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Floor Debate  
January 20, 2017

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[LB1 LB2 LB3 LB4 LB5 LB15 LB18 LB19 LB29 LB94 LB106 LB333 LB334 LB335 LB336  
LB530 LB583 LB642 LB659 LR19]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twelfth day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Pastor Michael McDonald from the Coffee House Ministries in Fairbury, Nebraska, Senator Ebke's district. Please rise.

PASTOR McDONALD: (Prayer offered.)

SPEAKER SCHEER: Thank you, Pastor McDonald. I call to order the twelfth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Have all senators checked in? Mr. Clerk, please record.

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

SPEAKER SCHEER: Thank you, Mr. Clerk. Are there any corrections to the Journal?

CLERK: I have no corrections.

SPEAKER SCHEER: Thank you. Are there any messages, reports, or announcements?

CLERK: Mr. President, I have a Reference report referring LB495 through LB667, as well as four proposed constitutional amendments, that report signed by Senator Watermeier. Hearing notices from the Health and Human Services Committee signed by Senator Riepe as Chair. I'm sorry, Mr. President. I have a hearing notice from Health and Human Services Committee and I also have two reports. Health Committee reports LB18 to General File and LB19 to General File. Lobby report for this week to be inserted in the Journal and acknowledgment of receipt of agency reports available to members on the legislative Web site. That's all that I have, Mr. President. (Legislative Journal pages 305-310.) [LB18 LB19]

SPEAKER SCHEER: Thank you, Mr. Clerk. We will now proceed to the first item on the agenda. Mr. Clerk.

CLERK: Mr. President, Senator Wayne would move to withdraw LB659. [LB659]

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

Floor Debate  
January 20, 2017

---

SPEAKER SCHEER: Senator Wayne, you're recognized to introduce your motion. [LB659]

SENATOR WAYNE: Thank you. I am asking to withdraw this bill. The purpose of the bill, I was going to have a long conversation with all the interested parties. And we started having those conversations and there is a couple key facts that I think everybody in the body should hear is that since 2011 we actually have 43 new senators. So when this issue was brought up in 2011, we actually since then have 43 new senators and, because of that and because of talking to both parties and talking to committee chairs, I feel it's more important to have a task force or interim study done to (1) not only educate the committees but educate the entire body and bring things up to speed on the issues before we dig or dive deeper into putting a bill together to resolve some of these issues. And that's why I would ask for your support to withdraw this motion...to withdraw this bill. [LB659]

SPEAKER SCHEER: Thank you, Senator Wayne. Seeing no others wishing to speak, Senator Wayne, you're welcome to close. Senator Wayne waives closing. The question before us is the withdrawal of LB659. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Record, Mr. Clerk. [LB659]

CLERK: 39 ayes, 0 nays, Mr. President, on the motion to withdraw the bill. [LB659]

SPEAKER SCHEER: The motion to withdraw LB659 is adopted. Next item, Mr. Clerk. [LB659]

CLERK: Mr. President, Senator Hilgers would move to renew his motion to adopt permanent rules. The next amendment to that motion, Mr. President, the body considered amendments 1 and 4 yesterday. Copies, again, are in hard copy available on your desk. If you need an additional copy, please have a page come up front. We have those. Senator Schumacher, as Vice Chair, I understand, Senator, you're going to offer what I believe is proposal rule number 3? Okay. Mr. President, Senator Schumacher, as Vice Chair of the committee, would offer proposed Rules Committee amendment number 3.

SPEAKER SCHEER: Senator Schumacher, you're welcome to open on rule change number 3.

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. Rule change number 3 deals with interim fiscal notes. It was brought to the committee by Senator Harr and I yield the balance of my time to Senator Harr for purposes of its introduction.

SPEAKER SCHEER: Senator Harr, you're recognized with 9:43.

Floor Debate  
January 20, 2017

---

SENATOR HARR: Thank you, Mr. President, members of the body. This, as I like to say, is a simple rule change. All we are doing is formalizing what you can already do. During the interim if you have an idea for a piece of legislation, the Fiscal Office is more than willing to work with you. It's a great office. I want to be very clear that this is not an attack on the Fiscal Office or the people there. They do a great job and they're great people. What this does do is we now have elevated fiscal notes to a higher point than it ever has been before. If you look at the Governor's proposed budget, I think he leaves like \$6 million for the floor. I think we're going to be hard pressed to even have that much. My freshman year, if a bill had a fiscal note, it died. Just don't even bother to introduce it. And while the Appropriations Committee spends billions upon billions upon billions upon billions of dollars, the most I've ever had in my now seven years looks to be \$26 million for the floor. So that means nine senators appropriate a large portion. They leave that small, small, I'll call it a bone for the rest of us. And I will tell you right now, I will fight like a dog to gnaw on that bone and I will make sure that I get my bill that I want and I'm going to make sure that you get your bill that you want. So I'm going to make that fiscal note as small as possible. And in my six years, I've learned tricks on how to do that that I may or may not tell you. But there are ways to do it. But there are also...what you will hear in committee is: I don't agree with that fiscal note; I'm going to talk to the Fiscal Office. And if your bill has a fiscal note now, folks, just don't waste our time; don't introduce it. Right? I don't want that to be the mentality. But I'm worried about that. So what this bill does is says, if you have an idea, you're working on it now, you're working on it over the interim, go to Bill Drafters. Have the bill drafted. And what you can do is then submit that to the Fiscal Office and they will give you a fiscal note. Right? Now that fiscal note will show you maybe you made a mistake. Maybe there is an assumption that you made that, well, that's not what I meant and that has a huge fiscal cost. I got to change that. But what you're doing is you're saving our time. Well, first, you're saving your time, right, because you're introducing a better bill, because you now know what the fiscal note is. Maybe you abandon the idea. Maybe you amend the idea or maybe you clarify the idea. It's a one-time shot you get to really issue spot what is the cost of your bill and what are the problems and weaknesses, because the last thing you want to be doing is working on a bill from the time we get out, introduce it, you introduced it last week and you may not know the fiscal note until March, or how much it costs, and in the meantime you're doing a whole bunch of work. You're calling constituents. You're calling advocacy groups. You're working with advocacy groups, both for and against your bill. You're trying to figure out how I can get this bill out of committee. You're working committee members and then you find out, oh, whoops, there is a fiscal note. It's not going anywhere. It's a waste of our time. It's a waste of your time. It's an inefficient use. I want to find a way to make government more efficient. I believe in knowledge is power. So what this does is it gives you the ability to issue spot to see what the fiscal note is of your bill and hopefully avoid the death by fiscal note and to, if you do, also be able to work people and say, well, I did an interim fiscal note, here is what it's going to cost, and you can...when you're working with members of a committee, you can say, here is the cost, here is what it's going to be, instead of waiting until after the committee hearing. It's just foreplanning.

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

Floor Debate  
January 20, 2017

---

So that is the extent of it. Like I said, it's very simple. I'd be more than willing to entertain any questions and/or concerns you may have with one more caveat I will add. There is a concern that was brought up in committee, in Rules Committee, that, hey, there will be an avalanche; everyone will enter their bills and there will be an avalanche of fiscal notes. Maybe there will be. But we're spending billions of dollars, folks. Maybe we should plan ahead a little bit. Maybe we should know what something costs. And I will tell you, my basic knowledge of physics tells me that an avalanche can only occur if there is pent-up pressure. If there is no pent-up pressure and no one worries about it, we don't have a problem. By the way, you are already able to do this if you want right now. All I'm doing is formalizing and, to a certain degree, limiting what we as senators can do, because now you can do as many as you want. Now they have to give you one, but they don't have to give you more than one. If you have a fiscal note and you say, oh, okay, I see that problem, I'm going to tweak it and send it back in, Fiscal Office can tell you to pound sand. You had your one shot. So in a way this relieves them of work as well. So it gives each senator one and it gives each committee chair one. And we had some debate as to whether that should be an individual chair gets to decide at their own discretion or if it needs to be a vote of the committee and it is my intent that it is at the sole discretion of the chair. With that, I would yield the remainder of my time. As I stated earlier, I am more than willing and open to take any questions or concerns you may have. Thank you.

SPEAKER SCHEER: Thank you, Senator Schumacher, Senator Harr. Mr. Clerk.

CLERK: Mr. President, if I may, some items: hearing notices from the Retirement Systems Committee, those signed by Senator Kolterman; Judiciary Committee hearing notice signed by Senator Ebke. And in addition, Mr. President, your Committee on Retirement Systems reports LB29 and LB94 to General File. Agriculture Committee reports...I guess they give hearing notice, Mr. President, the Ag Committee, hearing notice. Your Committee on Enrollment and Review reports LB1, LB2, LB3, LB4, and LB5 to Select File. (Legislative Journal pages 310-311.) [LB29 LB94 LB1 LB2 LB3 LB4 LB5]

Mr. President, returning to consideration of amendment number 3 as offered by the Rules Committee, Senator Stinner would move to amend.

SPEAKER SCHEER: Senator Stinner, you're welcome to introduce your amendment to rule change 3.

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, I offer a small amendment that changes the word "expedite" to "efficiently manage." I have serious concerns about the impact of this rule change. The risk of significant workload increases on Fiscal staff in a time period of important preparation for the next session is high. The burden will likely fall on

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

Floor Debate  
January 20, 2017

---

certain areas such as tax, health and human services, or school aid. Though I credit Senator Harr for putting a cap on requests, there is no controlling for subject matter. It is likely the bulk of the senators' requests will be in these areas. Given that understanding, if you are willing to accept my amendment, I am willing to view this new rule very guardedly as an experiment that needs to be managed. The amendment, again, is to strike the word "expedite" and replace it with the word "efficiently manage." That gives a little bit more flexibility at a time when I know the Fiscal Office is working on the budget. The Fiscal Office has a statutory duty to support the Appropriations Committee in that process. November is a critical time for the staff in preparing to meet that duty. Agency contacts, meetings, briefing document preparation, are all occurring at the same time. I believe the change in wording gives the fiscal analyst some latitude to manage the situation and balance workloads and resolve conflicting demands. Thank you.

SPEAKER SCHEER: Thank you, Senator Stinner. (Doctor of the day introduced.) Returning to discussion of the amendment to the rule change 3, Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, there are others who are far more interested in and knowledgeable about this proposed rules change than I am. And in this instance, I'm going to listen and learn. But because this is not one of those matters which will probably take a great amount of time, there is not a great deal that can be said about it. There will be a great deal, I hope, said about it to explain what is entailed for the rest of us who have not followed this particular issue very much. The bills that I offer generally don't have much in the way of a fiscal note; therefore, I'm going to listen and learn. I will use my time to point out that I paid very close attention to the Chief Justice yesterday and what he was saying about the cuts that the Governor is making. These comments are mine, not the Chief Justice's, and I don't want anybody to think that they are. I have not spoken with him on this matter. But during the past many months, it seems like years, I and others have spent hours, days, weeks, months dealing with the problems of Corrections. A scandal had broken over the early release of inmates, the failure to properly keep and maintain records on a person's release date, and a host of other problems. We did our work. There were many hearings which were not pleasant to attend because the types of information presented were distressing, stressful, and some of them we could not directly manage. There came about a point when general agreement was reached that with this organization of legislatures, the national one, certain other meetings and gatherings would occur where some notions aimed at addressing serious problems in Corrections which everybody agreed did and still exist. And when the Governor comes along like he's doing with his cuts, that is a very casual violation of a promise that was made. I will from time to time quote Abraham Lincoln. And before I quote him, my word is my bond. It should be the bond of the Legislature as an institution. We should not allow the Governor, who is interested in his welfare and none other besides, to cause the Legislature to look like a perfidious operation which makes promises, which holds out to the public the expectations will certainly be done, then the Governor in his wealth will come along and act like a spoiled rich man who can toy with and

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

Floor Debate  
January 20, 2017

---

play with everybody and every issue. I am not going to sit by and watch the Governor's cuts to the judicial system, the Corrections Department take place without a fight. I am prepared to tie the budget up for however long it takes. And there are some who have been here before and they know that I will do that. When the Chief Justice is put in a position of saying that the court system bought into what the Legislature--I'm paraphrasing--what the Legislature presented, hook, line, and sinker, and has now been left holding the bag, that's a horrible thing for a branch of government, especially the one that deals with justice, equity, and the caring for all of the society...

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: ...of various rights and privileges to have to say that and the Legislature not respect, not react accordingly. I don't care about the Governor's prospects. I care about the Legislature as an institution. I care about the work that we did and I especially care about the judiciary and I've done a lot of work to demonstrate that. I can't say it all now, so I'll put my light...oh, it is. I'll leave my light on. And if I get the opportunity to speak again, I intend to do so. Thank you, Mr. President.

