FLORIDA BECAUSE GEORGE BUSH HAD TO MAKE A PROMISE IN 2000 TO WIN THE STATE OF FLORIDA TO THE VOTERS IN THE I-4 CORRIDOR OR WHY WE HAVE NO CHILD LEFT BEHIND, BECAUSE GEORGE BUSH HAD TO MAKE A PROMISE TO HOUSEWIVES IN OHIO ON EDUCATION. THE WINNER-TAKES-ALL SYSTEM IS A FLAWED SYSTEM. I DON'T DENY THAT. IT HAS CREATED A HANDFUL OF VERY, VERY POWERFUL STATES, AND EVERY OTHER STATE DOESN'T MATTER. BUT THE CONGRESSIONAL DISTRICT SYSTEM WILL FURTHER EXACERBATE THAT PROBLEM ON THE SIMPLE FACT OF INSTEAD OF A FEW SWING STATES, YOU'RE GOING TO HAVE A FEW SWING DISTRICTS. SO IT NO LONGER MATTERS WHAT'S HAPPENING IN THE STATE OF OHIO OR THE STATE OF FLORIDA. IT MATTERS WHAT'S HAPPENING IN CALIFORNIA 23 OR OHIO 12 AND WHAT DO THE PEOPLE OF THOSE DISTRICTS WANT. NOW, YOU CAN MAKE THE ARGUMENT THAT NEBRASKA, TOO, WOULD BE ONE OF THOSE DISTRICTS BUT IS THAT REALLY THE WAY THAT WE WANT TO ELECT OUR PRESIDENT? DO WE WANT TO BE THAT EXAMPLE FOR THE REST OF THE COUNTRY? NO. WE DO NOT WANT WASHINGTON POLICY BASED ON WHAT A HANDFUL OF VOTERS IN SPECIFIC CONGRESSIONAL DISTRICTS WANT TO DEVELOP NATIONAL POLICY. AGAIN, I REITERATE, THERE'S ONLY ONE WAY TO ALLEVIATE THAT PROBLEM AND THAT'S THE NATIONAL POPULAR VOTE. BUT THIS SYSTEM IS WORSE THAN WINNER TAKE ALL IF WE'RE LOOKING AT A NATIONAL ELECTION. THE CONCEPT THAT...AND LET ME DIGRESS FOR A SECOND. ACTUALLY THIS IS AN OTHER GOOD STORY ON WHY, YOU KNOW, THE WINNER-TAKE-ALL SYSTEM MAY BE FLAWED. THE FORMER SECRETARY OF AGRICULTURE, I BELIEVE, WAS A GOVERNOR OF NORTH DAKOTA IN OBAMA'S FIRST TERM. THERE WAS A FIGHT WITHIN THE DEPARTMENT OF AGRICULTURE ON THE...THAT DEALT WITH THE MISSOURI RIVER. AND THE ARGUMENT WAS BETWEEN THE STATE OF MISSOURI AND THE STATE OF NORTH DAKOTA. FROM ON HIGH, GUESS WHO...WHAT CAME DOWN ON WHO WAS GOING TO WIN THAT FIGHT? IT WAS MISSOURI. THE FORMER GOVERNOR OF NORTH DAKOTA HAD TO RULE FOR MISSOURI. AND WHY IS THAT? BECAUSE MISSOURI IS A SWING STATE. [LB10]

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PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR LARSON: RIGHT NOW, FEDERAL POLICY IS DICTATED TOWARDS OUR SWING STATES. IF WE CONTINUE WITH THE CONGRESSIONAL DISTRICT SYSTEM AND WE CONTINUE TO...OTHER STATES CONTINUE TO MOVE TO A CONGRESSIONAL DISTRICT SYSTEM, IT WILL ONLY GET WORSE AND WILL MOVE TO CONGRESSIONAL DISTRICTS DECIDING NATIONAL POLICY. SO THAT'S WHY I SUPPORT LB10. I DON'T THINK IT'S...BY NO MEANS DO I THINK IT'S THE BEST SYSTEM TO ELECT OUR PRESIDENT. IT'S A BAD SYSTEM, BUT THE CONGRESSIONAL DISTRICT SYSTEM IS WORSE. THEREFORE, THAT IS WHY I SUPPORT LB10 AND WILL CONTINUE TO SUPPORT IT. BUT UNDERSTAND THAT OUR CURRENT SYSTEM IS WORSE FOR NATIONAL POLICY, WILL LEAD TO MORE GRIDLOCK IN WASHINGTON, ESPECIALLY IF MORE STATES CONTINUE TO ADOPT IT. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR LARSON. MR. CLERK, ITEMS FOR THE RECORD. [LB10]

CLERK: THANK YOU, MR. PRESIDENT. A HEARING NOTICE FROM THE BANKING, COMMERCE AND INSURANCE COMMITTEE. I HAVE THREE CONFIRMATION REPORTS FROM THE NATURAL RESOURCES COMMITTEE. YOUR COMMITTEE ON TRANSPORTATION, CHAIRED BY SENATOR SMITH, REPORTS LB97 TO GENERAL FILE; LB275, LB474 TO GENERAL FILE WITH AMENDMENTS; AND LB642, GENERAL FILE WITH AMENDMENTS. JUDICIARY REPORTS LB415 TO GENERAL FILE WITH AMENDMENTS. I HAVE A NEW RESOLUTION, LR66 OFFERED BY SENATOR KRIST, THAT WILL BE LAID OVER. AND I HAVE TWO NEW A BILLS. (READ LB77A AND LB586A BY TITLE FOR THE FIRST TIME.) (LEGISLATIVE JOURNAL PAGES 595-601.) [LB97 LB275 LB474 LB642 LB415 LR66 LB77A LB586A]

MR. PRESIDENT, RETURNING TO THE LB10, I HAVE A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO BRACKET THE BILL UNTIL JUNE 5, 2015. [LB10]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR CHAMBERS, YOU'RE WELCOME TO OPEN ON YOUR BRACKET MOTION. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, I DON'T KNOW WHETHER I'LL TAKE THIS TO AN ACTUAL VOTE, BUT I'VE GOT TO HAVE SOME TIME. I'M GOING READ A COUPLE OF LINES FROM SOMETHING THAT I HANDED OUT ON THE 20th: WRITERS OF RHYME ARE STUNNINGLY VAIN, BEYOND ANY QUESTION THAT IS CERTAIN. HATERS OF RHYMESTERS AND RHYMES SHRIEK WITH PAIN, IN GOD'S HOLY NAME DROP

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THE CURTAIN. THAT'S WHAT THE "REPELICANS" WANT TO DO ON THE DEMOCRATS. AND THEY PROBABLY DON'T LIKE MY RHYMES. BUT I'M GOING TO READ ONE THAT I HANDED OUT TODAY. I THINK IT OUGHT TO BE IN THE RECORD. AND HAD SENATOR McCOY WON THE GOVERNORSHIP, MAYBE THIS WOULD BE DEDICATED TO HIM. BECAUSE HE PROBABLY FEELS THE SAME WAY THAT NOW-GOVERNOR RICKETTS FELT WHEN HE MADE THIS COMMENT. WHAT I'M GOING TO READ FIRST COMES FROM THE LEXINGTON CLIPPER-HERALD. IT WAS PUBLISHED OR POSTED MAY 10, 2014. LEXINGTON, NEBRASKA: IF LOCAL VOTERS NEED A SEAL OF APPROVAL, THEY GOT TWO ON THURSDAY AFTERNOON IN THE FORM OF FORMER NEBRASKA GOVERNOR KAY ORR AND FORMER NEBRASKA CONGRESSMAN BILL BARRETT WHO BOTH ENDORSED REPUBLICAN GUBERNATORIAL CANDIDATE PETE RICKETTS. THE REASON I'M READING SLOWLY. I HAD TO SHRINK THIS MATERIAL SO THAT I COULD GET IT PLUS MY RHYME ON THE SAME SHEET OF PAPER, SO BEAR WITH ME. BOTH FORMER PUBLIC SERVANTS WERE ON HAND AT THE LEXINGTON GRAND GENERATION CENTER THURSDAY AS RICKETTS SOUGHT TO SEND SOME LOCAL VOTES BEFORE THE TUESDAY PRIMARY TO SEAL. 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, 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, RICKETTS SAID. THE TITLE OF THIS RHYME, "SENATOR ERNIE CHAMBERS TRUMPED BY RICKETTS' CRICKETS." RIDICULE I SHOWERED ON THE GOVERNOR'S GRAND AMBITION, TO GROW IN THE LEGISLATURE HIS OWN COALITION. TO IMPRISON ME WITHIN A CAGE OF STICKY WICKETS, COALITION MEMBERS WEAR THE MONIKER, RICKETTS' CRICKETS. ACTIVE HAVE THE CRICKETS BEEN, HOW QUICKLY THEY DO LEARN, TWISTING ME, TOSSING ME, BOSSING ME, BURNING ME, WINNING AT EVERY TURN. TIRELESSLY THEY DOG MY TRACKS; RELENTLESSLY, THEY'RE RUSHING ME. I PLEAD WITH THE GOVERNOR, CALL YOUR CRICKETS OFF, THEY'RE CRUSHING ME. LIKE A WRETCHED PENITENT AT CONFESSION, HUMBL Y DO I BEND THE KNEE AND BOW THE HEAD AND WAIL, FORGIVE ME, I HAVE GREATLY SINNED. GOVERNOR RICKETTS, HERE AND NOW, IF YOU HEED MY SAD CONFESSION, I PLEDGE TALK OF MOUNTAIN LIONS WILL NOT DOMINATE THIS SESSION. IF MY ONLY FOE ALAS WERE YOU, QUITE DIFFERENT WOULD THINGS BE. BUT YOUR CRICKETS' ONSLAUGHT HAS SO IGNOMINIOUSLY VANQUISHED ME. IF THE CONTEST TWIXT US TWO HAD BEEN TRANSACTED ONE-ON-ONE, I'M CONVINCED I WOULD HAVE BEEN VICTORIOUS AND YOU UNDONE. HAVING BEEN DEFEATED, I HAVE NO CHOICE EXCEPT TO FACE HARD FACTS, NO DEFENSE COULD I ERECT TO THWART YOUR CRICKETS' FEROCIOUS ATTACKS. I CONCEDE YOUR CRICKETS WON. NOW SHAME IS ETCHED UPON

