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Floor Debate
February 10, 2017

[LB32 LB79 LB110 LB347 LB418 LB584]

SPEAKER SCHEER PRESIDING

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

SENATOR BOSTELMAN: (Prayer offered.)

SPEAKER SCHEER: Thank you, Senator Bostelman. I call to order the twenty-seventh day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. 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, Mr. President.

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

CLERK: Mr. President, a communication from the Governor regarding appointments to the Nebraska Investment Council and the Nebraska Ethanol Board. Those will be referred to Reference for referral to standing committee for confirmation hearing. I have a series of hearing notices from the Appropriations Committee, and a notice from the Judiciary Committee, two notices. Those are signed by their respective Chairs. Acknowledgment, Mr. President, of agency reports received by the Legislature, on file on the legislative Web site and available there for member review. And the lobby report, as required by state law. Mr. President, just an announcement: Appropriations will meet in 2022 at 9:30 this morning; Appropriations at 9:30 in 2022. That's all that I have. Thank you. (Legislative Journal pages 457-460.)

SPEAKER SCHEER: Thank you, Mr. Clerk. Proceeding to the first item. Excuse me, Senator Chambers, did you have a question?

SENATOR CHAMBERS: Mr. President, I would request a point of personal privilege.

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SPEAKER SCHEER: Yes, sir.

SENATOR CHAMBERS: This will be brief. I know that things are going haywire down here, but my point of personal privilege relates to the dignity, the reputation of the Legislature. That is the first one. The next is a personal thing which I'm not interested in. Ideology is taking over the Legislature. There was a bill introduced by Senator Kintner. It had several cosponsors. The Health and Human Services Committee killed the bill. No cosponsor took the bill. The Speaker agreed that a person who had no contact with the bill at all could put his name on the bill, then the committee could revive it. I think that bastardizes our system. I think it allows a senator to introduce a bill, in effect, after the deadline for introducing bills. This bill was killed by the committee. Senator Murante had nothing to do with the bill. The only way he could get that before the Legislature again would be to offer it. He would have to get a suspension of the rules, because it's beyond the deadline. People may disagree with me, but this is the only way, the only time I can make that objection. And I see an editorial in today's Lincoln Journal Star condemning or at least criticizing the way a hearing was conducted. So people outside the Legislature are looking. I would hope that the HHS Committee, which can reconsider once again, would kill that bill as they should have done. When Senator Kintner was removed, that bill had no sponsor. It was not legitimately before the Legislature. That is the point that I wanted to make. I said I would be brief and I think I've lived up to that. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers. Mr. Clerk, first item.

CLERK: Mr. President, consideration of the permanent rules. Senator Larson has pending an amendment to Rule 7, Section 10. Senator Chambers has an amendment to that amendment. Senator, I have your amendment that deals with food during a public hearing.

SENATOR LARSON: (Microphone malfunction).

SPEAKER SCHEER: Well, actually this is...we are to an amendment to your amendment. So it's actually Senator Chambers' amendment that we'll be discussing, not the amendment. So, Senator Chambers, you're welcome to open.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, some of these upstarts are going to make a fool out of the Speaker. They're going to make a jackass herd out of the Legislature. Let them start determining when somebody's amendment is dilatory. Let them, for ideological purposes, say we don't like these amendments and the Speaker is going to go along with them because they have an agenda. My motion, my amendment, would be to strike from Senator Larson's proposal the new language and reinstate the old language. If my amendment is adopted, the cloture rule will remain intact as it is now, and this language would