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

SENATOR HARR: Thank you, Mr. Speaker. Thank you, members. You know, earlier I didn't get a chance to apologize. We adjourned early yesterday because we are citizen politicians and I had work and I had court. And I was in the Douglas County courthouse yesterday. And before we go back to the rules, I just want a point of personal privilege to say, to a T, almost everyone I talked to reiterated what Senator Chambers has said here that, you know, whether it was judges, prosecutors, or public defenders, this is a real concern we have. So this is something very important. I want to thank Senator Chambers for bringing it up. I want to thank the Chief (Justice) for addressing that issue, too, and bringing it to our attention. And now back to the rules. This is...I'm not sure if this is a friendly amendment or not because I didn't get a chance to read it until it was introduced, to no fault of Senator Stinner. Background on this rule: Originally I had proposed rule change 3, Rule 5, Section 7, to read each senator got two. And again, we can go to Fiscal right now, folks, and we can ask for fiscal notes. I have. Sometimes I'm successful; sometimes I'm not. But I ask for...they'll never give us a specific dollar amount. They won't give us...they'll give us broad: I think it's going to be in this range; or, have you looked at this? This is...I guess it's a little step forward. But it also limits their liability because they only have to do once. And I listened to them and I listened to their concerns. And again, folks, we're spending billions upon billions upon billions upon billions upon billions of dollars. It's a lot. It's more than I will probably get to spend in a lifetime. And I think it's important that we take these fiscal notes seriously. We do take them seriously. We have elevated them to a status higher than policy. Your

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

Floor Debate  
January 20, 2017

---

policy can be the best in the world, but if it has a fiscal note, sorry, thank you, come again next year; maybe we'll have more money but probably not. Right? And so if we are going to put these fiscal notes on a pedestal, we have to have services that make...that are commensurate with what the value we give them and we have to have knowledge and we have to have education. And if that means hiring a couple more people, well, gosh darn it, guess what, folks? Let's go ahead and spend a couple hundred dollars. We don't pay them well. But let's go ahead and spend that extra couple hundred dollars so we can have the best knowledge and the best information when we make policy. I think this is great. I compromised already. I see this compromise in front of me. I'll be honest with you, it's a distinction with a difference--otherwise they wouldn't have introduced it--but I have no idea what it means. So would Senator Stinner yield to a question?

SPEAKER SCHEER: Senator Stinner, would you yield?

SENATOR STINNER: I will.

SENATOR HARR: Thank you, Senator. Thank you, Mr. Speaker. I listened to your opening and you said it was to better control their work force...or workload. Tell me what that means. What would they do differently with "efficiently manage" versus "expediate"... "expedite," excuse me.

SENATOR STINNER: Well, here is...the word "expedite" means that that takes top priority over everything that you're going to do. That's the interpretation that Fiscal is making. Efficiently manage means that if I get eight bills in tax or five bills in health and human services and I still have to get that...

SPEAKER SCHEER: One minute.

SENATOR STINNER: ...budget out, which happens to be a priority--thank you--they can redistribute that workload. The one other thing that I wanted to say on your time, I'm sorry, but...

SENATOR HARR: Please.

SENATOR STINNER: Right now, yeah, you can go to Fiscal Office and get an interim note. It's not a fiscal note. It's an estimate. There is a difference between that. The fiscal note from the Fiscal Office is of a standard way up here. The estimate is kind of down here, okay, just to make that distinguished. So I just wanted to make that and put that on record.

SENATOR HARR: Thank you. And I think I tried to make that point earlier. And I appreciate the time. But right, folks? Doesn't that tell you? What you're getting now wouldn't be as high a

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

Floor Debate  
January 20, 2017

---

quality. We want quality work. I understand the "efficiently managed" now versus "expedite" but...

SPEAKER SCHEER: Time, Senator.

SENATOR HARR: Thank you, Mr. Speaker.

SPEAKER SCHEER: Thank you, Senator Harr and Senator Stinner. Senator Schumacher, you're recognized. I'm sorry, Senator Schumacher. It is Senator Krist. My apologies. Senator Krist, you're recognized.

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. And I don't want to upstage the "Professor," but I appreciate the turn. In the Rules Committee we talked about several changes to...that would have affected the Fiscal Office and we had a pretty robust discussion about that process. I, too, have gone to the Fiscal Office in my time here in the interim period and said, could you give me an estimate? And Senator Stinner was very eloquent about saying it's not an official document. It's not a fiscal note. It is an estimate. And in some cases it led me back to a point where I could successfully, or potentially successfully, bring a bill forward with the subject matter, as well as having an idea of how much that cost. Now, I just wanted, from a perspective of Senator Chambers would call it a teaching moment--I don't know that that's what I'm doing today--I just want to let you know, from perspective, I was here for the special session in 2009 and it was a bloodbath. And we cut and cut and cut and cut and it's taken us a number of years to get back to a point where we can restore some of the essential services that were taken out. You're now entering a time because, as the Chair of the Exec Board, I also chaired what is colloquially known as the no-name committee, which is the Tax (Rate) Review Committee, and we meet twice...they meet twice a year by the constitution, by statute, so that they can review the tax revenue, tax receipts that are coming out. And the projection that we've seen steadily going down in the time that I chaired that committee, we're in trouble. And it's not going to get any better any quicker, or quickly, because it's a situation that involves not just spending but revenue. Now, if you're trying to put a piece of legislation together and it is the difference between saying you must or you shall or you should, which would change a fiscal note in balance, you need to know that if you want to be successful with the bill. I think an estimate is perfect. I worry about the workload also in the Fiscal Office. I've talked with the analysts themselves. I understand. If all 49 of us and every chair comes into their...to the fiscal process and says, I have to have this information, it could bind things up. But I think this is a reasonable approach. And if you followed through my logic and where I've been in the past few years, it truly would be, or is, essential that you know what things are going to cost if you are a conservative...even if you're not a conservative. If you're fiscally prudent about looking at the state's budget and spending money the right way, it's the

Floor Debate  
January 20, 2017

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right thing to do. I'll support this and I have supported it out of committee because it already exists. I think you've heard that already this morning. It just normalizes, I think, the process of making you aware that this is available to you. Now it will be up to the Fiscal Office and Mr. Calvert and his folks to manage that process. But that...those are they reasons why I support it. I hope you appreciate the logic that I used to get to that point. And I would ask for your support. Thank you.

SPEAKER SCHEER: Thank you, Senator Krist. Senator Schumacher, you're recognized.

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. This is a teaching moment. And I've told some of the members of the freshman class that they have my sympathy, my sympathy because the challenges you're going to face when it comes to money are huge when compared to the ones that the few of us in the senior class faced. The 2009 problem was taken care of before we got there, so we've had pretty smooth sailing. There were \$600 million in Obama stimulus that came in. There was another \$125 million, give or take, in accelerated revenue that came in because people were afraid of a fiscal cliff and sold things and did things to trigger taxes to bring that in. That amounted, if you add it up, to about \$725 million, which, oddly enough, is where we were just a few months ago, maybe even last year, as recently, in our reserves. We're now looking at cutting those reserves down to \$500 million--by a third--in the foreseeable paperwork that you're going to see before you. Huge! And so we get to kind of a philosophical thing and Senator Harr talks about death by fiscal note. If you have a fiscal note, if there is money spent, you can't do it. Now, there is two philosophies for you to think about and you're the ones that's going to have to think about it, not us. And one is, is the role of the Revenue Committee to raise the money for the expenses that are appropriated by the Legislature? Is that its role? If that's the case, we've not done a very good job because we're going to come up short, the way it looks, and dig into the reserve at a time when there is no real crisis. We're full employment. There hasn't been any disaster, no drought, I mean, just normal. Corn prices peaked a little bit, but now they're back to normal if you chart them out from 2000 to now. You know, we're pretty much in the normal range. There is no crisis but we're burning up a third of our Cash Reserve. Is that the role? Is that how it should work? The other side of the coin is that the philosophy is, well, Education Committee and Appropriations Committee can't spend what they don't have so, therefore, the role of raising revenue is the role of not raising revenue in order to constrict spending. You have to think about that for awhile as to what is the role, what is the balance between those committees. Senator Harr indicates death by fiscal note. But suppose there was a really great idea and it had a large fiscal note--\$50 (million), \$100 million--but we could all see that it would return great returns and the state would be much healthier in five years. Should that bill die by fiscal note? Or should we raise the revenue to fund that idea? Those are questions of governance. Those are questions you're going to have to deal with because times are going to get tight. We all realistically know that the burdens on government largely due to the

Floor Debate  
January 20, 2017

---

aging baby boomers are going to go up rather than down; some of our social changes toward single-parent families are going to create more expense for government rather than less.

SPEAKER SCHEER: One minute.

SENATOR SCHUMACHER: So those are things you've got to deal with. As far as this particular rule amendment is concerned, Senator Harr raises good points. To the extent we choose death by fiscal note, something we don't have to choose but we might choose, then we shouldn't waste our time on things that are DOA. And I supported this rule in Rules Committee and I support Senator Harr in his efforts now. Thank you.

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Chambers, you're recognized. In the queue: Senator Harr, Stinner, Watermeier, and others.

SENATOR CHAMBERS: Thank you, Mr. President. Returning to the subject that means a great deal to me, and I'll make a point. When there is a serious issue and the house is divided and there will be adequate discussion on both sides, that's the time I may not have a great deal to say. On this that I'm talking about, I may be the only one who will do anything about it even though we recognize the seriousness of it. There was what has come to be known as the gunfight at O.K. Corral. Doc Holliday was there and Wyatt Earp, Ike Clanton, and a few other American history notables. And nobody was ambushed. People knew that they were coming there for this famous gunfight. I told you all that I may use surprise, but I won't ambush you. I will let you know what I'm going to do. I can even tell you how I'm going to do it because you can't stop me. In this instance we're going to fight like scorpions in a bottle over these cuts the Governor is trying to get the Legislature to do to the judiciary and, to some extent, the Department of Corrections and also the Advocacy Commission. I will take that budget bill by the throat and I will not release it. Now there must be at least 12 hours of debate on the budget bill before cloture can be invoked. The body will be left with determining whether or not they should invoke cloture and move the bill forward without being able to make amendments that they want or bite the bullet, so to speak--there are so many gun lovers here who know about the Second Amendment to the constitution, but no other one, that imagery might work for them--and wait me out, work with each other, and determine what kind of concessions can be made not to me but for the sake of the judiciary, its integrity as the third branch of government. I often have to have a foot in two different worlds. I come here off the street to this white people's Legislature and there are things I learned there that are very helpful here. But the methodologies are different and I learn them and I apply them very expertly based on what others who make judgments about those things will say. Again, I have a foot in two different worlds. Nebraska has some of the lowest court fees in the country because of me. I fight to keep those fees from raising for the sake of the public. But at the same time, I'm aware of what the judiciary needs to carry out its responsibilities. There

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

Floor Debate  
January 20, 2017

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is a dichotomy. There cannot be both. So I have opted to keep the fees low. Talk to the Chief Justice and anybody associated with the courts. I'm consistent down through the years, not like people here. That's why I gave you Bob Seger's song "Still the Same": Just when they thought they had him caught, he turned out to be quicker than they thought. The court system should not be a fee-based operation. The Governor doesn't have to raise the money that supports the executive branch. The Legislature does not have to raise the money. We appropriate money. The court system should be supported from General--help me--Fund. Nobody is going to help me in my senior moment. It should be supported from the General Fund as are the two other branches. I cannot get all that done. I can't do everything that I think should be done at the same time.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: But sometimes I have to fight to do them at the same time and that's what I'm going to do here. The gunfight at the O.K. Corral is going to seem like a tea party on the White House lawn under the cherry trees in spring. I'm going to take that budget, I'm going to have amendments, I'm going to have motions, and I'm going to tie it up. I promise you that. No threat, it's a promise. Check to see if this old man can deliver on it and look at what the budget is and see all of the opportunities I will have. I will offer my amendments. And if the budget committee gets to move first, all that does is help consume time. But in any case, I shall exact the price. I'm going to work on the judiciary, I'm going to work on that Advocacy Commission, and I'm going to work where Corrections are concerned. I didn't do all that work to come to this point of betrayal. You all might can do it. I cannot.

SPEAKER SCHEER: Time, Senator.

SENATOR CHAMBERS: The court system...thank you, Mr. President.