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MY FACE. I'M HUMILIATED. YOU'VE KEPT YOUR VOW TO PUT ME IN MY PLACE. SADLY MUST I SKULK AWAY, EXAMPLE OF ABJECT CONTRITION, THOROUGHLY ROUTED, ROOT AND BRANCH, BY YOUR FEROCIOUS COALITION. BUT THAT'S NOT ALL. IF THINGS WRIT HEREIN WERE TRUE REPORTERS ALL WOULD COME A RUNNING, BUT I'VE GOT TO HAVE MY FUN SO I HAVE BEEN JUST A FUNNING. THERE ARE OTHER THINGS I'M GOING TO PUT INTO THIS DISCUSSION BECAUSE WE'RE WASTING OUR TIME. AS YOUNG SENATOR TYSON LARSON WAS TELLING WHY HE SUPPORTED THIS BILL, IT'S LIKE SOMEBODY DYING OF THIRST ON THE SAHARA DESERT WITHOUT EVEN A MIRAGE AVAILABLE, PICKING UP A HANDFUL OF THAT BURNING SAND, AND LETTING IT FALL THROUGH HIS DRIED FINGERS AND SAY THIS IS WHY I SUPPORT THE SAHARA DESERT. SEE, WHEN PEOPLE ARE UNDER CIRCUMSTANCES LIKE THAT, THEIR BRAINS GET ADDLED, THEIR MINDS DON'T FUNCTION LOGICALLY. SO VERY LITTLE THAT HE STATED HAS ANYTHING ABOUT IT THAT WOULD SUGGEST A RATIONAL BASIS FOR SUPPORTING THIS BILL. THEY OUGHT TO JUST STAND UP AND SAY, WE ARE "REPELICANS." WE WANT TO MAKE SURE THAT THE DEMOCRATS CANNOT HAVE ANYTHING OF SIGNIFICANCE TO SAY. WE WANT TO LET THEM VOTE. BUT WE WANT TO FIX IT SO THEY'RE VOTING FOR NOBODY. AND THAT IS WHY WE HAVE THESE KINDS OF BILLS TO DEAL WITH ON THIS FLOOR. FORTUNATELY, WHAT WE SAY GOES OUT TO EVERYBODY. PEOPLE CAN HEAR OUR DEBATE. THEY CAN HEAR THE FOOLISHNESS OF THOSE WHO SUPPORT THIS BILL. THEY CAN SEE THOSE WHO ARE CONSUMMATE POLITICIANS SCRAMBLING AND PRETENDING THAT THEY DON'T KNOW WHAT THIS BILL IS ABOUT. BUT SENATOR, WHOM I CALL "PROFESSOR" SCHUMACHER, READ A RESOLUTION FROM THE "REPELICAN" PARTY IN NEBRASKA AND SAID THIS PROPOSITION IS A LITMUS TEST FOR "REPELICANS." THAT APPLIES TO SENATOR KINTNER, SENATOR McCOY, SENATOR LARSON, AND ALL THE REST OF THEM. THEY'VE GOT TO DO IT, THEY HAD BETTER DO IT, AND THEY WERE TOLD IN WORDS THAT THEY COULD CONSIDER INSULTING, BECAUSE THOSE ARE THEIR BOSSES. I'M JUST 1 OF 49 PEOPLE ON THE LEGISLATIVE FLOOR AS THEY ARE ONE. BUT THEIR BOSSES SAID THAT TO THEM AND LET THE WORLD KNOW IT. THESE ARE FLUNKIES. WE CALL THE TUNE AND THEY DANCE. WE CRACK THE WHIP AND THEY RUN. AND THEN THEY HIDE AND PRETEND THAT THEY DON'T KNOW WHAT'S GOING ON. BUT WE WANT EVERYBODY TO KNOW THAT WE RUN THEM, AND THE WAY THEY TALK ON THE FLOOR PROVES IT. CONSIDER HOW THEY DISCUSS OTHER ISSUES ON THIS FLOOR. THEN THEY GET UP HERE AND BECAUSE THEIR CONSCIENCE OR GOOD SENSE OR ORDINARY PRIDE AND SELF-RESPECT MIGHT BREAK THROUGH AND CAUSE THEM TO DEPART FROM THE SCRIPT, THEY'VE GOT TO READ CERTAIN THINGS. SENATOR KINTNER WON'T EVEN GET UP HERE AND STATE THE THINGS HE USUALLY STATES AND RAMBLES ABOUT BECAUSE HE KNOWS EVERYBODY WOULD BE AWARE THAT THAT'S FULL OF SOUND AND FURY, SIGNIFYING NOTHING. THEY ARE FRIGHTENED PEOPLE

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AND THEY BEHAVE LIKE FRIGHTENED PEOPLE. THEY HEAR THE CRACKLING OF A LEAF AND SAY A LION IS IN THE STREETS, AND THEN THEY RUN FOR COVER. AS IN THE SONG, DO YOU COME FROM THE LAND DOWNUNDER? DO YOU HEAR, DO YOU HEAR THE THUNDER? YOU BETTER RUN, BETTER TAKE COVER. AND THEY HEARD THE THUNDER, THE THUNDER FROM THE ONE WHO IN THEIR MIND HAS THE POWER AND CAN BESTOW ON THEM GLORY. BUT IF THEY DON'T HEW THE LINE AND BEND THE KNEE, THEY'RE IN A WORLD OF TROUBLE. AND THAT ONE THAT HAS THE POWER AS FAR AS THEY'RE CONCERNED IS THE "REPELICAN" PARTY. THEY WILL NOT BE SUPPORTED, THEY WILL NOT BE GIVEN MONEY. AND THOSE WHO ARE THE TARGETS...  
[LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...OF THIS ARROGANCE ARE MEMBERS OF THE LEGISLATURE WHO BEAR THAT NAME. AND I'M GOING TO LISTEN TO THEM. AND I PLAN TO HAVE A LOT TO SAY ON THIS BILL, NOT TO THESE PEOPLE ON THE FLOOR OF THE LEGISLATURE. THEY'VE GOT THEIR ORDERS. I CAN'T CHANGE THEIR MIND. BUT I CAN SAY SOME THINGS THAT THE PUBLIC WILL HEAR AND CAN USE AS A BASIS FOR JUDGING THESE PEOPLE, NOT JUST ON THIS BILL BUT ON OTHER THINGS THAT ARE SAID AND DONE DURING THIS SESSION. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS, SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB10]

SENATOR CRAWFORD: THANK YOU, MR. PRESIDENT. I RISE IN OPPOSITION TO LB10. COLLEAGUES, WHEN SENATOR SCHUMACHER RISES TO SPEAK, I ALWAYS STOP AND LISTEN. GENERALLY, IT'S SOMETHING THOUGHTFUL OR A CALL TO INTEGRITY. AND I BELIEVE IN HIS RECENT TURN WE HAVE HEARD A THOUGHTFUL MESSAGE AND A CALL TO INTEGRITY. I APPRECIATE HIS WILLINGNESS TO PUT ON THE PUBLIC RECORD THE RESOLUTION OF THE NEBRASKA REPUBLICAN PARTY INDICATING TO SENATORS THAT THIS IS A LITMUS TEST, INDICATING TO SENATORS THAT IF YOU WANT OUR MONEY FOR YOUR CAMPAIGNS YOU SHOULD VOTE FOR LB10. COLLEAGUES, I WANT TO CALL YOUR ATTENTION TO A PIECE OF PAPER THAT YOU SIGNED WHEN YOU WERE FIRST ELECTED. WE WERE IN THE ROOM WITH THE SECRETARY OF STATE WHEN WE HAD OUR FORMAL SWEARING IN AND SIGNED A PIECE OF PAPER THAT DAY WHEN YOU CAME INTO OFFICE. AND, COLLEAGUES, HERE'S PART OF WHAT YOU SIGNED WHEN YOU SAID YOU WE'RE PLEDGING TO HONOR THE CONSTITUTION AND WHEN YOU SAID YOU WERE PLEDGING TO FAITHFULLY DISCHARGE YOUR DUTIES. YOU PROMISED, "NOR WILL I ACCEPT OR RECEIVE DIRECTLY OR INDIRECTLY ANY MONEY OR OTHER VALUABLE