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be added to it: During a public hearing no member of a committee shall consume food. There have been people who have complained about this. You all talk so much about decorum. You all are going to be talking about being dilatory and you've got senators who disrespect the public to their face. It shouldn't be necessary to have a rule like this. It should not even be necessary to discuss it. When children misbehave in school, people will want to imply that they have not had a proper upbringing. If a person had proper upbringing, as an adult, as the Chairperson of a committee, he would not do something which is rude, discourteous, and inappropriate. From what I can gather from the people who complained about it, he didn't even offer to share what he was eating with anybody else who was there. You all, whatever you do, that goes for the Speaker, are not going to be able to keep this legislative session from turning into a shambles. And I think what has been done so far is going to cause more people to watch what we do, watch the distortion of our rules, watch what the "Repelicans" do and those who are owned by the Governor. How does that play into what I'm offering here? It all has to do with what is proper, what is appropriate. I haven't even heard of the chairperson in Congress eating while conducting a public hearing. It could have happened, but they know they're on camera. I'm very serious about this rule, as I was serious about a bill that I brought to prohibit the senators from being fed by lobbyists during a session, and that proposal was deadlocked in the Reference Committee because there are senators who think that that ought to be allowed to continue, that the senators should be fed by the lobbyists, that the issue should not even be debated on the floor. And I believe the Speaker and the Chairperson of the Executive Board were right there saying this should not be debated. But I'm going to offer a motion at the appropriate time to pull it from the committee and I will name the senators who are insistent that the lobbyists feed the senators during session, sponging, mooching, requiring a handout in order to give entree to the senators. I think that is grossly inappropriate, just as I think this eating by the Chairperson of a committee was inappropriate. I'm not like senators who go whispering behind people's back in the hallway making little deals. I want to say it in front of the one who is the target of my complaint or criticism so that he or she has the full opportunity to speak on the mike. When issues are raised, they ought to be dealt with in the forum where they are raised. This motion, as well as other amendments that I'm offering to Senator Larson's proposition, are done in all seriousness. If any of them would be adopted, an improvement would be made over what Senator Larson has proposed and up till now has been made available as an amendment to the permanent rules. It has not yet been adopted. The rules can be used as a hammer. Those who have the numbers can twist, distort, and make a mockery of the rules, which I'm sure they're planning to do. And I plan to talk every time I get a chance about what they have done. And if they want to create other super-priority motions, then I'll just have more arrows in my quiver and I will offer those super-priority motions. If the Speaker wants to tell me that what I've offered is dilatory, let him do it, and he's going to have to tell me that again and again and again, and we'll go through that process again and again and again. And instead of the Legislature being a responsible legislative assembly, to quote the cliché that some of the wrongdoers are fond of quoting now, doing the public's business. Well, what's being done really is monkey business and some of us are trying to

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stop it. One of the worst recommendations a Speaker could have gotten was how the Governor said he can work with him. We all know what is going on. Other people are afraid to speak, but I'm not. And if anybody is aiming their rule changes at me, adopt it, and I will find ways to be dilatory intentionally all session. So mark well what you do. You have not thought it through. You have not looked at other rules. But what you ought to look at is the dignity of the institution itself. Some of you have brought things and talked about free speech and here you are trying to restrict free speech in the Legislature. The Legislature can make its rules, but I doubt that the mere fact that the Legislature passes a rule can repeal a constitutional provision in the U.S. Constitution. Now, I don't know whether a challenge has ever been made to what a Legislature was doing on the basis of its restricting the free speech rights of members of that legislative body, but there's a time and a place for all things, and I've offered lawsuits. In fact, I'm going to start handing things out to you all, which you're free to throw away, but to indicate that I know something about the law, that I have won cases in the Supreme Court. I cannot say that every effort that I've undertaken has borne fruit of the variety that I had in mind. I probably have lost far more bills that I've presented here than I've succeeded in persuading the Legislature to enact into law. There are reasons for bills to be offered. Sometimes it's to raise an issue. Sometimes it's to keep an issue before the Legislature...

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: ...and the public. Some people are not strong enough to engage in that kind of activity because their view of their duty as a legislator is far different from mine. But I am dead serious about this motion, this proposed amendment. And since Senator Larson, I'll make it clear, is the target, all he has to do is stand up and show where what he did and maybe intends to continue doing is in keeping with the dignity and decorum that the Chairperson of a committee ought to manifest during a public hearing. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers. (Doctor of the day and visitors introduced.) Senator Harr, you're recognized. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. Would Senator Chambers yield to a question?

SPEAKER SCHEER: Senator Chambers, would you please yield?

SENATOR CHAMBERS: Yes.

SENATOR HANSEN: All right. Thank you, Senator Chambers. Just for perfect clarity so I'm following along, what does your amendment to the Larson amendment do?

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SENATOR CHAMBERS: It would...new language has been added to his amendment but not to the rules. The new language was what had been discussed and was adopted. That language struck certain material from another amendment. So my amendment would strike any new material and reinstate any original material so that we're back to the rules as they are now.

SENATOR HANSEN: Okay. Thank you, Senator Chambers. I would yield the rest of my time to you, if you'd like to explain the motion in more depth. Thank you, Mr. President.

SPEAKER SCHEER: Senator Chambers, 3:55.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Hansen. Members of the Legislature, with the way amendments have been offered, it's difficult to keep track of everything that is going on. So on the chance that there has been some...we know that there would be new material added because a version of Senator Larson's amendment was added to his original amendment, or may have replaced some of that original amendment. So the only amendment that would exist, if mine is adopted to the permanent rules, the only thing that would exist as an amendment being offered would be the language that prohibits the Chairperson of a committee from consuming food while conducting a public hearing. I do not intend this session to mention everything that I'm going to do in advance. I did some of that when we were having the other discussions because there was no reason to keep anything sub rosa. If this amendment is adopted, it would strike, in effect, the language from Senator Larson's amendment, and mine would then be the only one pending. I would then, as the offeror of that amendment, remove it or not push it. But if it were to be adopted anyway, I would not be dissatisfied. So for me it would be what is called a win-win situation. It would remove what Senator Larson and his cohorts are attempting to do to gut the extended debate rule by modifying the cloture rule. If there was an insistence on adding my amendment to the permanent rules, that would suit me fine, but it shouldn't take an amendment or anything in the rules to prevent the Chairperson of a committee from eating while conducting that hearing.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: As I've stated, I've argued cases before the Nebraska Supreme Court. Nothing would surprise me more and bring the judiciary into disrepute than for the Chief Judge to pull out a bag and pull out of that bag a Jimmy John's sandwich, and while the case is being argued he begins to chow down. But the Chief Judge would not do that. A properly functioning Chairperson of a legislative committee would not do it either. Therefore, I'm offering my amendment for the reasons that I've stated. Thank you, Senator Hansen. Thank you, Mr. President.