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

SENATOR HARR: Thank you, Mr. Speaker. This is why debate is good. Senator Krist gave you guys a little secret. I don't know if you guys were paying attention. The "may" versus "shall," right? So this is how fiscal notes work. If the language says "may," an agency may do blank, blank, blank, right, whatever that is, if the Governor wants it to happen, it's going to happen. If the Governor doesn't want it to happen, it's not going to happen. So when making a fiscal note, they assume it's not going to happen. So it's a zero. If you say the Governor shall do it and there is a cost associated with it, there will be a fiscal note. Right? So if you have the support of the corner office, make sure you always use the word "may" versus "shall," because it will lower your fiscal note. These are tricks of the trade you learn from being here. And there are a lot more. I know one hundredth of what Senator Chambers knows. But I'm learning and I listen and

Floor Debate  
January 20, 2017

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I pay attention. These are things...that's why it's so important, folks, that we have these interim fiscal notes, because the estimates are just that: estimates. And they may not be able to give us the full story and it may not issue spot as well as you want. You heard Senator Stinner say it's a higher standard. When we're making policy, don't we want that higher standard? Don't we want that information for ourselves? I think so. So, you know, there is a concern, again, that there will be...we want to do efficiently versus expedite and that these don't take top priority, that other things take priority over our fiscal notes that we're going to put in rules today hopefully. I don't know. That's a choice you guys have to make, what should be the number one priority. Again, this is only an issue if there is pent-up frustration, if there is pent-up pressure. You can't have it both ways and say it's not really an issue, we do it already. This is going to create more work. So I'm going to take them at their word that this is going to create more work. But I'm also going to take the view that we deserve to have information and we deserve to know what's going on. The budget is important, but they can also--and pardon the pun, but it's the English language--budget their time. And they need to reserve a certain amount of time and after a couple of years, they're going to know, more or less, how much senators want to know. They're also going to know if there are a bunch...let's say Senator Groene's TEEOSA is the big issue of the year, right, issue du jour, or taxes is the issue du jour. There may be a lot of requests out there, but I'll guarantee you they're all very similar and they all deal with the same area of law and subject matter. And by the way, that Fiscal Office is already getting themselves up to speed because they know, if they don't do it now, it's going to come at them in January. So I'm not sure that this creates a whole heck of a lot more work. But if it does, that work is giving us information. I don't think that's a bad thing that we have more information. As a matter of fact, I'll even say, I'll go so far as to say it's a good thing that we have more information. Knowledge is power. Will it maybe require a couple more workers? I can't tell you. I don't know the inner workings of the office that well. I'll say yes. But is that a bad thing, either, to make sure that we have more knowledge, we make better laws, we're better prepared, we're able to tell our constituents, hey, I would introduce that bill, but here is the fiscal note and that's just more than I think the body willing to spend?

SPEAKER SCHEER: One minute.

SENATOR HARR: Instead, we go through this whole process where we say, yeah, I'll introduce that for you. And then we go back to them. They're excited. We're excited. They come down. They travel from Gering, from you name it, Cozad, maybe even just here in town, but they take a day off. And we have to call them the day before and say, hey, sorry, that fiscal note is just not going to fly, we can't do that. So again, I think education is a good thing. This change, I'm still thinking about it. I wish I would have had a little more time to think about it. I understand their concerns. It is a difference with a distinction, as I think they'll fully concede, and it's meant to delay the time it takes us to get the information we need. And I'm not sure if it's a valid concern or not. So I'm going to go over and talk to them a little bit more. But I want to thank them for

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

Floor Debate  
January 20, 2017

---

working with me and I do appreciate Senator Stinner for stating, if this does pass, he will support the underlying rule.

SPEAKER SCHEER: Time, Senator.

SENATOR HARR: Thank you.

SPEAKER SCHEER: Thank you, Senator Harr. Senator Stinner, you're recognized.

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, I do want to start by apologizing. I usually do this behind the mike and I've just been a little bit busy here lately, so Senator Harr and I have not had a chance to exchange these ideas and thoughts and I apologize. Anybody that knows me knows I don't like being on the mike, period, so. But I do know one thing, that making decisions in a vacuum, there is generally some really bad outcomes. We need to have all the information in front of us in order to make good, accurate decisions. And that's why I look at the Fiscal Office and I see Mike Calvert and that staff, 20, 25 years, 30 years of experience telling me, relating to me workload, process, how they work with other agencies, the fact that the other agencies many times are either stacked up or ill staffed or the bill is complicated. A primary example today was I was asking him, as these bills come down from up here that are put into the process, there is no statement of intent; well, without a statement of intent, that means that Fiscal person has to read that whole law, depending on depth and complexity, interpret what the intent is, and then pass it along to the agency. Many times, too, in the process, you know, PRO gets involved with code agencies and that could clog the process up. But I want to say this and I want people to understand. The people in the Fiscal Office care deeply about the product that they're turning out. They are the purveyors of information. I get the fact that we're talking about death by fiscal note and all the rest of that. I'd like to really kind of change that rhetoric. And, you know, I'd like to almost like truth in legislation or something along that line, because we need to know. This great idea that you had, that you put into statute, what is the outcome? What's the cost? I mean that's what we're talking about in Revenue right now. That's what we're talking about in Appropriations. We pass these bills. What's the cost? And that's what they're about. And, yeah, they get the information from the agencies. Do they question that information? Do they work with you on "shall" or "will" or parsing language? They generally do that. If you ask about a fiscal note, you say, hey, I didn't realize it was going to be this much, what's the assumptions, and so they'll talk to you, they'll do the assumption, they'll give you some information that says maybe we can pare this down if we do this. That's what they're willing to do. So we need to understand that process. September 15, agencies drop their budget. And I can tell you I've seen the budget on Health and Human Services. You can weigh it and measure it. It's that deep. And we have tasked that person with the idea of taking all that information and distilling it out so that we can understand it, we can put it in a line item as an

Floor Debate  
January 20, 2017

---

agency request, we can understand what the modifications are. That's what's going on between September 15 and actually before we start. So the idea that they can handle it, maybe hire some more people, my goodness, it takes three to five years of training to get somebody even close to being up to speed. So, yeah, we can probably take a look at this. I would almost suggest at this point, because of what I'm hearing on the floor, let's pull this out. Let's take a look at it on an interim basis, on an interim study basis, have people understand all of the working parts of what we do. I don't deny the fact that we need to have good, accurate, independent information,...

SPEAKER SCHEER: One minute.

SENATOR STINNER: ...don't deny that at all. In fact, that's what I would like to see all the time. And I believe they produce that product. But these people are professionals down there. They do care. They don't want to have a situation where they have to speed that process up just to hit a deadline that we put there and really not hit that level of excellence that they expect of themselves and that we expect of them. And there is another section of this rule and it comes up. I can go through this process of what happens when that bill is dropped, how many days it takes to do this and that, and what are the critical triggers in the process and why we're trying to adjust that process to accommodate 72...48 is my suggestion but it will be another amendment. But we're trying to accommodate what you want--that's more time with that fiscal note. I think the Fiscal Office has taken a look at the process. They would like some adjustments to make it work. And you will have a finished product at the level that we all expect. Thank you.

SPEAKER SCHEER: Thank you, Senator Stinner. Senator Watermeier, you're recognized.

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraska. I rise kind of in opposition to proposed rule number 3 unless the amendment from Senator Stinner would pass. And just let me give you a little bit of history that I think it's a matter of a workload for the Fiscal Office. I've come to appreciate a lot more the workload that they do for all of us. And this will be really short and sweet, but it's just a matter that I'm going to be totally opposed to this rule unless we can have the amendment. I do want to address another comment that Senator Harr talked about: the billions and the billions and the billions of dollars that Appropriations handle. Well, I can sum it up in about...really much quicker than that. There's a billion dollars that goes to education; there's a billion dollars that goes to HHS; there's a billion dollars that's totally undiscretionary; and we have this tiny little piece that's discretionary. Now Senator Mello the last two and three years ago came to the floor with about \$56 million for us to work on. That's not billions of dollars but that was very realistic for us to work on. So put it in perspective. When we come to the floor, we aren't going to be able to manage billions and billions of dollars. We really don't manage billions of dollars in Appropriations because of the un...the discretionary allowances that we have. So just keep that in mind for everybody that's working on this. Now I'm

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

Floor Debate  
January 20, 2017

---

not going to support a lot of effort to put a lot more pressure on the Fiscal Office. Their workload is extremely heavy. They do very important work for us. It's a political arrangement, as well, because they have to reach out to the (Department of) Revenue. The (Department of) Revenue has to look at these bills. It has to come back to the Governor's Office. So just keep in mind, we start asking more and more, a lot of this is out of their hands in the same way that the billions and billions of dollars are out of our hands. So be very careful with rules that we propose to put restrictions on our own Fiscal Office. They are very good people. We lose some of these people, it won't just take a matter of rehiring somebody. It will take a year or two to rehire, retrain, and get a fiscal analyst up to speed. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Watermeier. Senator Bolz, you're recognized.

SENATOR BOLZ: Thank you, Mr. President. I agree with Senator Watermeier and what I had to share this morning is not only a reiteration of how hard the Fiscal Office works and how much we appreciate you, for those of you who are listening downstairs, but also maybe a comment or two about how I've learned to use the Fiscal Office in a way that maybe doesn't require a rule like this, meaning if you have a question about how much something might cost, what the target population for something might be, what the federal matching funds for a particular piece of legislation might be, you can walk down and talk to the fiscal analyst and they'll do their best to provide the information that they have. Granted, this won't be in a formal fiscal note that you can take to the floor or take to the bank. But you can get this information in an informal way and so I question the necessity of the rule at all and I agree with Senator Stinner's amendment. I also just wanted to take the opportunity to thank the Fiscal Office for the work that they've done. I think they are folks that deserve a little kudos, particularly because this is their maximum workload time. Right now they are not only helping to develop fiscal notes for everyone's bills, but they are answering my pesky questions related to the budget, as well as trying to calculate utilization rates, the cost savings related to vacancies, the cost of utilities, checking and double-checking numbers with the agency. And so my biggest concern about these types of changes is that it could impact the Fiscal Office's maximum workload time. So it's one thing to ask for additional information or ask for additional fiscal notes or expedite a fiscal note in July; it's quite another to ask in January. And so I think the compromise language that Senator Stinner has brought forward is very reasonable. And at the end of the day, the most important thing is that we're protecting our institution and our tools. So the Fiscal Office is our fiscal analysis. The administration may have a different fiscal analysis and that is fair and legitimate. But at the end of the day, we have to protect the tools in the Legislature's toolbox. This body always defers to the Legislative Fiscal Office's fiscal analysis. That is our source of deference. That is the bill that gets on this floor. And so we need to make sure that they can do what they need to do. So with that, Mr. President, I support the Stinner amendment. I'm still thinking about the proposed rule overall but wanted to make sure that the body not only knew that there are alternative ways to solve these problems or to get the information that they need, but also to understand the pressure

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

Floor Debate  
January 20, 2017

---

that can be placed on the Fiscal Office and the important work that they do for those of us in Appropriations. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Bolz. Senator Chambers, you're recognized and this is your third time to speak on the amendment.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, so you won't be surprised, here is how I will fight the budget to hold it. Since I'm going to be talking about the judiciary, I will read the totality of various cases I fought in front of the Supreme Court and won. I'll read them. I'll comment on them as I go along. I've had lawyers talk to me to lay out strategy. I've had professors from the law college talk to me about various things because they have sense enough to recognize where knowledge is found. Now when it comes to dealing treacherously, a Governor can do it and get away with it. Makes me think of a little rhyme that I heard when I was a little kid going to church and this fits the Governor: He lived for himself; he worked for himself, for himself and none beside, just as though Christ had never lived, as though Christ had never died. That's these Christians around here. They talk it, but they don't practice it. And there is another thing that Jesus said and it applies to what the Governor is trying to get the Legislature to do. First of all, under other Governors, the Department of Corrections was a mess. We did a lot of work to straighten it out, members of the Legislature. Some of those people have been term limited out. So Jesus had talked about the person who gets converted. The house is clean, swept, and straightened out. Then that old trick, the devil, the Governor, sees it and said, hmm. And the devil comes in and tricks that person. He finds it swept clean and straightened out. He comes and occupies it again. And Jesus said that's when a person backslides and the state of that person is worse then than it was at the first. And then you know what he compared it to? A dog returning to its vomit. The Governor wants the Legislature, the state to return to the vomit that existed in the Department of Corrections before we did our work. I'm not going to let it be done in vain. I've given you one example of what I'll do to hold on to that budget, to keep us on it. And I think those of you all who hang around will learn something. But gather this, brothers, sisters, friends, enemies, neutrals. The Supreme Court listened to what the Legislature said about various programs. The Supreme Court believed what the Legislature promised when it was making these presentations. The Supreme Court acted. And as the Chief Justice said, now the court is being left holding the bag. And the Governor can sit back, or he's in Washington now, while we're laboring here. The headline said he's among the celebrities watching a clown. The reason Barnam and Bailey's Circus went out of business was not because animal lovers such as I were against what they did to elephants. The best circus in town was sitting in the White House and Ringling Brothers and Barnum and Bailey had no chance. The head clown was sitting there. But at any rate, I'm not going to allow this Legislature to put the court in a position of saying the laugh is on you, the joke is on you, we pulled the rug from under you. And in the same way I went after rogue judges and will continue to do so, I will go after rogue legislators who shame this body and force us to adopt a rule change...