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THING FROM ANY CORPORATION, COMPANY, OR PERSON, OR ANY PROMISE OF OFFICE FOR ANY OFFICIAL ACT OR INFLUENCE FOR ANY VOTE MAY GIVE OR WITHHOLD ON ANY BILL, RESOLUTION, OR APPROPRIATION." COLLEAGUES, YOU SIGNED A PIECE OF PAPER WHEN YOU CAME IN TO THIS POSITION SWEARING TO FAITHFULLY DISCHARGE YOUR DUTIES TO DO WHAT IS BEST FOR THE STATE OF NEBRASKA. YOU ALSO SIGNED A STATEMENT THAT SAID YOU WOULD NOT ALLOW YOUR VOTE TO BE SWAYED BY ANY MONEY OR OTHER VALUABLE THING FROM ANY CORPORATION, COMPANY, OR PERSON, OR ANY PROMISE OF OFFICE. SO YOU HAVE...THIS WAS AN IMPORTANT PART OF YOUR PLEDGE. AN IMPORTANT PART OF YOUR INTEGRITY AS A STATE SENATOR IS TO ENSURE THAT ALL OF YOUR VOTES ARE TAKEN WITH THE CONSIDERATION OF FAITHFULLY DISCHARGING YOUR DUTY CONSIDERING WHAT IS BEST FOR THE STATE OF NEBRASKA. IF PEOPLE WANT TO GIVE YOU MONEY TO HELP YOU RUN YOUR REELECTION CAMPAIGN, THAT SHOULD NOT BE DRIVING YOUR VOTE. YOUR VOTE SHOULD BE DRIVEN BY WHAT YOU THINK IS BEST FOR THE STATE OF NEBRASKA. ON THAT FRONT, I'M GOING TO NOW TURN JUST TO RESPOND TO ONE OF THE CONCERNS THAT WAS RAISED BY SOME OF THE PROPONENTS OF LB10. THE CONCERN IS, WELL, WHAT HAPPENS IF EVERY OTHER STATE ADOPTS THIS FORM OF DIVIDING THEIR ELECTORAL VOTES. WELL, COLLEAGUES, IT'S BEEN MANY YEARS SINCE WE DECIDED TO DO THIS FOR OUR STATE AND SAID IT WAS A GOOD FIT FOR OUR STATE, AND NO OTHER STATES HAVE COPIED. SO THAT'S BEEN USED BY SOME OF THE PROPONENTS AS AN ARGUMENT FOR WHY WE SHOULD STOP DOING THIS. AND ACTUALLY THE REVERSE IS TRUE. WE, AGAIN, IN A HIGHLY POLARIZED ELECTORAL MAP, WE HAVE A POSSIBILITY OF HAVING A HOT PROPERTY ON THAT MAP, AND TO PASS LB10 WOULD TAKE THAT AWAY. SO I THINK WE HAVE HAD AMPLE TIME TO SEE WHETHER OR NOT THE FACT THAT WE HAVE THIS ELECTORAL SYSTEM CREATES A DOMINO EFFECT WITH EVERY OTHER STATE CHOOSING TO HAVE THIS SYSTEM. AND THAT CLEARLY HAS NOT HAPPENED. BUT WHAT HAS HAPPENED IS WE HAVE CREATED A SYSTEM WHERE OCCASIONALLY, WHEN CONDITIONS ARE RIGHT, WE BECOME... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CRAWFORD: THANK YOU...WE BECOME A STATE THAT THE CANDIDATES MUST PAY ATTENTION TO. AND I CAN SEE NO BENEFIT TO THE STATE OF NEBRASKA, I CAN SEE NO BENEFIT TO THE STATE NEBRASKA REPUBLICAN PARTY OF PUTTING YOURSELF IN A POSITION WHERE THE CANDIDATES NO LONGER HAVE TO PAY ATTENTION TO YOU. SO I URGE YOU TO VOTE AGAINST LB10. THANK YOU. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CRAWFORD. SENATOR

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NORDQUIST, YOU'RE RECOGNIZED. [LB10]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. I DISAGREE WITH SENATOR LARSON'S COMMENTS EARLIER ABOUT THIS BEING A NOT AS FAVORABLE APPROACH THAN WINNER TAKE ALL. I DO AGREE WITH HIM, I CERTAINLY AM VERY INTERESTED IN THE NATIONAL POPULAR VOTE MODEL THAT HE HAS BROUGHT FORWARD AND WISH THE GOVERNMENT COMMITTEE WOULD HAVE GIVEN THAT BILL A LITTLE MORE DELIBERATION RATHER THAN IPPING THAT BILL AS QUICKLY AS THEY DID. YOU KNOW, I DON'T SEE THAT IF THERE'S A BENEFIT TO NEBRASKA'S SECOND CONGRESSIONAL DISTRICT AND ATTENTION FOCUSED ON THAT, I DON'T SEE HOW THAT DOESN'T BRING BENEFITS TO THE ENTIRE STATE. WHEN THE SECOND DISTRICT SUCCEEDS, THAT HELPS NEBRASKA. WHEN THE THIRD DISTRICT SUCCEEDS, THAT HELPS ALL OF NEBRASKA. WHEN OBVIOUSLY THE DISTRICT THAT I REPRESENT IN SOUTH OMAHA VERY MUCH RELIES ON BEEF PRODUCTION IN RURAL NEBRASKA TO KEEP OUR PACKING PLANTS GOING. THOSE PRODUCERS RELY ON OUR PACKING PLANTS AND OUR WORKERS TO KEEP GETTING THEIR PRODUCTS TO MARKET. SO WE VERY MUCH ARE INTERTWINED IN THIS STATE AND TO SAY THAT, YOU KNOW, IT ISN'T A BENEFIT TO THE ENTIRE STATE I THINK JUST ISN'T TRUE. I'M GOING TO READ A FEW THINGS TODAY. ONE IS OUT OF AN ESSAY ABOUT...IT'S A FOREWARD IN A BOOK ACTUALLY ABOUT THE PITFALLS OF THE WINNER-TAKE-ALL SYSTEM, AND IT ACTUALLY POINTS TO WHY THE AUTHOR, THOMAS PEARCE, HERE BELIEVES WE NEED TO MOVE TO THE NATIONAL POPULAR VOTE COMPACT. IN 2008, THE STATE OF MICHIGAN HAD 17 ELECTORAL VOTES. THE STATE WITH NEARLY TWICE THE POPULATION OF THE AVERAGE STATE, NOT TO MENTION TWICE AS MANY PROBLEMS, MICHIGAN SHOULD HAVE HAD TWICE THE VOICE IN THE PRESIDENTIAL ELECTION. YOU WOULD HAVE EXPECTED BOTH CANDIDATES TO FIGHT HARD FOR OUR VOTE. NOT SO. IN FACT, JOHN McCAIN PULLED OUT OF MICHIGAN FOUR WEEKS BEFORE THE ELECTION, CEDING MICHIGAN'S ELECTORAL VOTES TO BARACK OBAMA. AS A REPUBLICAN, I WAS DISAPPOINTED OF COURSE, BUT AS A CITIZEN OF THIS GREAT STATE I WAS OUTRAGED. OF COURSE MICHIGAN WAS THE VICTIM OF A POLICY THAT ACTUALLY REWARDS PRESIDENTIAL CANDIDATES FOR IGNORING THE MAJORITY OF STATES. THE WINNER-TAKE-ALL SYSTEM OF AWARING ELECTORAL VOTES TREATS ELECTION RESULTS IN MORE THAN 30 STATES AS A FOREGONE CONCLUSION. I WOULD CERTAINLY THROW NEBRASKA INTO THAT FOREGONE CONCLUSION IF WE WERE A WINNER-TAKE-ALL SYSTEM. THE RESULT? NO CAMPAIGN STOPS, NO CAMPAIGN DOLLARS, NO INCENTIVE TO REPRESENT THE NEEDS OF MICHIGAN VOTERS AT THE NATIONAL LEVEL. IF A SINGLE VOTER IN MICHIGAN HAD CAST HIS OR HER VOTE FOR BARACK OBAMA, THE OUTCOME WOULD HAVE BEEN EXACTLY THE SAME. THE WINNER-TAKE-ALL SYSTEM OF AWARING ELECTORAL VOTES EFFECTIVELY