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

SENATOR CHAMBERS: Thank you. Mr. President, during that discussion pursuant to a point of personal privilege, I tied it into what affects the dignity of the Legislature. In this morning's Journal Star is an editorial headline, "Both sides should get fair hearing." I'm going to just read from it and I will not digress to comment. "If Senator Jim Smith of Papillion thought he could fool people into thinking that there is more support for a dubious income tax cut plan than there actually is, he must have a poor opinion of Nebraskans' ability to see things for themselves. Smith cut off testimony on the plan at a public hearing Wednesday, leaving opponents who had spent hours on the road to testify without a chance to present their objections. Meanwhile, Governor Pete Ricketts and Revenue Director Tony Fulton had only to walk down the hall from their offices in the Capitol to the hearing room, where they got unlimited time. And other proponents were allowed far more time than opponents as well. It's true that the hearing before the Revenue Committee went on for seven hours, but Nebraskans may have to live with the effect of the misguided plan for years. If the Legislature intends to make a change of this magnitude, it's worth taking the time to make sure all aspects are thoroughly explored. There's a lot to explore. The plan that would cut the tax rate for Nebraskans in the top income bracket is a bait-and-switch scheme. For years, Nebraskans have howled about property taxes. Now, Ricketts and the others are trying to harness that energy in support of an income tax cut for Nebraskans at the top. That's why so many people showed up at the Capitol to testify in opposition to the plan. They want property tax relief, not tax cuts that would benefit the richest Nebraskans. It's part of a national movement, apparently funded by the Koch brothers and other wealthy individuals who pour money anonymously into political organizations like Trees for Liberty, an organization responsible for duplicitous mail advertising in the last election that ousted some incumbents. The decision to cut off testimony from opponents rightfully will deepen suspicion that supporters don't want the plan examined too carefully. For one thing, it would put a time bomb in the state tax system. Think about the implications. The Legislature is preparing to make deep cuts in the budget for the University of Nebraska. The university is an economic driver for the state. It provides a talented work force and research that helps employers grow and prosper. The university is the ladder by which young Nebraskans can climb to a better life. The income cut plan sets a bomb that would detonate just as an increased flow of revenue might allow the university to recover some of the ground lost in the current economic downturn. If senators want to make wise decisions, they need to give both sides of this debate a fair hearing. It's often said that in Nebraska's unique one-house Legislature the people are the second house. On Wednesday in front of the Revenue Committee the people got the shaft." That goes to how we conduct our affairs. It raises questions about how committees are chaired.

SPEAKER SCHEER: One minute.

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SENATOR CHAMBERS: I've been getting requests to demand the resignation of Senator Groene from the Education Committee. I let people know that's not what I do. The senators elected these people. They'll stay there as long as the Legislature wants them to be there. I'm not the dentist who removes every decayed or abscessed tooth from the Legislature. But the issues that I think I ought to bring up that relate to the integrity of the institution are the ones that I will bring up and fight to the end. Thank you, Mr. President.

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

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. We stand again, or sit again, and listen to a conversation about the rules, and I won't take very much time on the mike, but I will reiterate once again, I believe that there's no compelling reason to change what our filibuster rules are. I will remind the body once again that the Rules Committee can be called into place and have a hearing at any time during the year or at the biennium, in the middle of the biennium, after the interim period. And I would also remind the body that the committee process that we employ here in this Unicameral, the committee hears...publicly hears testimony and a bill that would change, and in this case a rule would be changed. That never happened. This subject matter was never discussed. Other subject matter related to filibusters was discussed, and this was not discussed in the hearing. I remind the body again that if Senator Larson really wants to change this rule that we should go back and have a public hearing, bring it back to the floor. I'm sure the Speaker would put it back up when the time comes and we can have a discussion about something that's thought out. I don't believe that patching the amendment on the amendment on the amendment and getting to the place that we are right now is anything else but dilatory on the fact...on the part of Senator Larson and those that would propose that this is the way that they should go about it. The committee process is in place and it is being abused. I've told you in the past Senator Hilgers has done a great job as committee Chair on the Rules Committee, and I stand by that. But I will tell you that I have watched committee Chairs who have been here for a while, have much more experience, would be the standing on the mike, standing on your heads telling you this isn't what happened, this did not come out of my Rules Committee. That comes with inexperience and maybe in a couple years I'll tune in live stream and see Senator Hilgers standing on somebody's head and making sure that he sticks up for his committee in the future. That's not happening today. I would ask you to stay focused on what we are talking about today. Talk about and discuss the technicality of where we're at. And I'll remind you again as I've said on the mike many times, the worst part of any of this is that I no longer have the right to vote in any one of three ways. And then when I'm not present, my vote would be misconstrued in one way or another, and that is wrong. That is a travesty. I ask you to take a really strong look at what we're doing in changing the rules and I would hope we would just adopt permanent rules as we stand right now without the Larson amendment. With that, because I called out Senator Hilgers, I'll give the balance of my time to him if he would like to make any comments.