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

Floor Debate  
January 20, 2017

---

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: ...with reference to how we're going to handle state property. We should be trustworthy. But one of our members showed there is no trust that can be reposed. And since the public has seen that and now paints us all with the same brush because the rogue is still among us, it was necessary to adopt that rule mainly for public relations. But the rogue is going to pay a price as long as he stays here. You all can sit on your hands and be quiet. I just cannot do everything at the same time but I will not reinvent the wheel. The rhymes that I wrote during the interim I'm going to read on this floor. But I mainly wanted today to point out my concern for the judiciary and what I intend to do to protect to the extent I can the money that they should be getting and that the Governor wants, heartlessly, to take from them. Thank you, Mr. President.

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

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. There's been a lot of talk about the Fiscal Office this morning and, to a certain extent, we're asking them to be sorcerers, to look into the future and try to guesstimate what something is going to cost and what type of impact it's going to have on our spending. And that can be a spending measure and we have the issue of every bill having a fiscal note to help with that guesstimate. But that fiscal note only goes out a couple of years and then it's...we can't see the future beyond that. Likewise, on a revenue side, what some tax programs, some tax perk/credit/deduction is going to cost, underlying those fiscal notes are assumptions. One of the big assumptions is that revenues are going to grow kind of along the same way, up and down a little but basically along the same way as they have or the last 20 or so years, that things have not changed with the Great "Repression" (sic), nor have they changed with the baby boomer demands or the social changes coming through the system. Those are big assumptions. And every day that we're in session past a point about mid-session, you will start getting a score card of what your actions are doing with respect to the amount of money we have. And that's a very interesting document to watch and a very constraining document. Now in our processes, in the world of simplicity before the age of financial creativity, you had a budget. You looked at things on a year-by-year basis. You adjusted it and you had some control of expenses so that you wouldn't see unexpected flukes happen. But then we got clever and we started spending money in another way besides just appropriating it. If you wanted to have this thing promoted, you'd appropriate a grant or a program or something and budget the money for it and work it out on the appropriations side and in the budget. But we got clever. We started spending money using a thing called tax credits. And when you do that, there's no appropriation of those. Once you set them in motion, they are in motion unless they self-terminate or unless there's some limit put in, a ceiling of some kind, and you lose track of them and, thus, they sneak up on you and they get bigger and bigger and you never knew that they were going to happen that way. You have no control over them short of bringing them back in and trying to repeal or put sunsets or whatever on and they are a way that the Legislature and

Floor Debate  
January 20, 2017

---

the Revenue Committee spend money outside the budget process and we lose control of it and we lose an idea of that, gee, a program we thought was going to cost \$20 million a year in tax freebies has suddenly grown up to be \$60 million a year in tax freebies and we had no idea it was going to impact us and it's continuing to grow. And if it did, we couldn't change it without actually adopting a bill with regard to that. And then if those tax credits are transferable or refundable or all kinds of wrinkles and breeds of them, life can even get more complicated.

SPEAKER SCHEER: One minute.

SENATOR SCHUMACHER: So as you all become exposed to the game of state finance, there is the appropriation side; there is the revenue side of giving away tax things, of telling an employer, if you meet these criteria, you can keep your employees' withholding, don't bother sending it in, those kind of things which we lose control of and are, in some measure, responsible for the pickle you're going to find yourself in over the next few years as you serve out your terms. Thank you, Mr. Speaker.

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Groene, you're recognized.

SENATOR GROENE: Thank you, Mr. President. I'm amazed that the Fiscal Office only has nine employees. I haven't checked into it but I'm also probably...we would find to be amazed that, if we checked, that the access we have to the Fiscal Office, to Tom and Mike and the rest of them, as senators, I can walk in that office and ask where Tom Bergquist is and go sit in his office and debate him for ten minutes on certain issues of budgeting, statutes, property taxes. I wonder how many other states we can do that, the senators can do that. Those nine individuals do amazing work and a lot of it. Some of us aren't CPAs, most of us aren't. Most of us are businessmen. Some of us aren't. We understand two sides of a ledger. They present their information in that type of format that we can all understand. The language is good. It's understandable. That said, I do not want to alienate them, but we do...it would be nice to have a little bit more notice. And I support Senator Harr's Rule 5, Section 7, if Senator Stinner's amendments are adopted, because, you know, it is frustrating. You work on a bill for a very long time if you do it right. You look at all the crannies and crevasses and try to make sure it's correct. And then 24 hours before you have to testify and present your bill, you get a fiscal note. Your staff has no time to double-check the numbers, to come up with counter debate on what those numbers are. And then you're sitting in committee saying, well, I'll try to amend this and maybe we can look at this, and you're fumbling through it trying to figure out what the fiscal note is all about. That's not good government either. So I would like to see a compromise on this that the Fiscal Office still can prioritize what they work on in emergency situations. I do not like the word "expediate." But give us a little bit more time. And I like the idea that you can take a bill to them in the summertime and get your fiscal note ahead of time. Maybe they can...they got more time to fit it

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

Floor Debate  
January 20, 2017

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in. Totally amazed that they can start the budget process with a new Appropriations Chair and turn out 667 fiscal notes over the next three months, two months. A lot gets done in that office. The lights are on late and early in the morning. So I stand in support of Rule 5, section 7, if amendment by Senator Stinner are adopted. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Groene. Seeing no one wishing to speak, Senator Stinner, you're welcome to close on your floor amendment to rule 3.

SENATOR STINNER: Mr. President. Thank you, Mr. President. Members of the Legislature, just very shortly, we're trying to give Fiscal Office the longitude and latitude to make decisions about their workload. Expedite seems to be something that means your request goes to the top of the stack. So we're just giving Fiscal a chance to manage that workload. I would hope that everybody understands that, understands the expertise that is in that Fiscal Office and the quality of product that they produce. And I would appreciate your green vote.

SPEAKER SCHEER: Thank you, Senator Stinner. The question before us is to adopt the floor amendment to rule change number 3 by Senator Stinner. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Please record, Mr. Clerk.

CLERK: 38 ayes, 0 nays, Mr. President, on the adoption of Senator Stinner's amendment to proposed rules change number 3.

SPEAKER SCHEER: The motion to adopt the amendment is approved. Returning to discussion on rule change number 3. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, even though I've made the points, some of them, that I wanted to on the subject that was of more pressing concern to me than this rule change, it appears to me that there is enough concern, enough uncertainty about the impact of what this change will bring about, the better part of wisdom might be to leave status quo, status quo. That's just the opinion of one who has listened and not participated. I want to wrap up what I was saying about the judiciary and a comment I was making toward the very end. I don't like to leave hanging threads, hanging chads, or anything left unsaid that ought to be said. And when I raise an issue, I'm prepared to fight it to the mat. And I'm concerned about the image of the Legislature. We have what is called a point of personal privilege in the rules. And the first and highest point of personal privilege is when the reputation of the body is at stake. I don't have to do it on a point of personal privilege because I'm going to do it in the ordinary course and flow of events here in the Legislature. I'm going to continue to talk about what the integrity of this Legislature should be, how important it is. Shakespeare wrote words to the effect: Who steals my purse steals trash; who robs me of my good name

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

Floor Debate  
January 20, 2017

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renders me poor indeed. For some of us, our word means something, reputation means something, "integrity" is not just a word in the dictionary. I've collected articles on women who have been publicly shamed by the misdeeds of their husbands in public office. I'm going to hand some of those articles out. Those men had the decency or the common sense to resign. By coincidence, or happenstance, most of them were "Repelicans." I don't know if lowlives join the "Repelican" Party because they feel it's a haven of refuge or if they become lowlives after joining. That is of no concern to me and I don't have to resolve that because I don't belong to any party, any faction, any church, any organization, and certainly not anybody. Here's something that I put together after I made that comment: Publicly shamed wives ever must hone a facial expression as ridged as stone. You don't see wives betraying the marriage vow and a husband standing next to that wife supporting her. She becomes a tramp; she becomes a "hoe," or as what you all would call a whore, a trollop, a "skank." There are more degrading words for women than any other entity other than black people. Men don't run into that. There ought to be--and if Borglum was still alive today and I had the money, I would commission him to do it--if those who were in charge of Mount Rushmore would allow it, to put another face up there with the four stone faces now,...

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: ...Jefferson, Teddy, George, and Abe. This would be the stone face that the woman, the wife who has been betrayed publicly, that expression that she must maintain, and that would be the fifth and most important and most deserving of stone faces. Hawthorne wrote about the great stone face but it was not the woman that I'm talking about but, in a sense, the title presaged what I'm talking about. Women are made to be stronger than men. Why do you think women have babies and men can only give them? Look at men. If I did something...

SPEAKER SCHEER: Time, Senator.

SENATOR CHAMBERS: ...like what one of our members did...what did you say? Time?

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

SENATOR HARR: Thank you, Mr. President, Mr. Speaker. I want you all to see that I voted yes--I want it on the record--with that last amendment from the Fiscal Office. When I think their requests are valid and just, I will support them. And I am happy that Senator Stinner will now support this proposed rule change. We may have a little discussion on the next one. But that's the next one. But it was nice that we had compromise. It was nice that there was dialogue. I appreciate it. And like I said, when I think their amendments are just and good and are in the best

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

Floor Debate  
January 20, 2017

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interest of themselves and the body, I will support it. And I did. So thank you. And I would ask for everyone's support on proposed rule change number 3. Thank you, Mr. Speaker.

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

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, this notion of chivalry was one of the most ridiculous, nonsensical things that ever surfaced. But let me pretend that there is something to it. I think it was a guy called Sir Walter Raleigh who put his coat in the water so a woman wouldn't have to step in the water. But the part of the story you don't get: Raleigh was probably one who hated women because, when she stepped on the coat, she discovered, to her despair and amazement, that there was a deep hole that the coat covered and she disappeared from sight immediately. I'm making that up, I think. He also was a clever fellow. He was going to show how much smoke weighed. And people were wondering how in the world can Raleigh determine how much smoke weighs. He took some tobacco and he weighed it. Then he burned the tobacco. Then he weighed what was left. The difference in weight, he said, was the weight of the smoke. Maybe so, maybe not, but people with inventive minds do things, make people think. If I, I'll say again, if I had misused this state-provided equipment and it helped me consummate an act of moral turpitude--I said it yesterday or whatever day it was, I'm going to say it again--there would have been a race, a tongue-hanging-out race between the Legislature and the Governor's Office to determine which of the two could first convene a special session of the Legislature to expel Senator Chambers from the Chamber so that there would be no longer a cancer on the body of the Legislature; so that the shame brought to the Legislature could be eradicated; so the insult delivered to all the citizens of the state could be eradicated; so that the utter disgust could begin to dissipate. But I'll tell you what, first of all, I've explained, not being a Christian, I wouldn't do anything like that. When I was married, I took my vows very seriously. I didn't cheat on my wife; I didn't play on my wife. If I had slipped into the religious notion that God talks to me and was doing something like that, if I did something like that, get on Skype and masturbate with a woman, you all wouldn't have to be talking like I'm talking now. You would be saying, where did Senator Chambers go, we don't see hide nor hair of him; did he dig a hole, climb in, and pull the hole in after him? That's because I have enough decency to recognize that if I did such a horrendous, vile thing to violate the public trust, to shame and humiliate my family, my friends, nobody would have to tell me, Ernie, you know what to do. It would have been done. You would never see me again. You wouldn't see me bouncing around making threats to employees of the Legislature about who you better not work for, walking behind women and making obscene noises. That's not the way I operate and you all embrace that. And you know why I haven't made a motion to expel or impeach Senator Kintner? That's not just my job.

SPEAKER SCHEER: One minute.

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

Floor Debate  
January 20, 2017

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SENATOR CHAMBERS: It's the Legislature's job. He's you all's buddy. You all want to forgive him but you all are so harsh and mean-spirited when we talk about other people who didn't do things like that who may have genuinely made a mistake. Harshen the punishment. Those in the ooze schmooze together. I won't shame birds by using that example we usually do, but you all are going to hear more and more and more of this throughout this session. The act was done. It was admitted to, not voluntarily. It was coerced because the person thought something worse might happen to him. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no one wishing to speak on the motion, Senator Harr, you're welcome to close. Excuse me. Senator Schumacher, you're welcome to close.

SENATOR SCHUMACHER: Ladies and gentlemen of the Legislature, Mr. Speaker, I think we've had a full, good debate on this rule and I think the various parties have reached an accommodation. I'd encourage your green vote for proposed rule change 3. Thank you.