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DISENFRANCHISES EVERY VOTER BEYOND THOSE NEEDED TO ESTABLISH A PLURALITY. IN 2008, THE PEOPLE OF MICHIGAN SPOKE AND NOBODY LISTENED. WHEN I THINK OF BLUE STATES OR RED STATES, MICHIGAN DOESN'T EXACTLY COME TO MIND. OUR PRESIDENTIAL VOTE TOTALS ARE TYPICALLY CLOSE. WE RECENTLY FLIPPED THE STATE HOUSE AND THE GOVERNOR'S OFFICE. MICHIGAN ISN'T A ONE-PARTY STATE LIKE UTAH OR MASSACHUSETTS. EVEN MODERATE STATES LIKE MICHIGAN ARE BEING CAST ASIDE AS THE LIST OF BATTLEGROUNDS STATES CONTINUES TO SHORTEN. THIS IS A HIGH SCHOOL CIVICS LESSON GONE WRONG. WE SEE THE IMPACT OF THIS POLITICAL CALCULUS AT A NATIONAL LEVEL. COMPARE THE RESPONSE TO HURRICANE KATRINA IN LOUISIANA, A SAFE STATE, TO THE FEDERAL RESPONSE TO HURRICANES IN FLORIDA, A SWING STATE UNDER PRESIDENTS OF BOTH PARTIES. PRESIDENT OBAMA ONLY BECAME ANGRY ABOUT BP OIL SPILL ONCE IT REACHED FLORIDA'S SHORES. THANKFULLY HURRICANES AND OIL SPILLS AREN'T PROBLEMS HERE IN MICHIGAN. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR NORDQUIST: WE HAVE AN EQUALLY URGENT DISASTER HERE IN THE FORM OF UNEMPLOYMENT. OUR PEOPLE NEED JOBS AND DESERVE RESPECT FROM THE EXECUTIVE BRANCH IN ACCORDANCE WITH OUR POPULATION. THIS IS NO TIME TO BE TAKEN FOR GRANTED. FORTUNATELY, THE U.S. CONSTITUTION GIVES STATES THE MEANS TO REMEDY THE SHORTCOMINGS OF THIS PRESENT SYSTEM AND RESTORE A VOICE TO VOTERS IN STATES LIKE MICHIGAN. THE WINNER-TAKE-ALL RULE, WHICH MAY HAVE ONCE MADE SENSE, CAN CONTINUE TO DISCONTINUE...CAN CONTINUE OR DISCONTINUED AT OUR OR ANY STATE'S DISCRETION. IT IS NOT MENTIONED ANYWHERE IN THE CONSTITUTION, MUCH LESS IS THE WINNER-TAKE-ALL SYSTEM MANDATED. HE GOES ON TO SAY, THE NATIONAL POPULAR VOTE COMPACT LEVERAGES THE POWER ACCORDANCE WITH THE STATES BY THE CONSTITUTION TO ENSURE THAT EVERY VOTE COUNTS EQUALLY. UNDER THIS SYSTEM, STATES AGREE TO AWARD THEIR ELECTORAL VOTES. [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR NORDQUIST: THANK YOU. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR NORDQUIST. SENATOR COOK, YOU'RE RECOGNIZED. [LB10]

SENATOR COOK: THANK YOU, MR. CHAIR. GOOD MORNING AGAIN, COLLEAGUES. I WANTED TO FOLLOW UP ON A COUPLE OF THE POINTS. I'M SO

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GLAD ALWAYS TO HEAR THE COGENT ARGUMENT FOR AND AGAINST ANY PROPOSAL IN THIS BODY. ONCE AGAIN, THAT IS OUR JOB HERE TO DELIBERATE ON POLICY. BUT I CONTINUE TO RISE IN SUPPORT OF MY AMENDMENT, AM344, AND IN STRONG OPPOSITION TO LB10. I WANT TO TAKE THIS OPPORTUNITY, AGAIN, TO EXAMINE THE...SOME OF THE JUSTIFICATIONS IN AMENDING THIS LAW AT THIS TIME TO ALLOCATE TO THE WINNER-TAKE-ALL BASIS. THE INTRODUCER OFFERED SEVERAL POLICY REASONS. HERE'S ONE OF THOSE ARGUMENTS MADE BY THE INTRODUCER IN A CLOSING STATEMENT TO THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. HERE ARE THE INTRODUCING SENATOR'S WORDS, "NEBRASKA VOTES FOR OUR GOVERNOR AS A STATE, THAT IS WINNER TAKE ALL. WE VOTE FOR U.S. SENATOR AND THE CONSTITUTIONAL OFFICES AS A WHOLE STATE, WHICH IS ALSO WINNER TAKE ALL. IN MY MIND, THE BEST POLICY DECISION FOR NEBRASKA IS TO RETURN TO VOTING FOR PRESIDENT AND VICE PRESIDENT OF THE UNITED STATES AS A WHOLE STATE." I ASK YOU COLLEAGUES, IS THIS A CONVINCING ARGUMENT? STATEWIDE OFFICES ARE WINNER TAKE ALL; THEREFORE, NEBRASKA SHOULD AMEND STATE LAW TO CHANGE TO WINNER-TAKE-ALL SYSTEM FOR THE ALLOTMENT OF OUR ELECTORAL COLLEGE VOTES. I WANT TO LEAVE YOU WITH THAT THOUGHT RIGHT NOW, AND YIELD THE BALANCE OF MY TIME TO SENATOR CHAMBERS SHOULD HE CHOOSE TO USE IT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR COOK. THREE MINUTES, SENATOR CHAMBERS. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR COOK. AND I'M GLAD SENATOR COOK POINTED OUT THE DIFFERENCE BETWEEN SOMEBODY RUNNING FOR A STATEWIDE OFFICE, AND YOU'RE TALKING ABOUT THE ALLOCATION OF VOTES THAT WOULD GO TO THE ELECTORAL COLLEGE FOR PRESIDENT. THAT REQUIRES...THE DISTINCTION SHE MADE REQUIRES THE ABILITY TO DO A BIT OF NUANCED THINKING. THOSE WHO BRING THE TYPES OF BILLS THAT SENATOR McCOY IS BRINGING, DON'T HAVE TO DO ANY NUANCED THINKING. THEY FEEL THEY'VE GOT THE VOTES. I THINK HE KNOWS BETTER THAN WHAT HE SAID WHEN HE EQUATED SOMEBODY RUNNING FOR GOVERNOR WITH WHAT IS BEING DONE IN TERMS OF WINNER TAKE ALL UNDER BILLS SUCH AS THE ONE HE BRINGS. IF HE REALLY BELIEVES THAT, THEN HE NEEDS TO GO BACK TO HIGH SCHOOL AND DO A LITTLE BIT OF READING IN CIVICS. ON THIS FLOOR, I'VE SAID IT BEFORE AND I'M GOING TO SAY IT AGAIN AND AGAIN, IS THE BEST ARGUMENT WHEN YOU LISTEN TO SENATORS AGAINST MANDATORY EDUCATION FOR CHILDREN. IF SOME OF THE PEOPLE GET IT, THEY DON'T REMEMBER IT. IF THEY REMEMBER IT, THEY DON'T UNDERSTAND IT. AND THAT'S WHY CHAUCER WROTE IN THE CANTERBURY TALES: HE, LIKE THE PARROT, WAS REALLY

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QUITE DENSE. HE REMEMBERED THE WORDS, BUT HE DIDN'T GET THE SENSE. AND THAT'S WHAT HAPPENS HERE SO OFTEN. ALL OF MY EDUCATION WAS IN WHITE SCHOOLS. AND I TOOK SERIOUSLY WHAT THEY WERE TEACHING ME, AND I THOUGHT THOSE THINGS WERE BEING TAKEN SERIOUSLY BY THE ONES RUNNING THE COUNTRY AND THE GOVERNMENT, AND I TOOK IT SERIOUSLY THE WAY... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...THAT MOST YOUNG PEOPLE, ESPECIALLY WHEN YOU'RE AT THE AGE WHERE YOU CAN BE REFERRED TO AS A CHILD, WILL VIEW THINGS UTTERED BY ADULTS WHOM WE ARE TOLD WE OUGHT TO RESPECT. WHEN WE ARE TOLD TO RESPECT THOSE ADULTS, THAT CARRIES THE ADMONITION EVEN IF IT'S NOT SPOKEN, RESPECT WHAT THEY TELL YOU; GUIDE YOUR CONDUCT BY WHAT THEY SAY. SO THIS TALK OF VOTING AND DEMOCRACY WERE THINGS THAT GOT STUCK IN MY MIND. BUT I'VE NEVER HAD THE OPPORTUNITY TO EXPERIENCE THEM IN AMERICA IN A PURE FORM. I HEAR AMERICA AND SEE AMERICA TRYING TO MAKE OTHER COUNTRIES BECOME WHAT THEY CALL DEMOCRATIC, BUT IF THOSE COUNTRIES SEE WHAT HAPPENS IN AMERICA, I CAN SEE WHY THEY WOULD REJECT IT. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.) SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SOME CYNIC OVER HERE IN THE CULTURE CORNER SAID THAT THE SENATORS ARE CLAPPING BECAUSE THEY'RE HOPING THAT THE INDIVIDUALS BROUGHT SOME GROCERIES WITH THEM. AND THE UTTERED STATEMENT WAS THAT WILL BE SHARED WITH THE SENATORS AT THEIR AFTERNOON TROUGH. BUT AT ANY RATE, WE HAVE TO BE ON THIS BILL FOR AT LEAST EIGHT HOURS SO IT'S THE OPPORTUNITY TO TALK ABOUT A LOT OF THINGS. AND THERE ARE THINGS THAT I DO WANT TO TOUCH ON FOR THE SAKE OF THE RECORD. WHEN I WAS DRIVING DOWN HERE THIS MORNING, THERE WAS A FEATURE ABOUT THE CONCERN THAT CERTAIN CONSERVATIVES, AND ESPECIALLY THE REPUBLICAN PARTY, HAVE ABOUT THE WAY AMERICAN HISTORY IS TAUGHT. WHAT THEY SAY IS THAT THEY TALK ABOUT THE NEGATIVES, SUCH AS THE EXPLOITATION OF THE INDIANS, THE ENSLAVEMENT OF BLACK PEOPLE, THE INABILITY OF POOR PEOPLE TO GET OUT OF POVERTY. THAT SHOULDN'T BE TAUGHT. THEY SHOULD GO BACK TO TEACHING AMERICAN EXCEPTIONALISM, THAT AMERICA DOES EVERYTHING BETTER THAN EVERYBODY ELSE. AND THAT IS PATENTLY UNTRUE. WHEN YOU WANT YOUR EDUCATION SYSTEM TO SYSTEMATICALLY