SPEAKER SCHEER: Thank you, Senator Schumacher. The motion before us is the adoption of rule change number 3 to the rules. All those in favor vote aye; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk.

CLERK: 39 ayes, 0 nays, Mr. President, on the adoption of proposed rules change number 3 as offered by the Rules Committee.

SPEAKER SCHEER: Adoption of rule change number 3 is approved. (Visitors introduced.) As we have a break in rules, I am going to take this time to move up the adoption of temporary rules. Our temporary rules will not extend till Monday if we do not pass the permanent rules. I would entertain a motion from Senator Schumacher.

SENATOR SCHUMACHER: Mr. Speaker, I move that the rules now in the possession, our possession, be adopted until such time as permanent rules are adopted pursuant to Rule 2, Section 1, provided that the temporary rules should not continue after the seventeenth legislative day. Thank you.

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

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, some people may wonder about the appropriateness of my approach. I don't care about that. But I have respect for my colleagues because we're all in this together. I'm reading from an article dated October

Floor Debate  
January 20, 2017

---

26, 2016, and it's about a complaint filed against me for writing rhymes about Senator Kintner and distributing them, copying them on the equipment of the state. A complaint was filed against me to the Accountability and Disclosure Commission. When these complaints are filed, the person against whom it's filed has the opportunity to let it be kept in confidence. I did not do that. And I'm going to use this to show how one of our colleagues didn't tell the truth to the public and nobody made much of it. This is a letter that I wrote, if I can find it. If I can't, then I'll just tell you what it said. I wrote a letter to the Accountability and Disclosure Commission. And they will keep all of that confidential unless they receive in writing from the accused a letter. The letter was very brief and I sent a copy of it to all the senators electing everybody else. But it stated that I am an elected official and, such being the case, whenever a sworn complaint is made against such an official, my belief is that the public should know about it. It should not be kept confidential. I want it publicized by the commission, everything they do to be done publicly. And that's what was done. I received notifications along the way as they took action. Then they notified me of the final action and naturally they dismissed the complaint unanimously. There were some things said. I'm not going to read the whole article but this article is dated October 26 of 2016, Omaha World-Herald. Headline: "Chambers' scandal rhymes are fine, ethics panel says." John Gale is the Secretary of State. "Secretary of State John Gale, who sits on the ethics commission, said Chambers' rhymes were, in many ways, part of a broader public discussion about how to handle the matter," the matter being Senator Kintner. "Gale noted that a number of public officials, including Governor Pete Ricketts, have called for Kintner's resignation. Chambers' rhymes also urged Kintner to resign. Gale said that Chambers has long been an advocate for ethics in government and that while he generally disagrees with Chambers' approach, he's entitled to express his opinion. 'He's always been maybe self-proclaimed but nevertheless a leading voice over the years of a very high standard of conduct,' Gale said. Sean Conway, the commission's vice chairman, agreed that Chambers' writings, crass or not, are a part of the public debate about Kintner's conduct. 'We're not the etiquette police,' he said." And when a rogue member commits these kind of acts, he committed a crime. I'm not going to sit or stand in this Legislature and act as though it didn't happen. And I'm going to read from that transcript of his dealing with that woman. Some people may think I shouldn't do that.

SENATOR KRIST PRESIDING

SENATOR KRIST: One minute.

SENATOR CHAMBERS: I will have to turn my light on again. And I don't see people walking out of the Chamber. I made that plural. I think one person may have. And if it were me, I'd walk out of this Chamber with my head hanging low and I'd never come back again. In fact, if I was in a room and the door were closed, I could leave that room without even opening the door; in other words, I'd slide right through that crack, because a higher standard is placed on us and we're

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

Floor Debate  
January 20, 2017

---

expected to rise to it and we swore that we did, we would. You swear or you affirm. I affirm. I don't swear while giving an oath or in the sense of using profanity. Thank you, Mr. President.

SENATOR KRIST: Thank you, Senator Chambers. You're next in the queue. You may continue.

SENATOR CHAMBERS: Thank you, Mr. President. This is what I call the thirtieth in a series of "Kintnergrams." It's dated November 22, 2016. Here's the quote from the World-Herald. "According to a State Patrol report distributed on Friday, Kintner and the woman conducted a sexually explicit conversation on Skype, which resulted in both participants engaging in masturbation." From the World-Herald, September 2, 2016, "Constituents have circulated petitions seeking Kintner's immediate resignation, though those can't force out Kintner. Kintner has repeatedly refused calls to resign, saying he was being obedient to God." Lincoln Journal Star, August 10, 2016, "Kintner has admitted to the act but said he believes God wants him to stay put and continue to advocate for limited government, lower taxes and public safety." He lied on that because you saw the bill that he wants the Legislature to pass to make the state and HHS spend money to put stuff on a Web site that the public can get for nothing. He's wasting taxpayer money. He even lied about that. But let me read a rhyme that I wrote about reading. Here's what base led me to write this rhyme. This is dated August 12, 2016, in the Lincoln Journal: "Chambers threatens to read Kintner cybersex transcript." Here's a rhyme I wrote. "Given its Vulgar, Salacious nature, / Should this be read in the Legislature? / Granting the TRANSCRIPT WHAT IT IS DUE, / All it contains is factual and true. / Some who have read it feel queasiness / while others feel, merely, uneasiness, / For though the contents are Lurid and 'Low,' / The Public has 'the Right to Know' / Precisely what, in this Case is involved / And how, by Senators, it shall be solved. / I give this assurance (ignore it, or heed it) / During the upcoming Session, I'll read it." Then I put an item in here for those ultraconservatives and this is how I introduced it: "Ultraconservative, / Pharisaic former / State Senator BEAU / McCOY set the / precedent . . . ." In an article from the Lincoln Journal Star dated May 16, 2015, quote, this is from the article: Early on, Senator Bob Krist asked senators to tone down the details of gruesome Nebraska death penalty cases, as were brought up in the first round of debate. Children often visit the Capitol and sit in the balconies to watch the Legislature as it debates. But McCoy said senators weren't called here to "talk about nice things." He said if needed, he would ask Speaker Galen Hadley to "clear the balconies" (sic: galleries) so senators could speak freely. That's from an ultraconservative wanted to talk about gruesome things. And some people think I cannot talk about the conduct of a rogue senator that has been published in papers throughout this state? I have a stack of articles an inch thick reciting what that rascal did. "Rascal" is a nice term. I don't use profanity. It's out there. What is the public going to do? The very first "Kintnergram" that I wrote...

SENATOR KRIST: One minute.

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

Floor Debate  
January 20, 2017

---

SENATOR CHAMBERS: ...was dated August 10, 2016. And since I have one more opportunity to speak, I won't start it and have to stop in the middle. I'm one of those trains on a decline. Once it starts moving, it has no braking capacity. It will run until it comes to the end of the track. So before I let the train get on that decline, I'm going to stop now and complete it when I have the opportunity to speak again.

SENATOR KRIST: Senator Chambers, you're next in the queue. You can continue.

SENATOR CHAMBERS: This is dated August 10, 2016. Here's what I ask. Look, I'm a black man. Why do I have to try to vindicate a white people's Legislature? You all have prayers every morning. I don't come up here. I don't pray. I don't invoke Jesus. I don't invoke God like you all do. I don't talk about family values. I've told you this Legislature is not my life or my wife. It's you all's organization. Why should I do this? Because I voluntarily became a part of it and anything I'm a part of, I would like to see it reach the standards that it's set for itself. I'm not setting the standard for you. I'm going by what the standards were when I came here that had been set by the white people who were here and had been here decades before I ever came here. Who would have known that a child born in 1937--that's when they tell me I was born, I don't remember ever not being here, but since my parents said that and they were honorable people and I believe them, and even if I didn't, I'd say I did--born in 1937, the same time various things happened with reference to the Legislature, would one day stand on the floor of this Legislature and have to remind the white people sitting in this Legislature you ought to straighten up and fly right and do what you promised the public you were going to do but which you won't? But since I'm a member of this outfit, I want to be separated from the rest of you because Jesus said come apart and make yourselves separate. In an Old Testament there was a breakdown in how people were not living right, so a guy was set aside to lead the people to righteousness. And you know what this guy said? Who is on the Lord's side? Let him come and stand over here. And I assure you, not as many came and stood with him as were standing out there. Here's the first thing I wrote. COLLEAGUES: If Senator Kintner is a member of the body in January, I plan to use him and his illegal, scandalous, vulgar behavior as source material for rhymes throughout the 90-day session. Be prepared for the pun, the double entendre and other verbal techniques to "keep the issue alive." And I shall read into the legislative record the State Patrol report--which of course, will have to be spread over a number of days or even weeks. A man who would put his wife through ongoing public outrage is not much of a man. He is a small-minded and selfish person in the extreme. Any person who contends that his public masturbating is becoming an elected official, is as morally and intellectually bankrupt as the guttersnipe himself. Invoking God and Christ as his aiders and abettors is beyond reprehensible--it is blasphemous and sacrilegious. But that's a matter for religious people to deal with. SAMPLE OF KINTNER-INSPIRED RHYMES: Kintner's free to masturbate on his own time, / But not free to masturbate on the Taxpayers' dime. And you had people down here saying they're concerned about taxpayers' money supporting Kintner and defending him. They're just like him, birds of a feather. Excuse me,

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

Floor Debate  
January 20, 2017

---

birds, wherever you are, and if a god of birds there be, I beg your forgiveness. The birds said: Carry on, brother; we wish you had feathers and if we could bestow wings on you, you would soar like eagle and swoop like the falcon. But such was not meant to be because the gods of the birds are not the ones who created human beings. Oh, and they said thank god of the birds that they don't stoop to the level of human beings. Here's what I want to get across.

SENATOR KRIST: One minute.

SENATOR CHAMBERS: Either we mean what we say or we don't. I mean what I say. I made a promise and I'm keeping it. I said I'd do it for the 90-day session. Any one of you at any point can make a motion or offer a resolution to expel Senator Kintner or to impeach him. But you want to sit back and let me do the hard, dirty work as I've done for so many years on the floor of this Legislature while you can sit back and be quiet and have it both ways. The job is done, but when there is criticism you can say, but I didn't have anything to do with it, yet you will sneak up to me and say, Ernie, I'm really glad that you're willing to do it, I can't do it because of my constituents. I said, oh, I don't have constituents? I don't have a neck to risk? They say, yeah, but you'll do it and you're not afraid. They have sized me up correctly. And as Shakespeare said, who knoweth me well, knoweth me ill, but some people know me too well. Thank you, Mr. President.

SENATOR KRIST: Thank you, Senator Chambers. Seeing no one else in the queue, Senator Schumacher, you're recognized to close on your motion. Senator Schumacher waives closing. To be clear, we are voting on the adoption of temporary rules or the extension of temporary rules until the seventeenth day of the legislative session which is the 27th of January. All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk.

CLERK: 37 ayes, 0 nays, Mr. President, on the adoption of Senator Schumacher's motion.

SENATOR KRIST: Motion is adopted. Any items?

CLERK: Actually, I do, Mr. President. Thank you. Hearing notices from the Business and Labor Committee and the Revenue Committee. I have motions to withdraw from Senator Krist with respect to LB642 and from Senator Kuehn with respect to LB583. Senator Wishart offers LR19, Mr. President, a new resolution. That will be laid over at this time. And that's all that I have. (Legislative Journal pages 312-314.) [LB642 LB583 LR19]

SENATOR KRIST: Speaker Scheer, you're recognized for an announcement.

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

Floor Debate  
January 20, 2017

---

SPEAKER SCHEER: Thank you, Mr. President. I've been asked by several of you in relationship to our starting time on Mondays. I've researched this and although the last several years we have been starting at 10:00 on the first day of the week, that only goes back to Speaker Brashear's time. Before that it was always at 9:00. In the essence of trying to utilize the most time that we have available, it will be my intent to start at 9:00 a.m. every day including the first day of the week, with that...the caveat that we will be meeting...starting at 10:00 a.m. on January 30 and February 6 and that is to accommodate a meeting of the freshmen senators with the Clerk and myself to go over any questions and routines of the floor as a whole. So again, the normal starting time on the first day of the week will be 9:00 a.m. unless otherwise previously notified to you on the floor. Thank you, Mr. President.

SENATOR KRIST: Thank you, Mr. Speaker. (Visitors introduced.) Mr. Clerk, next item.

CLERK: Mr. President, the Rules Committee would offer proposed rules change number 2. Senator, it involves an amendment to Rule 5, Section 7.

SENATOR KRIST: Senator Hilgers, as Chair you're recognized to open on your motion.

SENATOR HILGERS: Thank you, Mr. President. Proposed rule number 2 is the second of Senator Harr's proposed rules relating to fiscal notes. And with that, I will yield my time to Senator Harr to (inaudible)...

SENATOR KRIST: Senator Harr, you're yielded 9:48. We're having a little difficulty. Stand by for one second.

SENATOR HARR: I got it. Thank you, Senator Hilgers, Mr. Speaker, members of the body. This is a follow-up to the previous how do we better inform ourselves and how do we make ourselves better legislators and more responsive to the people who ultimately we serve? Earlier this week, I had the privilege to sit in an Ag Committee hearing and...or, excuse me, Revenue. And someone brought up fiscal note and they didn't agree with it but they hadn't had time to really review it. And I said, well, lucky for you, later this week you'll have a chance to address that issue. And that's what this is about. People ask me, do you like being a state senator? I say, yes, I absolutely enjoy it. I love it. It's a huge sacrifice to my family and I appreciate all they do, but I really enjoy it. And they say, well, what don't you like? And without missing a beat I always say fiscal notes. The way we do fiscal notes beyond a reasonable doubt is broken. We have escalated fiscal notes to a higher stature, as I said earlier, than policy. And yet we do not provide the services to ourselves adequate to that status we have given fiscal notes. More bills, not just this year but especially this year, are killed by fiscal note than by policy. And that is wrong. And we have to do something about that. So I went and looked at the system, tried to figure out what we can do.

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

Floor Debate  
January 20, 2017

---

And I came up with...and I introduced a proposed rule change and after some negotiation, I came up with what was eventually passed which is 72 hours. Now you're going to hear amendment to make it 48. Think about this, folks: 24, 48, 72--it's the same amount of work. I'm not asking them to do anything more than what they're already doing. They're doing the work. They do good work. If they don't have enough staff, that does not mean we should pass bad legislation. That does not mean we should handicap ourselves, we should tie one arm behind our back and say, okay, fine. We make legislation here, folks. We need to make sure that we properly educate ourselves and that we talk to those people who are working with us on our bills and that we have a chance to talk to the Fiscal Office. How many times have you gone down, gotten a fiscal note and said, oh, jeez, I have committee hearings, I got it after committee hearings, I want to go talk to Fiscal Office and they say, I got to get Fiscal out by noon, I can't, I don't have time today? That is a staffing problem. In this world, there are me problems and there are you problems. That's not a me problem. All I'm doing is asking them to take their deadline and move it up 48 hours. Give us time to talk to them. Give us time to talk to the people we're working with on the bill, our constituents or whomever, so that we can look at the assumptions. We can see if they're right, if they're wrong. Do we need to change the language from "may" to "shall"? Do we have the support of the corner office? These are all valid concerns and ways to make better legislation. And the more knowledge we have and the sooner we have it, the better we can do. Nothing is more frustrating than sitting through a hearing and someone says we're going to work with Fiscal on this. Maybe you work with Fiscal and you work it out and maybe you don't. And if you don't, we're sure wasting everyone's time and resources. There's a better use of our resources, a better use of our time. That's what I'm doing here. I'm trying to figure out a way and I compromise and I compromise, compromised on the last bill, compromised from two to one, compromised from "expediate" (sic) to "efficiently manage." I'm working with the Fiscal Office but to compromise it has to be a two-way street. It can't be one way. I know they're coming with 48 hours. I'm not sure I can accept that. I'm going to listen and I want to know why 48 is that much easier than 72. You know, I've heard 1,000 times the head of Fiscal Office says, I go from day 70 and work my way backwards, right? So you go from a deadline. It's no different...and you work your way backwards and you prioritize your time based on that. It's no different than when we were in college or high school, even now junior high, when you have a paper that's due. How often did you finish it a week ahead of time? You looked at when the deadline was and you worked your way backwards. All I'm doing is changing that deadline to 72 hours to give ourselves a chance to work, a chance to work with them. They do good work. I appreciate the work they do. If they feel they aren't properly funded or they need more help, come to us, talk to us, let's find a solution, let's work together. But for goodness' sake, don't just tell me, no, we can't do that, that's inconvenient, it's too much work for us. Well, let's find a way forward. That's what this is about. This fiscal note has been one of the banes of my existence since I was down here, as I said. I want to find a way forward. I want to find a way to work together. I'm sorry that it has to be a debate on the floor. I had hoped we could work something out privately. I had made a request and it wasn't accepted and that's fine. That's fine. But, folks, let's give ourselves the tools. Let's

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

Floor Debate  
January 20, 2017

---

make this place better, not this is how we've done it in the past. How can we do it better and why? This is not a partisan issue, that's for sure. This is something where we can make the institution better. That's what I'm looking for today. I would appreciate your support and I look forward to the debate that we will have on this. I have my light on. I see Senator Stinner chewing at the bit getting ready back there to give his amendment. And so hopefully, we can get it done in the next four minutes so we can all see the swearing in of our next President of this great country. Thank you.

SENATOR KRIST: Thank you, Senator Harr. (Visitors introduced.) Mr. Clerk.

CLERK: Mr. President, Senator Stinner would move to amend Senator...excuse me, Senator Stinner would move to amend proposed Rules Committee change number 2. Senator, I have your proposal. I think that in part changes 24 to 48 hours and the rest of it.

SENATOR KRIST: Senator Stinner, you are recognized on your amendment.

SENATOR STINNER: Thank you, Mr. President. I'd really like to start out by asking Senator Hilgers, the Chairman of the committee, if he would yield to a couple questions.

SENATOR KRIST: Senator Hilgers, will you yield?

SENATOR HILGERS: Of course.

SENATOR STINNER: There were a large number of rules proposals submitted with very few actually coming out to the floor. It's my understanding a number of the proposed rules were deferred for the purpose of further study. Am I correct in that?

SENATOR HILGERS: The rules were relating to the Committee on Committee process and the rules...

SENATOR STINNER: There were rules submitted, quite a few rules. Some of those rules ended up being advanced but most of them were held in committee, either deferred for further study or probably died of lack of...

SENATOR HILGERS: Right.

SENATOR STINNER: And how many were there that were deferred to study?

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

Floor Debate  
January 20, 2017

---

SENATOR HILGERS: My memory, Senator, is that there were two relating to the Committee on Committee process that were delayed for further study and I believe five, give or take one, relating to the standing committee, the number, the jurisdiction, the existence of, the number of members on the standing committee. So probably I would say about seven, but I'd have to double check, plus or minus one.

SENATOR STINNER: Okay. Proposed rules 2 and 3 before us, to your knowledge, have these rules ever been considered, prior Rules Committee changes?

SENATOR HILGERS: The research we had reflected they had not been, but I cannot say for certain. So over the last 10, 15, years I do not think so, Senator.

SENATOR STINNER: Okay. To your knowledge, have past Rules Committees ever discussed the deadline for filing introducer's statements of intent?

SENATOR HILGERS: Recent history, I believe the answer to that is no.

SENATOR STINNER: Okay. Are you aware of any other deadlines that have been changed or looked at in the past?

SENATOR HILGERS: Relating to fiscal notes or generally?

SENATOR STINNER: So this is the first time that we've ever asked for changing from 24 hours to anything else, changing number of days for hearings, those types of things?

SENATOR HILGERS: To my knowledge that's correct.

SENATOR STINNER: Do you feel your members understand the process that goes on with the Fiscal Office?

SENATOR HILGERS: The members of the Rules Committee?

SENATOR STINNER: Members of the Rules Committee do, they're intimate with the process that the Fiscal Office goes through as a bill is dropped, as it goes to agencies, as it comes back from the agencies, what triggers that bill to come back and how they try to comply with the 24-hour limit.

Floor Debate  
January 20, 2017

---

SENATOR HILGERS: I believe the committee has a good understanding, yes.

SENATOR STINNER: Okay. I'm just wondering and I'm wondering out loud, given what the discussion here and the little bit of confusion that I hear about the process. And I will say this. And I do still apologize to Senator Harr that I didn't have the time to really get this looked at off the mike. But after I kind of scraped Mike Calvert off the ceiling, we really sat down and said let's look what's possible. We want to maintain this standard and that's the standard that we want to hit. And a lot of times when you want quantity, when you want speed, you give up that standard. And I will tell you that that's a professional staff down there. They're not willing to give up that standard. And they're saying, after 25, 30 years, we'll do the 48 but you have to understand the process. The process is when you drop that bill, it doesn't come with a statement of intent. So that fiscal analyst has to look at that, understand what the intent is, send it to an agency that they have no control over. But the agency trigger, even though we have a five-day in here, embedded in here, nobody complies with that. Those agencies, the trigger is when the hearing is listed. And it's a seven-day...usually it's a six-day because it takes a day to file, somebody to pick it up. That agency then starts to work on it. And in order to get it in 24 hours, they need it three days beforehand. That's the process. If they get it less than that 24 hours is in jeopardy and I understand that sometimes even 24 hours isn't enough time to get to committee. And it's mostly at the front end of the session simply because that time framework is so compressed. The agency isn't ready to handle that. Those are the things that are happening. And all at the same time, they're trying to service Appropriations Committee with budgets. Now we've just proposed 667 bills. And I think if you look at Revenue and you look at Health and Human Services, you look at Education, we have one fiscal analyst going to handle 120 requests. And you're going to say--wow--we want it in 72 hours? I will submit to you what this amendment is about is not only to move it back to 48 hours, but to take a look at the process and move the hearing date out to from seven to ten. That's all part of this managing the system to comply with an extended number of hours that you get to look at the fiscal note. Now, the other side of this argument is under today's rules, 24 hours, you got a problem with the fiscal note, you can still go to committee. You can amend it. I've seen it amended on the floor. I've seen it amended with the Appropriations Chair. He fits those numbers on the fiscal note in to...if we got \$50 million, he'll fit those bills in and line those bill up. So your fiscal note of \$500 or a \$1 million all of a sudden becomes \$200 because that's the number that fits into the total. He wants to get that project started, that program started. So he's working with that. He's massaging it. So we always work with it. I think the staff is very, very concerned about a 72-hour situation and it's just not workable. And I don't want to have five or six fiscal agents just throw up their hands and walk out due to frustration. And it might happen. Forty-eight, I think we got a deal. Forty-eight is manageable. Forty-eight will keep that standard of excellence. So that's my position. Thank you, Mr. President.

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

Floor Debate  
January 20, 2017

---

SENATOR KRIST: Thank you, Senator Stinner. You've heard the opening on the amendment and on the proposed rule change. Those wishing to speak: Senator Harr, Stinner, Chambers, Schumacher, Hansen, and Kuehn. Senator Harr, you're recognized.

SENATOR HARR: Thank you. And I believe I have a proposed amendment to his amendment as well, so.

SENATOR KRIST: Stand by, please.

SENATOR HARR: Okay.

SENATOR KRIST: Based upon our rules, we'll have to deal with this amendment before we can move to the next amendment, Senator Harr.

SENATOR HARR: Okay. I apologize. Now I understand what the Clerk said to me earlier. Thank you. Well, you heard it, folks. The problem is agencies don't comply. Agencies don't comply. Agencies don't make fiscal notes; Fiscal Office makes fiscal notes. If they don't have the information, we got to find a way to make sure they have the information. And good news, hope is on the way. I have LB530. Look it up. You know what it says? It says we, the Legislature, the appropriator of funds, get to hold on to how those funds are spent. So now we don't have to go to the agency. Problem solved, right? All we have to do is pass LB530. Problem solved--we no longer have to go to the agencies to find the numbers. And this amendment before you doesn't take effect till January 1, 2018--problem solved. We can do it in 72 hours if that is the problem. You know what you didn't hear Senator Stinner say? There was more work. He said we didn't understand the process. He didn't say there was any more work. Well, guess what, folks. We can fix the process. That's something administratively done. We can fix that. That is not an improbability. That is, well, based on the way we did things before, we can't move it from 24 to 72, we got to go to 48. And then did you notice what else he said? I think I can support it. I think. Now you understand my frustration. I am negotiating against myself. If I were to concede 48, that's still not a guarantee that I'd get support, right? So 72 hours, it's a fair amount. It's no more, no less work than what they're doing today. And the problem isn't with us. It's with the agencies. And you know what, at the agencies, they don't get to make the fiscal note. The Fiscal Office makes the fiscal notes. You're darn right and I want to thank Chairman Hilgers for saying we understand the process. I can tell you I've been working on this for a long time. I have a lot of pent-up frustration, if it has not come out yet, and I have looked for a solution. I don't just say, no, we can't do it. No, no. I look at the problem. I study the problem. And I try to find a way forward. And that's what I did here. I can't control the agencies, right, nor can they. The agencies don't get the numbers, guess what? Fiscal can make what they want. Agencies can give you a fiscal note that says your bill is going to cost \$500 million and Fiscal can say, I disagree with that

Floor Debate  
January 20, 2017

---

and the fiscal note should be zero. And you know what the fiscal note is? Zero. So if the agencies want to have their say, they need to get their stuff in on time. The fact that they aren't paying attention to the rules doesn't mean we should sacrifice because they aren't following the rules that we set. If they want to have a say, which I think is nice that we give them a say, they better take advantage of that and if they don't take advantage of that, that's not my fault. That's not the Fiscal Office's fault. That's on them. And they can come in and they can explain why they didn't get it in on time, okay? Seventy-two hours is a good, fair compromise. Would I like to see more? You bet. I'd like to have a week before my bill to see what it costs. And with the other rule change we just did, you know what you're going to see is a lot of the more complicated bills are going to already have fiscal notes done and there is going to be some analysis done in the interim. [LB530]

SENATOR KRIST: One minute.