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TEACH UNTRUTHS TO THE CHILDREN, THAT IS NOT EDUCATION, THAT IS PROPAGANDA. AND IT'S PROPAGANDA OF THE WORST SORT BECAUSE YOU'RE NOT PUTTING TWO ALTERNATIVES, OR HOWEVER MANY ALTERNATIVES THERE MAY BE WITH REFERENCE TO A SUBJECT, BEFORE THE PERSON WHO IS TO MAKE A CHOICE OR A DECISION. YOU TRY TO GIVE THE YOUNG PEOPLE THE TOOLS WITH WHICH TO THINK, EVALUATE, ANALYZE, JUDGE, AND THEN MAKE A DECISION. WHEN YOU WITHHOLD FROM THEM ESSENTIAL FACTORS, THEY HAVE NO WAY OF ARRIVING AT THE TRUTH BECAUSE THE ELEMENTS THAT COMPRISE TRUTH ARE NOT ALL THERE. I WOULD BE ASHAMED IF I WERE THE HEAD OF A COUNTRY TO SAY, I DON'T WANT THESE CHILDREN TO BE TAUGHT THE TRUTH BECAUSE THEY WILL HATE THIS COUNTRY. THEN THEY OUGHT TO HATE THE COUNTRY. IF THE TRUTH GENERATES HATRED, THAT'S WHAT SHOULD HAPPEN. DON'T THEY TELL YOU CHRISTIANS THAT IF YOU KNOW THE TRUTH, YOU'LL HATE SIN? I DON'T BELIEVE SENATOR GARRETT--AND NOTICE I'M NOT CALLING HIM "GENERAL" TODAY FOR THIS EXAMPLE--I DON'T BELIEVE SENATOR GARRETT EVER WENT TO ANY CHURCH, WHETHER ONE WITH WHICH HE WAS AFFILIATED OR VISITING, WHERE THE PREACHER STOOD UP AND SAID, LOVE SIN. THE "BIBBLE" SAYS, GOD HATES SIN. SO, BASED ON WHAT DO YOU SAY THAT? PILATE ASKED JESUS WHAT IS TRUTH AND WALKED OUT. BUT THERE'S SOME GUY WHO WROTE THINGS ABOUT JESUS MORE THAN A GENERATION AFTER JESUS WAS LONG GONE, IF HE EVER WAS HERE FOR REAL, AND HAD JESUS SAYING, MY WORD IS TRUTH. HE DIDN'T HEAR JESUS SAY THAT. NOBODY REPORTED ANYTHING THAT JESUS SAID AT THE TIME IT WAS SAID. NOTHING WAS WRITTEN ABOUT HIM UNTIL 30-SOME ODD YEARS AFTER HE WAS GONE. AND HE CERTAINLY NEVER WROTE ANYTHING. BUT THOSE ARE THE IDEAS THAT ARE INCORPORATED INTO WHAT IS CALLED THE CHRISTIAN RELIGION. IF HATRED OF SIN IS NOT IN AND OF ITSELF A SIN,... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...WHY SHOULD YOU INDICATE THAT THOSE WHO HATE UNTRUTHS DELIBERATELY FOISTED ON CHILDREN SHOULD BE HATED? THAT IS SOMETHING THAT CRIPPLES AND ILL-EQUIPS A CHILD, WHEN HE OR SHE GROWS UP, TO GO ANYWHERE AND NOT BE LOOKED AT ASKANCE--WHAT IN THE WORLD IS THE MATTER WITH THIS PERSON? WHERE HAVE THEY BEEN? WHAT KIND OF EDUCATION DID THEY HAVE? AND ONE OF THE TRAGEDIES IS THAT ON AMERICAN HISTORY EXAMINATIONS, CHILDREN IN EUROPE DO BETTER THAN AMERICAN STUDENTS. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR SCHILZ, YOU'RE RECOGNIZED. [LB10]

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SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. GOOD MORNING, EVERYONE. YOU KNOW, WE TALK ABOUT A LOT OF THINGS ON THE FLOOR, AND WE'VE TALKED ABOUT THIS ON THE FLOOR BEFORE. AND I HAVE BEEN LISTENING THIS MORNING TO WHAT OTHERS HAVE BEEN SAYING ABOUT WHETHER OR NOT THIS IS A PARTISAN ISSUE, WHETHER OR NOT THIS IS RIGHT, OR WHETHER OR NOT THIS IS THE HONEST THING TO DO, OR WHATEVER THE WORDS THEY WERE THAT THEY SAID. BUT I THINK IT'S IMPORTANT FOR US AS LEGISLATORS OF THE STATE OF NEBRASKA TO UNDERSTAND THAT, FIRST, THIS IS ONE OF OUR KEY JOBS. THIS IS ONE OF OUR DUTIES ACCORDING TO THE CONSTITUTION OF THE UNITED STATES IS TO FIGURE OUT HOW OUR ELECTORS SHOULD BE DIVVIED OUT. WE HAVE HEARD ABOUT NATIONAL POPULAR VOTE AND YOU CAN BELIEVE IN THAT, WHATEVER YOU WANT. WE HAVE HEARD ABOUT WINNER TAKE ALL LIKE WE'RE TALKING ABOUT HERE TODAY. YOU CAN BELIEVE IN THAT, WHATEVER YOU WANT. WE HAVE HEARD ABOUT THE WAY WE DO IT TODAY WITH THE DISTRICTS. YOU CAN BELIEVE IN THAT HOWEVER YOU WANT. IF DONE PROPERLY, NONE OF THEM ARE WRONG. IT'S PURELY A POLICY DECISION. EVERY SINGLE ONE OF US WAS ELECTED TO COME HERE AND MAKE DECISIONS JUST LIKE THIS. WE SHOULD TAKE A VOTE ON THIS. WE SHOULD TAKE IT ALL THE WAY. WE SHOULD FIND OUT WHAT PEOPLE BELIEVE. AND PEOPLE CAN BELIEVE THINGS AND VOTE ON THINGS FOR DIFFERENT REASONS. SO IF YOU HAPPEN TO BELIEVE THAT THE WAY IT IS NOW HELPS CERTAIN PEOPLE GET INTO PLACE OR CERTAIN IDEOLOGIES GET INTO PLACE, THEN THAT'S PROBABLY THE WAY YOU'RE GOING TO VOTE ON IT. I'M NOT SAYING YOU WILL. MAYBE. I DON'T KNOW. OTHERS MAY THINK THAT IT GIVES AN ADVANTAGE THE OTHER WAY. AND I DON'T THINK WE SHOULD HIDE BEHIND THAT IF THAT'S WHERE YOU'RE COMING FROM. I DON'T THINK THAT'S ANYTHING TO BE ASHAMED OF. FOLKS, LET'S HEAR THE ARGUMENTS, BUT LET'S UNDERSTAND THIS IS TRULY A POLICY DECISION. IT'S DONE DIFFERENTLY ACROSS THE NATION. DIFFERENT STATES DO IT DIFFERENT WAYS. NONE OF THEM ARE WRONG. IT'S JUST DIFFERENT. IT'S OKAY TO VOTE YOUR CONSCIENCE. IT'S OKAY TO VOTE WHAT YOU THINK IS RIGHT. AND GUYS ON THE FLOOR HERE, IN YOUR CAREERS HERE, IN DOING WHAT YOU BELIEVE IS RIGHT IN THE BILLS THAT YOU INTRODUCE AND THE CAUSES THAT YOU STAND BEHIND, IF YOU BELIEVE IN THEM, IT'S OKAY TO WIN TOO. THAT'S NOT A BAD THING. SO, LET'S HEAR THE ARGUMENTS. LET'S GIVE THIS THE CIVIL DEBATE THAT IT DESERVES. LET'S TALK ABOUT THE ISSUE. LET'S UNDERSTAND WHERE IT COMES FROM THAT WE HAVE THIS DUTY, AND THEN LET'S GO FORWARD WITH THE VOTE AND LET'S SEE WHERE WE COME DOWN. AND I APPRECIATE EVERYONE'S STANCE ON THIS. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