SENATOR HARR: So you're not going to have the problems you had before. We're going to take some of the pressure off them, right? We're going to pre-do a lot of their work. That was their concern, but it's also a good thing. Seventy-two hours, it's fair. It gives us time to work. It gives us time to do what we need to do to pass good legislation. Thank you, Mr. President.

SENATOR KRIST: Thank you, Senator Harr. Senator Stinner, you're recognized.

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, I just want to clear up the fact that this amendment does deal with 48 hours and I do support it. Okay? I just want to make that abundantly clear. You know, I kind of walked through this process, but there's other things. Agencies do a lot of the work. The fiscal is an independent and an integral part of that. But there are other things they sometimes get in, like code agencies. Many times PRO grabs it and says we want to take a look at it, justifiably so, we want to take a look at it. That's another possibility that hits that timing. That's another frustration that Fiscal has. Where is this at? I've got to hit this time limit. Forty-eight, we've worked through the numbers. We've worked through the flow of items. They're dealing with budgets. They're dealing with senators coming down and asking questions relative to their fiscal notes that might be out there, reworking things. There is a lot of moving parts in this situation. And again, expand the staff. That's the answer. Well, we're going to spend some more money if that's what the Legislature wants to do. But the timing of it is three to five years for somebody to get up to the speed so that we can hit the standards that we actually want to have and will accept. The amendment also deals with pushing that time line that triggers the agencies from seven to ten days. That gives enough time for that agency to gather the information, get back to Fiscal Office, Fiscal to take a look at it, to adjust it. Forty-eight hours, you have the opportunity then to look at that fiscal note, go back to the fiscal analyst. Many times they have to get back to the agency just to see if we change this, if we do this. Okay, I'll go

Floor Debate  
January 20, 2017

---

with 48 hours, period, because it works for the entire thing. Now I understand that we're the center of the universe, but there's a lot of moving parts that have to support that center. This is one of them and you have to be mindful that has to balance those dollars and time and efficiency and excellence. That all has to get balanced. We're in balance. I think they did a good-faith effort in taking a look at the problem and taking a look at the proposal and looking at how we can move this forward and what we can live with in this Fiscal Office. That's why the amendment is up there. Thank you.

SENATOR KRIST: Thank you, Senator Stinner. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I had stated earlier that I don't like hanging chads or loose ends. I had made the comment that Senator Kintner had lied again and mentioned the one that I was talking about at that time. But for me to say again, that means he had lied prior to that and I want to document it. And I'm so glad some of my colleagues are upset with what I'm saying. They're more upset with what I'm saying than what a guttersnipe did to shame the Legislature. Can you feature that? I guess maybe they all got something like that in their closet, they think I know that and I'm going to bring it out. Well, they haven't confessed to anything yet, so there's nothing for me to bring out. Nothing gets the duck in trouble but his bill. This is "Kintnergram" 29. Lincoln Journal Star, August 2, headline: Kintner says he wants to respond but can't. "Senator Bill Kintner posted on his Facebook page Monday afternoon a response to media inquiries for a comment on an investigation by the Nebraska Accountability and Disclosure Commission on his alleged use of his state computer last year to exchange sexually explicit videos with a woman. 'I welcome the opportunity to comment on this matter, but I have been advised that I am not able to comment on any case before the Nebraska Accountability and Disclosure Commission. I look forward to commenting when the agency takes final action.'" That's a lie. He could say something. He had kept it quiet for over a year. He had kept it quiet for over a year and so did the Governor. Just substitute Kintner's name for Chambers'. Here is the text of a letter from the Accountability and Disclosure Commission: Dear...as I said, it was written to me, but substitute Kintner. The confidentiality provisions of the Nebraska Accountability and Disclosure Act do not apply if you notify this office in writing that you wish this matter to be made public. And here is what the liar said. He wants to respond, but he can't. Yes, he could. But somebody who would do the dirty thing he did will also lie about it. So I wrote in rhyme a fable. A fable is where you use animals to take the place of human beings or ideas. "Fable of the hypocritical jackass. What about a Jackass that does bray about Transparency, / Then is silent as a Clam when he, transparent, ought to be? / Mockery, Contempt and Scorn and Ridicule the Ass does get, / Plus, appropriate branding as a disingenuous Hypocrite. / As the sound of rusted cauldrons dragged o'er brittle thorns, is grating, / So the words the Jackass brays, to every ear, are irritating. / If the famous Mormon Tabernacle Choir could have their choric say, / They would croon melodiously: 'Oh, Beast of Burden, get thee away!' / By coincidence, that Fable parallels a situation / Faced by Senators who need to give

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

Floor Debate  
January 20, 2017

---

their time to Legislation / In their midst, a Beast of Burden stolid as a stubborn Mule, / Mucks up Legislative works and revels in the role of Fool / Here, the Irony is patent if this Beast of Burden reigns, / Causing Senators embarrassment, Heartburn, Gas and Mental Strains / Legislators ought to heed the words a famous Wise Man said: / 'Be no Fool--for all who meet a Fool will straightway bump his head.'" Then there is information...

SENATOR KRIST: One minute.

SENATOR CHAMBERS: ...where Senator Kintner offered a rules change for transparency. And that I won't read, but there is a drawing of Kintner and above it: Mr. Transparency in action. But then it points out that he's not so transparent. Since I only have a minute, I'm not going to read further. But I'm going to read what I've got here today. I want it for the record and I want the Cass County GOP to know that that petition they submitted to the Legislature that if Kintner won't resign the Legislature should do something, that was not wasted on everybody. And I'm not even a member of the "Repelican" party. Thank you, Mr. President.

SENATOR KRIST: Thank you, Senator Chambers. Senator Schumacher, you're recognized.

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I'm having difficulty pulling up exact language of the Stinner amendment on my little device here. But I understand that it has two elements: 48 hours' work time change from 24, and also that the committee hearings at the ten-day mark. Even though chairmanships ain't what they used to be, they are still saddled with the obligation to schedule hearings and manage the time of the committee. Ten days I think is a lot. Let me see if I can find this Stinner amendment. The Clerk was good enough to provide the language here, change from 24 to 48 and no later than three business days. I'm not catching the ten-day language in here. Oh, there it is. What I had heard was correct. It does change the language in saying public hearing, "Before taking final action on a bill, resolution, or gubernatorial appointment, a committee shall hold a public hearing thereon and shall give at least seven," this changes that to ten calendar days after the bill or pronouncement shall have been printed. So this starts putting our Chairs in a real pinch and shifts to a situation where it may make life difficult and unmanageable there. Having said that, this is the supreme legislative authority of the state, of a sovereign state of the United States-- tremendous powers in this room. And we should have more than a very, very short turnaround in order to make judgments. Senator Harr has spent a great deal of time trying to deal with this. He himself has said that he would like a week advance, which sounds reasonable to me, instead of the 72, but he bid against himself until he's down to 72. I really don't think 48 is going to change life very much. And as a result, this leads me to think, is there a better way to do this? Every bill has traditionally been entitled to a hearing. But is it also entitled to a fiscal note? Let's say there was a bill that said we would educate people to have abortions in this state and we would fully

Floor Debate  
January 20, 2017

---

fund the abortions. How much time should be spent on that fiscal note? What chance does it have of leaving committee or on the floor? So maybe what we should do in the long term is consider our entire process and when we want a good, focused fiscal note, require it at times when it looks like the bill has legs in the committee and some ability to move forward. I have immense sympathy for anybody that's asked to work on 600 bills in the time frame and then come up with a reasonable image or guesstimate of what the future looks like. However, if we don't put some pressure on the system, what's going to end up happening, this work that Senator Harr has done in order to bring this to our attention and focus it may very well fall by the wayside. He be gone in two years.

SENATOR KRIST: One minute.

SENATOR SCHUMACHER: And I think this may have merit in the original Harr form, the 72, even though it's going to cause some consternation to get us moving and address the systemic issue of this not being really a good way to do it. We rely way too much on death by fiscal notes and we don't want shoddy work. At the same time we want accurate work and we have an obligation to spend the money on ourselves in order to get things done so that we pass good legislation involving hundreds of millions of dollars. And that may be where this ends up, that we need to put more finances, a few tens or thousands dollars in the Fiscal Office so they can get up to speed. But we do need to keep the pressure on this because Senator Harr has identified a significant shortcoming in our system and is doing everything he can in order to call it to our attention and get some institutional pressure to make the necessary reforms. Thank you.

SENATOR KRIST: Thank you, Senator Schumacher. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. I'd yield my time to Senator Harr if he could use a few seconds.

SENATOR HARR: Thank you, Senator Hansen. Thank you, Senator Schumacher, for the kind words. Thank you, Senator Stinner, for your willingness to work on this, because I think he's come to the conclusion, and I don't want to put words in his mouth, that there is a problem. We got to figure this out. We have to be efficient with our time, folks. We are citizen legislators. We are part-time employees and I don't want to spend a bunch of time on a bill that's not going to go anywhere. And I want to know what's going on with it. I want to know 72 hours in advance so that I can not waste other members' time in committee if it's not going anywhere. The last thing I want is--and I am as guilty as the next--of saying, yeah, I didn't like the fiscal note, but I'm going to work with Fiscal, I'll get back to you on it, but let's go ahead and have this whole hearing. It's a waste of our time. It's a waste of our resources. The better way to be is, hey, we have it 72 hours in advance, I've talked to Fiscal, they got to the agency, the agency got back to them, we

Floor Debate  
January 20, 2017

---

had another conversation, we went back to the agency with a proposed change and we have a new fiscal note and here is what it is, or we couldn't come to a conclusion, let me tell you where the difference is, and then we have a talk about that and we have a debate as to whether we agree with the fiscal note or not. Ultimately we can decide what a fiscal note is. But the most frustrating thing is--and I had this happen to me over the interim and it's going to happen again-- I've been working on a bill since June, June. I introduced it last week. I'm not going to know what the fiscal note is. I've got...it's a Revenue bill. I don't know what it is. If it has a fiscal note, it's dead, right? We all know that. And I put in lots and lots of time. And I'd love to be able to get it three days ahead of time and be able to tweak it so that we have a better fiscal note because once that fiscal note and we have that hearing, you know the next time you get it? Final Read. And if you're trying to do something revenue neutral, you don't know and it isn't official until Final Reading. I appreciate the work Senator Stinner is doing. I appreciate the work that Fiscal does. They say it takes three to five years to train somebody. I've seen the ages of some of those individuals. They aren't much beyond five years from retirement, maybe three for some of them. Maybe it is time we hire some more people in there. Right? You should have a little bit of redundancy so in case someone goes down, all that knowledge just doesn't go walk out the door. Institutional knowledge with term limits is more important than ever. We need to make sure our staff has that. You know, I understand their concerns. It's valid. But work on the process, right, because we do have a problem. We're going to give them a long runway. This doesn't take effect until next year. It's not as though I'm asking them to do it this year. I'm saying do it next year. Give yourself some time. If the agencies aren't following the rules, which we don't have the power, then work around it. Figure something out. I get if PRO holds it. Talk to PRO. I get that agencies don't want to get it to us in time. Talk to those agencies. But don't tie your hand behind your back because someone else isn't doing what we've asked them to do. Go to where the source of the problem is. That's what I've done. Twenty-four hours is the source of my problem. If they need to work themselves backward and they have some problem, they need to go to the source of that problem. We're giving them ten days from public notice. It went from seven. Think about that. We're going from seven to ten. Three days, right? So that gives you three days more longer to work on a fiscal note.

SENATOR KRIST: One minute.

SENATOR HARR: Thank you. But we're only...they're saying we only need...they want one more day. The math doesn't add up. I'm willing to give them ten days. I think that's fair. If that's what they feel they need, I'm not a committee Chair. That's fine. Give it to them. I'll give them ten. And I'll change the other: no later than three business days prior to filing. If that makes the system better, I'm for it. I'm willing to compromise because that is what goes on behind the scene that, you know, I do or do not know about. I think I do. All I can say is I've asked every question. If I don't know, it's because it hasn't been told to me. Again, they're a great office. They do great work. I understand Senator Stinner has to defend them and he should. But the Fiscal Office

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

Floor Debate  
January 20, 2017

---

works for all of us, not just the Appropriations Committee. And so those other 40 of us who have felt that or will feel that frustration, I'm asking for a little help. I'm offering a little help--72 hours. Thank you, Mr. President.

SENATOR KRIST: Thank you, Senator Harr and Senator Hansen. Senator Kuehn, you're recognized.

SENATOR KUEHN: Thank you, Mr. President. Would Senator Harr yield to a question?

SENATOR KRIST: Senator Harr, will you yield?

SENATOR HARR: Of course.

SENATOR KUEHN: Thank you, Senator Harr. Earlier when you opened on this particular rule, you made reference to a bill that was heard in Revenue, I believe, on Wednesday and wanting...made a comment that you wished the fiscal note were available earlier. And I believe you questioned the introducer which was Senator Craighead. Were you referring to LB15 in that discussion? [LB15]

SENATOR HARR: I don't remember the bill, but it was one that had been brought previously and it was Senator Craighead, yes.

SENATOR KUEHN: Right. Okay, so what I would like to do--thank you, Senator Harr, I appreciate that--I want to walk through, as he was discussing that, the Fiscal Office helped me understand the time line about that specific bill. And so as we contemplate this amendment and what it's going to do to the work flow in the Fiscal Office, as well as getting us as senators the fiscal notes, I want to walk everyone through exactly, using that specific bill that Senator Harr was referring to which was heard in Revenue on Wednesday, I want to walk through the process with you. So you might want to grab a calendar or something visual so you can see this and understand the process. So LB15 was introduced on January 5. The request to the agency for the fiscal note was sent on January 6. The notice of the hearing in the Revenue Committee was filed on January 11, meeting the seven-day notice for its hearing this past Wednesday on January 18. So we had a bill introduced on the 5th. Request for fiscal note went from the...to the agencies the following day on the 6th. It was scheduled for a hearing on the 11th, to be scheduled on the 18th. The fiscal note from the agency was not received by the Fiscal Office until the 17th. And the fiscal note was uploaded to the Clerk at 1:30 p.m. on the 17th and was available on the Web site per the Technology Office at 1:38 for the hearing on the 18th. Now, certainly this demonstrates many of the issues that Senator Harr has discussed in terms of the 24-hour reporting guideline,

Floor Debate  
January 20, 2017

---

but what this time line points out that with bills that are introduced at the beginning of the session, especially for early hearings, had the 72-hour rule been in effect, compliance would not have been possible. There simply are not enough days between the 5th of January when it was introduced, the time from which it was referred to the committee, the time for which the committee would schedule it for a hearing, and compliance to meet a 72-hour deadline for the fiscal note. So if we are going to assume a 72-hour fiscal note requirement, we need to look at extending that runway out to ten days and that's going to have backward complications for early scheduled hearings and early introduced bills. Again, as Senator Harr has commented, you start at that end date and you work back. And that process requires that all aspects of the changes we are considering be implemented in that count back of that process. So as we discuss the merits of the 72, 48, 24, we need to make sure that we provide adequate runway space in advance for scheduling of the hearings, compliance of the agencies, and an opportunity for the Fiscal Office to get that information and provide the best quality information possible. It's a little bit more complicated than simply extending the requirement from 24 to 72. So with that, I appreciate your attention to that walk through and hope you consider the full slate of amendments brought forward by Senator Stinner regarding this rule. Thank you, Mr. President. [LB15]

SENATOR KRIST: Thank you, Senator Kuehn. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you, Mr. President. I'm demonstrating that I will not be distracted, deterred, or discouraged from carrying through on a promise that I made to my colleagues and the public. But you might ask, which you won't, if I say I don't care what people think, why will I go through the trouble of doing what I'm doing? Because of me. I made a promise to the public. I'm like a trustee. They're the beneficiaries. I owe them an obligation which I'm discharging now. If every one of my colleagues sit as quiet as a mouse and refuses to speak when he or she should speak, I'm speaking for everybody now. On an article from the Lincoln Journal Star dated January 16, 2015, this language is found. "Senator Bill Kintner of Papillion proposed the amendment for open voting on the chairmanships, holding up transparency as the reason. 'It's not a surprise that the body voted to protect themselves. It's human nature,' he said." Continuing his quote, "We brought it up, we got it out there, and I hope we brought a little awareness to it so people can kind of get a sense of how we do things and let them judge." They're getting a sense of how you do things by what I'm doing and they can judge. You won't do what you ought to do, but I'm going to keep us doing this. I'm going to empty the Chamber on additional days just like I'm emptying it now. The record is still going to be made. I'm going to keep the heat on Kintner. And if he had any respect for his family, he'd get out of this place and never come back again, would not show his face. If I were married, do you think I would want my wife to wonder if when I go someplace with the scalawag that I would be if I did what he did, when I see people glancing and she'd have to wonder, are they mocking me, are they commiserating with me, they know that I'm sitting with a rat, a scoundrel, a betrayer? You think I'd put my wife through that? Not on your life. You see, I'm a man, not just a sperm

Floor Debate  
January 20, 2017

---

transmitter, not one who bullies employees of the Legislature, not one who hypocritically talks about family values and violates a wedding vow, a marriage vow. I have another little rhyme I'm going to read, then I'll just wing it from there. The devil is in the details. Satan takes great satisfaction watching the hypocrite of god in action. Oh, he boasts of godly devotion while indulging in self-promotion. Characteristic of his shabby life includes betrayal of his wife. Loudly of transparency he yaps, but lying lips God's hypocrite flaps. I'm transparent, yes, I am, regarding his "sexploits," silent as a clam. Cross my heart and hope to die, he would utter, if I lie. But he dared not take that shot. God would slay him on the spot. Chuckled Satan, it's a shame, he gives God a very bad name. If he is the best God has, my old foe I then could razz and might find in my heart pity. God knows it is far from pretty when his best does lack all class and heehaws like a lying ass. I cannot restrain a grin. Satan versus God, I'll win. That's the best God has. God talks to him.

SENATOR KRIST: One minute.

SENATOR CHAMBERS: I haven't heard anybody on this floor say God talks to them. If I said God talks to me, what would you say? That I'm lying. But I'm close to coming...I'm coming closer to what God would have somebody to say than what he said or what any of you will do. Look at you sitting here, those few of you who are here, wishing I'd be quiet. Well, if wishes were horses, beggars would ride. If wishes were meat, the hungry would eat. So I'm going to do what I intend to do and I expect the same of all of you. Laugh, mock, and let the public see this upstanding, moral, family values-talking Legislature. Some of you have sold out to the Governor already. They know there's not much to you. You don't have integrity. What did you do the first day of the session? You got people in chairpersonships. Now forget all that I've said before. I like to have fun with my good friend, Senator Groene.

SENATOR KRIST: Time, Senator. But I see you're next in the queue, so you can continue.

SENATOR CHAMBERS: Thank you. Senator Groene...

SENATOR KRIST: This is your third time, by the way.

SENATOR CHAMBERS: And they'd probably say, whew, thank God, if a God there be. He knows that I listen carefully to him. I pay close note to him. Now he can't take this personally. I've mentioned that people get to be Chairs of committees without the qualification to go along with it. My good friend, Senator Groene, just proved that a few minutes ago. You all didn't get it because you don't listen to him. I listen to him. He's the...anybody can misspeak and I like to get a little humor out of it. The word was "expedite" in an amendment and my good friend, the Chairperson of the Education Committee, pronounced it "expediate." I listen. And you all get

Floor Debate  
January 20, 2017

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mad at me because I pay attention to you. I want you to pay attention to me. And if you catch me walking box-ankled, slue-footed, and pigeon-toed, call me on it. You all can help me improve myself. I am not so lacking in confidence, I do not have such a fragile ego that if somebody shows me that what I've said is incorrect, I'm going to get the "jim-jam" trimmings, be shaken like a leaf on a tree and angry. No, I should mark what I say. And if I'm in error, what does a teacher do when you take a spelling class if you're in grade school? If you put the "i" before "e" when it should be reversed, then you get a red mark. That's to call your attention to it, help correct that error so you won't do it again. But children who have to speak and learn English are given an impossible task. The rule is "i" before "e," except after "c," or when sounded like "ay" as in "neighbor" and "weigh." All right. If "i" comes before "e," except after "c," unless the "i" before "e" is pronounced as in "neighbor" and "weigh" or whatever, why don't you pronounce the words you all mispronounce "ee-ther" and "eye-ther," you should pronounce it "ay-ther." But the rule doesn't mean anything. I've got a long poem that I wrote to show all or some of the vagaries in English that these children have to contend with. Adults don't. On this floor you can say "them there"; you can say "this here"; you can say "me" when you ought to say "I"; you can say "I" when you should say "me." You don't want to say "she." You don't want to say "him and me." Both are the objective. So you say, "him and I." Well, you're mixing the objective with the nominative. You shouldn't do that. It should be "he and I" or "him and me." But you've been taught to think that whenever you use the word "me," you're mispronouncing, you're not grammatical. So it's "he and I," "him and I," "they and I," "them and I." "Gemini" is okay, by the way, because that's a word. If "Gemini" is the proper way to pronounce that, why do you say Jiminy Cricket? What are poor children to do when they can't listen to us and know how to do something correctly? And if they listen to us and take it to the classroom, they get a red mark. You all don't think. I paid attention to what happened in school because I had trouble recognizing letters.

SENATOR KRIST: One minute.

SENATOR CHAMBERS: I had trouble learning how to pronounce words. Where do you put the emphasis? Which syllable do you place the emphasis upon? So I was laughed at by children when the word was spelled a-g-e-n-t. I knew the letter "a" could be pronounced "uh" when it stood alone. I did know that g-e-n-t was pronounced "jent." So when I saw a-g-e-n-t, I put them together and I came out "uh-jent." And the little children who knew how to pronounce the word just laughed like little children would do. And I can't fault them. But I learned that there is a different way to pronounce these words than what I think. So I'm going to find out how these words are pronounced. I'm going to listen to people, but I also got a dictionary and I learned those marks that tell whether it's a long vowel or short vowel or one of those which is neither long nor short, because as a philosopher said in the tavern, there are some things as is, there are some things as ain't, there are some things as neither is nor ain't, and this falls somewhere between the last two.

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

Floor Debate  
January 20, 2017

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SENATOR KRIST: Time, Senator.

SENATOR CHAMBERS: And that's what the drunks who are wise say. Thank you, Mr. President.

SENATOR KRIST: Thank you, Senator Chambers. (Visitors introduced.) Seeing no one else in the queue, Senator Stinner, you're recognized to closed on your proposed amendment.

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, I believe that this amendment is a good compromise. It provides you extra time, but with that extra time we have to have some adjustments as it relates to hearings, which is the trigger for the agencies to provide the information, to properly put together and put together that fiscal note. You know, I guess I can listen. Seventy-two hours, I don't agree with that. Fiscal doesn't agree with that. They say 48. I'm staying with 48. This is a good proposal. And if you want to sometimes take a look at it, let's do an interim study, if that's what we want to do, to see where we want to be. But we're talking about, you know, trading your car up from a Chevy to a Cadillac. You pay for that Cadillac. I'm on a fixed income, so I'm back with a Volkswagen. But in any event, this is a good proposal. This is a good amendment. Please support this amendment. Fiscal Office will be behind it. Fiscal Office will continue to hit that standard of excellence that we're talking about. So please support the amendment. Thank you.

SENATOR KRIST: You've heard the closing on the proposed amendment to Rule 5 (sic--2). All those in favor vote aye; opposed, nay. Have all those voted that wish to? Please record, Mr. Clerk.

CLERK: 29 ayes, 6 nays, Mr. President, on the adoption of Senator Stinner's amendment to proposed rules change number 2.

SENATOR KRIST: I'm sorry. I misspoke. Rule number 2, the...it is adopted. Items, Mr. Clerk?

CLERK: Mr. President, I do. A motion to withdraw LB106 offered by Senator Brasch. That will be laid over. Series of name withdrawals to LB333, LB334, LB335, LB336 by Speaker Scheer. (Legislative Journal page 317.) [LB106 LB333 LB334 LB335 LB336]

And, Mr. President, I have a priority motion. Senator Friesen would move to adjourn the body until Monday, January 23, at 9:00 a.m.

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

Floor Debate  
January 20, 2017

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SENATOR KRIST: You've heard the motion. All those in favor, aye. Opposed, nay. We're adjourned until Monday morning at 9:00.