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SENATOR SCHILZ: I UNDERSTAND THAT PEOPLE HAVE DIFFERENT WAYS OF THINKING ABOUT IT, DIFFERENT BELIEFS, AND THAT'S WHY THEY STICK 49 OF US HERE IN THIS ROOM. AND THEY GIVE US ALL MICROPHONES AND THEY ALLOW US TO TALK FIVE MINUTES AT A TIME SO THAT WE CAN COME TO THOSE DECISIONS AND WE CAN MAKE THOSE DECISIONS HAVING HEARD ALL THE EVIDENCE. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHILZ. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB10]

SENATOR CRAWFORD: THANK YOU, LIEUTENANT GOVERNOR, AND GOOD MORNING AGAIN, COLLEAGUES. I RISE AGAIN IN OPPOSITION TO LB10. AND I THINK THAT MOST OF MY DEMOCRAT AND MY INDEPENDENT COLLEAGUE UNDERSTANDS AND IS IN OPPOSITION TO LB10. SO I'M GOING TO TALK RIGHT NOW ABOUT WHY I FEEL IT'S NOT IN THE BEST INTERESTS OF MY REPUBLICAN COLLEAGUES AND EVEN THE NEBRASKA REPUBLICAN STATE PARTY TO SEE LB10 PASS. FIRST OF ALL, I AGAIN WANT TO REMIND YOU THAT WHEN YOU SIGNED YOUR OATH TO FAITHFULLY DISCHARGE YOUR DUTIES THAT THAT INCLUDED A STATEMENT THAT SAID THAT YOU WOULD NOT TRADE YOUR VOTE FOR ANY MONEY OR BENEFIT, DIRECT OR INDIRECT, ON A VOTE. SO IT'S VERY CRITICAL FOR MY REPUBLICAN COLLEAGUES TO RECOGNIZE THAT A THREAT OF LACK OF FUNDING SHOULD NOT BE CONSIDERED A REASON TO VOTE ONE WAY OR ANOTHER. SECONDLY, LET'S JUST THINK ABOUT WHAT THIS MEANS, A DIVIDED ELECTORAL VOTE, POTENTIALLY MEANS FOR THE REPUBLICAN PARTY AND FOR MY REPUBLICAN COLLEAGUES. IF YOU'RE GOING TO RUN FOR REELECTION, YOU PROBABLY WANT TO HAVE SOME FUND-RAISERS, AND IT IS MUCH EASIER TO DRAW A CROWD AND DRAW MONEY AT A FUND-RAISER IF YOU HAVE SOMEONE COME WHO IS A NATIONAL FIGURE. I WOULD IMAGINE THAT IT'S ALSO TRUE FOR THE STATE PARTY. YOU WANT GOVERNOR WALKER, GOVERNOR BUSH, YOU WANT THESE PEOPLE TO COME TO NEBRASKA AND SPEAK AT YOUR STATE PARTY FUND-RAISING FUNCTIONS BECAUSE THAT WILL DRAW THE CROWD THAT BRINGS NEW PEOPLE IN AND BRINGS MONEY IN. IF, IN A FEW YEARS, SENATOR EBKE DECIDES SHE WANTS TO RUN FOR SENATE, SO MAYBE WE WOULD BE A STATE WITH TWO FEMALE SENATORS, THEN SHE WANTS TO BE ABLE TO BRING NATIONAL PRESIDENTIAL CANDIDATES TO THE STATE TO ATTEND HER FUNCTIONS. SHE WANTS TO MAKE SURE THAT THERE IS NEWS, PRESS ATTENTION TO THE STATE OF NEBRASKA FOR THOSE EVENTS. SO, IT JUST SEEMS TO ME THAT LB10 IS NOT ONLY A BAD IDEA FOR NEBRASKA; IT'S A BAD IDEA FOR THE NEBRASKA REPUBLICAN PARTY. IT TAKES AWAY AN OPPORTUNITY TO BRING PEOPLE TO YOUR STATE, TO BRING MONEY TO YOUR STATE, AND TO BRING VISIBILITY OF NATIONAL REPUBLICAN CANDIDATES TO YOUR STATE. AND NOW THE OTHER THING THAT



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PRESIDENTIAL CAMPAIGNS DO IS PRESIDENTIAL CAMPAIGNS ARE HOW EVERY PARTY BUILDS THEIR BASE. IF YOU THINK BACK TO WHAT GOT YOU INTERESTED IN POLITICS, IT PROBABLY WAS A HIGH VISIBILITY PRESIDENTIAL ELECTION, WITH THE EXCEPTION OF THOSE OF YOU IN THIS ROOM, AND MANY OF YOU ARE PEOPLE IN THIS ROOM WHO HAD PARENTS WHO WERE ON SCHOOL BOARDS OR COUNTY COMMISSIONERS. BUT IF YOUR FAMILY WAS NOT DIRECTLY INVOLVED IN POLITICS, QUITE OFTEN IT IS THE PRESIDENTIAL ELECTION THAT SPURS PEOPLE'S INTEREST. SO AGAIN, THIS IS KEY FOR BOTH PARTIES BECAUSE PART OF HOW WE OPERATE AND HOW WE ENGAGE CITIZENS IS WE BRING NEW PEOPLE INTO THE SYSTEM. AND WHEN WE DIVIDE UP OUR ELECTORAL VOTES, IT MEANS THAT THERE'S A GREATER CHANCE THAT WE HAVE A PART...AT LEAST ONE PART OF OUR STATE WHERE THE PRESIDENTIAL CAMPAIGNS MAY NEED TO SPEND TIME AND ATTENTION. WE HAVE ONE PLACE IN OUR STATE WHERE THEY'RE GOING TO BE COMING AND RECRUITING AND TRYING TO ENERGIZE THE PEOPLE IN OUR STATE FOR THE PARTY, AND THAT'S TRUE FOR REPUBLICAN PARTY AS WELL. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CRAWFORD: BUT IT GIVES...THANK YOU...IT GIVES PEOPLE A CHANCE TO PARTICIPATE IN THAT DISCUSSION. SO, I JUST URGE YOU TO CONSIDER WHAT THIS VOTE MEANS. AGAIN, WE HAVE A VERY POLARIZED ELECTORAL MAP AND MOST STATES, MOST OF THE TIME, GET IGNORED. AS SENATOR LARSON NOTED, THE 12 SWING STATES, HE SAID, HOLD ALL THE CONTROL. BEING A SWING STATE IS CRITICAL TO GETTING POLITICAL ATTENTION. WELL, COLLEAGUES, I DON'T THINK NEBRASKA IS GOING TO BE A SWING STATE SOON. BUT WE DO HAVE AT LEAST ONE SWING ELECTORAL VOTE, AND I THINK WE SHOULD USE THAT TO OUR ADVANTAGE, MAKE SURE THAT WE KEEP THAT POSSIBILITY THERE SO WE CAN BRING CAMPAIGNS, BRING ATTENTION, AND ENERGIZE OUR VOTERS FOR PRESIDENTIAL ELECTIONS, AND MAKE SURE THAT WE ARE RELEVANT IN PRESIDENTIAL ELECTIONS. THANK YOU, LIEUTENANT GOVERNOR. [LB10]

PRESIDENT FOLEY: THANKS, SENATOR CRAWFORD. SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB10]

SENATOR SCHUMACHER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE BODY. OVER THE LAST 40, 50 YEARS, I'VE WATCHED THE REPUBLICAN PARTY VERY, VERY CLOSELY. AND I HAD UNIQUE OPPORTUNITY WHEN I WAS IN WASHINGTON LAW SCHOOL, BECAUSE OF THE RESIGNATION OF THE PRESIDENT, TO HAVE DIRECT ACCESS TO THE VERY HIGHEST LEVELS OF THE PARTY AND OF THE FEDERAL GOVERNMENT. NOBODY ELSE WANTED TO ACCESS THOSE PEOPLE BECAUSE THERE WAS A CONTROVERSY

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SURROUNDING THE EXIT OF PRESIDENT NIXON. BUT I'VE WATCHED THE PARTY MOVE FROM A MODERATE, MIDDLE ROAD OF PRESIDENT EISENHOWER TO A SHARP TURN TO THE RIGHT, WHICH HAS A DISCONNECT WITH A MAJORITY OF ITS CONSTITUENTS. I LISTENED TO THIS PARTICULAR ARGUMENT ON THIS PARTICULAR ISSUE AND THINK OF HOW UNFAIR THE WINNER-TAKE-ALL SYSTEM IS TO GOOD REPUBLICANS. LET'S TAKE THAT 2008 ELECTION AGAIN: WISCONSIN, 10 ELECTORAL VOTES FOR MR. OBAMA; MICHIGAN, 17 ELECTORAL VOTES FOR MR. OBAMA; PENNSYLVANIA, 21 ELECTORAL VOTES FOR MR. OBAMA, NONE FOR MR. McCAIN. YET THOSE STATES, THE REPUBLICANS HAVE THE GOVERNOR'S (INAUDIBLE) AND BOTH HOUSES OF THE LEGISLATURE. THINK OF THE TREMENDOUS DISENFRANCHISEMENT OF REPUBLICANS IN THOSE STATES WHEN ALL THEIR VOTES WENT FOR MR. OBAMA AND NONE FOR MR. McCAIN. NATIONAL POLITICAL PUNDITS AND...HAVE SAID THAT THE NEBRASKA OPTION IS THE NUCLEAR OPTION FOR THE REPUBLICAN PARTY. THEN WHY IS IT THAT THE NEBRASKA REPUBLICAN PARTY IS MANDATING THE VOTES IN THIS BODY TO REVOKE THE NEBRASKA SYSTEM? AT THE SAME TIME, REPUBLICANS IN OTHER STATES ARE EYEING THE NEBRASKA SYSTEM AS A WAY TO DIMINISH INEQUALITY AND SUCH BAD RESULTS AS THEY SAW IN 2008. THAT DISCONNECT BETWEEN THE LEADERSHIP OF THE PARTY AND THE PEOPLE IN THE PARTY WAS PRETTY EVIDENT WHEN 60 PERCENT OF NEBRASKANS PASSED THE MINIMUM WAGE THIS LAST YEAR. PRETTY EVIDENT. AND IT ARISES OUT OF THE FACT THAT THE PARTIES, SINCE DEPARTING FROM THE PATH OF MODERATION AND, IN THE REPUBLICAN PARTY'S CASE, THE PATH OF PRESIDENT EISENHOWER, THE PARTIES HAVE DRIFTED AWAY AND BECOME INCREASINGLY IRRELEVANT. NO LONGER AT THE COUNTY CONVENTIONS WHERE THE REPUBLICAN PARTY AND THE DEMOCRATS ARE SUPPOSED TO GATHER AND ELECT THE PEOPLE TO THE STATE CONVENTIONS, WHO ELECT THE PEOPLE, THE LEADERSHIP OF THE PARTY, NO LONGER IS THERE ATTENDANCE. PEOPLE DON'T SHOW UP FOR THE THINGS AND AS A RESULT OF PEOPLE NOT SHOWING UP, A TINY CLIQUE REPRESENTING ONE PARTICULAR SENTIMENT OR ANOTHER, ONE PARTICULAR CAUSE THAT HAPPENS TO BE INVOKED THAT YEAR OR ANOTHER, SHOWS UP AND TAKES CONTROL. AND THEN THAT IN TURN ROLLS INTO WHAT HAPPENS AT A STATE CONVENTION. AND THAT IN TURN, THOSE PEOPLE AT THE STATE CONVENTION ARE THEN ELECT AND IN SOME CASES ARE MANIPULATED BY EXISTING INTERNAL STRUCTURES IN ORDER TO HAVE A LEADERSHIP... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR SCHUMACHER: ...THAT DOES NOT REFLECT THE MIND AND THE WILL OF REAL REPUBLICANS. IF THERE IS NO REPRESENTATION THAT MEETS AND COMPORTS WITH THE GENERAL POPULATION AT THOSE COUNTY

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CONVENTIONS, THE PARTY SYSTEM FAILS AS IT HAS FAILED HERE BY HAVING THE REPUBLICAN PARTY, OR AT LEAST THE OFFICIAL WORD OF THE REPUBLICAN PARTY, DIRECTING WITH HIGH ARROGANCE WHAT THIS BODY IS SUPPOSED TO DO. A LITMUS TEST, FOR PETE'S SAKE, LITMUS TEST. NOT TAXES, NOT NATIONAL DEFENSE, NOT TERRORISM, NO, WINNER TAKE ALL. QUITE A LITMUS TEST. THANK YOU. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR SCHUMACHER. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB10]

SENATOR NORDQUIST: THANK YOU, MR. PRESIDENT AND MEMBERS. I JUST WANTED TO ADD A LITTLE HISTORICAL CONTEXT TO THE ISSUE OF HOW PRESIDENTIAL ELECTORS ARE SELECTED, AND THE FLEXIBILITY THAT THE CONSTITUTION HAS...AWARDS TO STATES TO MAKE THEIR DECISION ON HOW PRESIDENTIAL ELECTORS ARE SELECTED AND READ FROM AN ARTICLE. OVER THE YEARS THE STATES HAVE USED THE CONSTITUTION'S BUILT-IN FLEXIBILITY CONCERNING PRESIDENTIAL ELECTORS IN A REMARKABLE VARIETY OF WAYS. MANY OF THE MOST FAMILIAR FEATURES OF PRESENT DAY PRESIDENTIAL ELECTIONS, NOTABLY VOTING BY THE PEOPLE AND STATE-BY-STATE WINNER-TAKE-ALL RULE, DID NOT COME INTO WIDESPREAD USE UNTIL DECADES AFTER THE FOUNDERS DIED. IN THE NATION'S FIRST PRESIDENTIAL ELECTION IN 1789, ONLY SIX STATES PERMITTED THE VOTERS TO ELECT THE STATE'S PRESIDENTIAL ELECTORS. IN MANY STATES THERE WERE NO ELECTION FOR PRESIDENT AT ALL. IN NEW JERSEY, THE GOVERNOR AND HIS COUNCIL APPOINTED THE STATE'S PRESIDENTIAL ELECTORS. IN MANY STATES, THE LEGISLATURE APPOINTED THE PRESIDENTIAL ELECTORS. IN THE NATION'S SECOND PRESIDENTIAL ELECTION IN 1792, THE VERMONT GOVERNOR AND HIS COUNCIL AND THE STATE HOUSE OF REPRESENTATIVES APPOINTED THE PRESIDENTIAL ELECTORS. OVER A PERIOD OF DECADES, STATE LEGISLATURES GRADUALLY EMPOWERED THEIR VOTERS TO VOTE DIRECTLY FOR PRESIDENTIAL ELECTORS. BY 1836, THE VOTERS ELECTED THE PRESIDENTIAL ELECTORS IN ALL STATES EXCEPT SOUTH CAROLINA. BETWEEN 1836 AND 1876, THERE WAS MORE THAN ONE STATE...THERE WAS NEVER MORE THAN ONE STATE IN ANY GIVEN PRESIDENTIAL ELECTION WHERE THE VOTERS DID NOT ELECT THE STATE'S PRESIDENTIAL ELECTORS. NO STATE LEGISLATURE HAS APPOINTED PRESIDENTIAL ELECTORS SINCE COLORADO DID SO IN 1876. IN 1789, ONLY THREE STATES AWARDED THEIR PRESIDENTIAL ELECTORS ELECTORAL VOTES USING A METHOD THAT RESEMBLES THE SYSTEM THAT IS NOW USED BY 48 STATES; NAMELY, THE STATEWIDE WINNER-TAKE-ALL RULE. IN 1789, VIRGINIA ELECTED PRESIDENTIAL ELECTORS IN SPECIFICALLY CREATED PRESIDENTIAL ELECTOR DISTRICTS. I THINK ACTUALLY SENATOR CHAMBERS OR SOMEBODY HAD AN AMENDMENT FLOATING AROUND THAT MAY DO THAT

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WHERE YOU CREATE SPECIFIC PRESIDENTIAL ELECTOR DISTRICTS. THAT'S WHAT VIRGINIA DID IN 1789, THEREBY CREATING THE POSSIBILITY THAT MINORITY SENTIMENT WITHIN A STATE COULD WIN SOME OF THE STATE'S PRESIDENTIAL ELECTORAL VOTES. AT VARIOUS TIMES IN OTHER STATES, VOTERS ELECTED PRESIDENTIAL ELECTORS FROM CONGRESSIONAL DISTRICTS BY COUNTY OR FROM MULTIMEMBER REGIONAL DISTRICTS. SEVERAL STATES OCCASIONALLY USED INDIRECT METHODS. IN 1828, SOME OF NEW YORK'S PRESIDENTIAL ELECTORS WERE CHOSEN BY OTHER PRESIDENTIAL ELECTORS. IN TENNESSEE, IN 1796, A MINIATURE STATE LEVEL ELECTORAL COLLEGE CHOSE THE STATE'S NATIONAL MEMBERS OF THE ELECTORAL COLLEGE. TODAY, THE VOTERS IN MAINE AND NEBRASKA ELECT PRESIDENTIAL ELECTORS BY CONGRESSIONAL DISTRICT. NEITHER POPULAR VOTING FOR PRESIDENTIAL ELECTORS, NOR THE STATE-BY-STATE WINNER-TAKE-ALL RULE CAME INTO EXISTENCE BY AMENDING...IT DID COME...CAME INTO RULE BY...CAME INTO EXISTENCE BY AMENDING THE U.S. CONSTITUTION. INSTEAD, THESE NOW FAMILIAR FEATURES CAME INTO EXISTENCE ON A PIECEMEAL BASIS AS A RESULT OF STATES USING THE FLEXIBILITY THAT THE FOUNDERS BUILT INTO THE CONSTITUTION, IN PARTICULAR THE WINNER-TAKE-ALL RULE WAS CREATED BY STATE LAW AND, THEREFORE, MAY BE REPEALED BY STATE LAW. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR NORDQUIST: THE POLITICS BEHIND THE ADOPTION BY STATES OF THE WINNER-TAKE-ALL RULE IS INSTRUCTIVE. AS THE U.S. CONSTITUTION NOTED IN ITS HISTORICAL REVIEW OF PRESIDENTIAL ELECTIONS IN McPHERSON V. BLACKER, MANY OF THE FOUNDING FATHERS CONSIDERED THE DIRECT SYSTEM TO BE THE, QUOTE, MOST EQUITABLE. THE THREE STATES THAT USED WINNER-TAKE-ALL RULE IN THE NATION'S FIRST PRESIDENTIAL ELECTION IN 1789 HAD ABANDONED THE WINNER-TAKE-ALL SYSTEM BY 1800. HOWEVER, A COUNTERTREND DEVELOPED IN FAVOR OF THE WINNER-TAKE-ALL RULE. AS EARLY AS THE NATION'S FIRST COMPETITIVE PRESIDENTIAL ELECTION IN 1796, IT HAD BECOME CLEAR TO POLITICAL OBSERVERS THAT THE DISTRICT SYSTEM DIVIDED A STATE'S ELECTORAL VOTES AND THEREBY DIMINISHED THE INFLUENCE OF A STATE'S DOMINANT POLITICAL PARTY. I THINK THAT LAST LINE SPEAKS TO EXACTLY THE INTENT OF RESTORING US BACK TO WINNER TAKE ALL. [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR NORDQUIST: THANK YOU. [LB10]

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

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YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THERE WILL BE SYMMETRY TO THIS DEBATE. IT'S APPROPRIATE THAT I PROBABLY HAVE THE LAST WORD. I LISTENED TO SENATOR SCHILZ VERY CAREFULLY AND HAD HE SPOKEN AS NOT A MEMBER OF THE REPUBLICAN PARTY, AND IF THE REPUBLICAN PARTY HAD NOT GIVEN ITS MARCHING ORDERS, AND YOU COULD TAKE WHAT HE SAID IN A VACUUM, IT WOULD BE SOMEWHAT PERSUASIVE. BUT THIS THAT WE'RE TALKING ABOUT DOES NOT GO TO BELIEF. HE WAS SAYING, IF YOU BELIEVE A CERTAIN WAY. THIS IS STRICTLY AND PURELY POLITICAL. AND IN THIS CONTEXT, IT IS STRICTLY PARTISAN. THAT'S WHAT IS MOVING EVERYTHING THAT IS BEING DONE ON THIS BILL. I WOULD NOT BELONG TO EITHER PARTY, AS I'VE STATED. AT SOME FUTURE TIME I'LL TELL YOU, ONE BRIEF INSTANT WHEN I JOINED THE "REPELICAN" PARTY IN NEBRASKA. I DID. I WAS A FRESHLY MINTED "REPELICAN" AND IT MADE NEWS. I EVEN WENT TO ONE OF THEIR GATHERINGS OUT AT ONE OF THESE HOTELS IN WEST OMAHA. MR. HAL DAUB CAME RUNNING OVER TO MY TABLE. FORMER GOVERNOR--I DON'T KNOW IF SHE WAS STILL THE GOVERNOR--KAY ORR WAS AT MY TABLE. ALL THE TELEVISION LIGHTS RUNNING, I SAID, WHO IS THE CELEBRITY? AND THEY SAID, YOU. ME, A "REPELICAN." I EVEN WENT TO A COUPLE OF THEIR GATHERINGS ACROSS THE STREET FROM HERE. ALL OF THEM HAD ON GRAY SUITS, ALL OF THEM--NOT LIKE SENATOR JOHNSON, HIS HAS A LITTLE FLAIR TO IT--BUT THOSE DULL GRAY SUITS THAT MATCH THE OVERCAST SKIES DESCRIBED BY EDGAR ALLAN POE WHEN HE WAS TRYING TO CREATE A VERY DREARY MELANCHOLY MOOD. AND I SAT...WELL, I STOOD THEN LIKE I DO NOW. I LISTENED TO THEM AND I TOLD THEM, I WON'T COME HERE AGAIN. YOU DON'T HAVE TO WORRY ABOUT ME. THERE WOULD BE MORE LIVELINESS AT AN UNDERTAKER'S CONVENTION THAN YOU'VE GOT HERE. AND I NEVER WENT THERE AGAIN AND I FELT LIKE A STRANGER IN A STRANGE LAND, SO I LEFT THE "REPELICAN" PARTY AND RESUMED MY HONORABLE STATUS OF BEING AN INDEPENDENT. EVERYBODY ON THIS FLOOR, INCLUDING SENATOR SCHILZ, AND I'M ATTRIBUTING THINGS TO HIM THAT MAY NOT BE TRUE, UNDERSTANDS THAT WE'RE ENGAGED IN A POLITICAL DISCUSSION. THIS HAS NOTHING TO DO WITH ANY DEEP FEELING, ANY DEEP IDEOLOGY, ANY DEEP SENSE OF WHAT OUGHT TO BE DONE FOR THE PUBLIC. IF THOSE WERE THE THINGS WE'RE THINKING OF, THIS KIND OF BILL WOULD NEVER HAVE A CHANCE OF PASSAGE BECAUSE WE WOULD WANT EVERYBODY TO HAVE A CHANCE TO CAST A MEANINGFUL VOTE. WHEN YOU GERRYMANDER, YOU DON'T STOP PEOPLE FROM PULLING ONE OF THOSE LEVERS IF IT'S A VOTING MACHINE. YOU DON'T STOP THEM FROM MARKING A PAPER BALLOT. BUT YOU FIX IT SO THAT WHEN THEY VOTE, THEY'RE VOTING FOR NOBODY. THE WHOLE SITUATION HAS BEEN STACKED TO SUCH AN EXTENT THAT ONE PARTY IS GOING TO WIN NO

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MATTER WHAT ANYBODY ELSE SAYS OR DOES, AND THAT'S THE SHEER HYPOCRISY OF THIS TALK OF DEMOCRACY. EVEN THE IDEA OF A REPRESENTATIVE REPUBLIC, OR A REPUBLICAN FORM OF GOVERNMENT WHICH MEANS REPRESENTATIVE, THERE HAS NEVER BEEN A DIRECT DEMOCRACY IN THIS COUNTRY. EVERYBODY KNOWS THAT OR SHOULD. BUT FOR POLITICIANS WHO HAVE BEEN IN THE GAME TO STAND ON THIS FLOOR AND ACT LIKE WE'RE HAVING A PURE DISCUSSION OF DEMOCRATIC PRINCIPLES, WITH A SMALL D,... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...IS EITHER SELF-DELUDED OR IN DENIAL. THE REPUBLICAN PARTY IS GOING TO GET BUSY AND TALK TO THOSE ON THIS FLOOR AND TELL THEM HOW THEY BETTER VOTE. AND SENATOR SCHILZ HEARD THE RESOLUTION READ AND HE MAY HAVE BEEN AWARE OF IT BEFORE IT WAS EVEN READ. MAYBE IT WON'T INFLUENCE HIM, BUT HE KNOWS THAT IT'S GOING TO INFLUENCE OTHERS AND THAT'S WHY THAT PARTY ISSUED IT. THEY ARE POLITICAL. THEY ACKNOWLEDGE IT. AND THEY KNOW WHAT IT TAKES TO WHIP PEOPLE IN LINE ON THE FLOOR OF THIS LEGISLATURE AND THAT'S WHAT THEY DID. SPRAY IS GONE. J. SPRAY, GONE. KRAMER, GONE. THEY HAVE TOO MUCH POLITICAL BAGGAGE AND THEY ARE NOT KNOWLEDGEABLE ENOUGH FOR THE CURRENT GOVERNOR TO WANT THAT BAGGAGE WITH HIM. THE WORST THING A GAMBLER CAN DO, OF COURSE, IS TO LAY HIS MONEY ON THE WRONG HORSE. [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: AND THIS GOVERNOR SAID, I'M NOT GOING TO PUT IT ON TWO OF THEM. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, MR. CHAMBERS. MR. CLERK. [LB10]

CLERK: MR. PRESIDENT, YOUR COMMITTEE ON ENROLLMENT AND REVIEW REPORTS LB88, LB122, LB142, LB142A, LB160, LB167, LB181, LB272, AND LB446 AS CORRECTLY ENGROSSED. A CONFIRMATION REPORT FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. GOVERNMENT COMMITTEE ALSO REPORTS LB283, LB365, LB514, LB561, LR26CA TO GENERAL FILE; AND LB282 INDEFINITELY POSTPONED. GENERAL AFFAIRS COMMITTEE REPORTS LB330 AND LB460 TO GENERAL FILE WITH AMENDMENTS. TRANSPORTATION REPORTS LB231 AND LB498 TO GENERAL FILE WITH AMENDMENTS. AMENDMENTS TO BE PRINTED: SENATOR KRIST TO LB37, SENATOR KOLOWSKI TO LB558. AN ANNOUNCEMENT, MR. PRESIDENT: JUDICIARY WILL HAVE AN EXECUTIVE SESSION AT 1:00 IN ROOM 2022;

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

Floor Debate  
February 23, 2015

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JUDICIARY, 1:00, 2022. (LEGISLATIVE JOURNAL PAGES 601-609.) [LB88 LB122  
LB142 LB142A LB160 LB167 LB181 LB272 LB446 LB283 LB365 LB514 LB561  
LR26CA LB282 LB330 LB460 LB231 LB498 LB37 LB558]

AND SENATOR GARRETT WOULD MOVE TO ADJOURN THE BODY UNTIL  
TUESDAY, FEBRUARY 24, AT 9:00 A.M.

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