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SPEAKER SCHEER: Senator Hilgers, 1:35.

SENATOR HILGERS: Thank you, Senator Krist. I appreciate both your service on the Rules Committee with me, as well as your comments. I have not stood up...well, first of all, I don't think anyone wants me to sit on their head or stand on their head or do anything to their head. But I will comment briefly on the Rules Committee process and why I have not done what Senator Krist has suggested. I spoke on the mike the other day with Senator Bostelman and explained how I view that the Rules Committee process is slightly different from a normal standing committee process, and that because of that process I think it is...well, that process is different and those differences are meaningful. We only had a couple of days to...

SPEAKER SCHEER: One minute.

SENATOR HILGERS: ...propose rules. We only had a couple of days to consider those rules. And unlike a standing committee process in which there's plenty of time to offer the rule...or bills, there's plenty of time to give public notice for those bills, there's plenty of time to consider them before an Exec, work on amendments and the like, we had a very truncated, shortened process. That maybe isn't what we would normally would prefer, but it does sort of put some pressure on potential for floor amendments, which is what we have seen here. I have not discouraged or encouraged floor amendments from anyone, whether it's Senator Hansen or Senator Larson. I have said that I would not bring forward a floor amendment because of the respect for the committee process. One last note that I would have in the time that I have remaining is that while this precise amendment that Senator Larson has provided is not precisely what was in front of the committee, because it has this 30-vote green element, the concept was provided from the committee because it was my proposal in front of the Rules Committee.

SPEAKER SCHEER: Time, Senator.

SENATOR HILGERS: Thank you, Mr. President. Thank you, Senator Krist.

SPEAKER SCHEER: Thank you, Senator Krist and Senator Hilgers. Senator Harr, you're recognized.

SENATOR HARR: Thank you, Mr. President. I'm going to follow up on what Senator Hilgers said. I couldn't agree with him more. It is a shortened process. We don't have time to consider it. We do have pressure to get bills...to get the rules out quickly. Therefore, therefore--did you like that Trump--we need to spend time on the floor debating it because we didn't have time in the process in the hearings to do it. And that's what we're doing here, right? He's exactly right. We

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should spend time talking about it. Senator Larson, are you available for a question? I'll give him a little time to come back to the mike.

SPEAKER SCHEER: Senator Larson. He'll be there in a second, Senator Harr.

SENATOR HARR: Thank you. Folks, while he comes back to his mike, think about this. The question we have here is what is the problem? Do we have too many filibusters or is it the behavior of the people, because changing it from 33 to 30 isn't going to change the behavior. Changing it from 33 to 30 isn't going to change the number of filibusters. It's not going to do what you want. I can't figure out what the reason behind this bill is. Senator Larson, would you yield to a question?

SENATOR LARSON: Yes.

SPEAKER SCHEER: Senator Larson, would you please yield?

SENATOR HARR: Thank you. We are currently on your amendment to Rule 7, Section 10. Is that right?

SENATOR LARSON: No. We're on the Chambers amendment.

SENATOR HARR: Or, sorry, Chambers, but it's to your amendment to the rule, right?

SENATOR LARSON: Yes.

SENATOR HARR: And we passed an amendment of yours earlier, did we not?

SENATOR LARSON: We did.

SENATOR HARR: And...

SENATOR LARSON: Well, you passed an amendment to an amendment...

SENATOR HARR: Right, we passed an amendment to an amendment.

SENATOR LARSON: ...to make sure we're correct on...

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SENATOR HARR: All right.

SENATOR LARSON: ...for the record.

SENATOR HARR: Let's just, to clarify, we are now standing at what is the requirement, 30 yes or 17 no, overrides, correct?

SENATOR LARSON: Yes, that...

SENATOR HARR: Thank you. And prior to that you had 30 yes, 20 no. Is that correct?

SENATOR LARSON: No.

SENATOR HARR: What did you have?

SENATOR LARSON: Twenty-five yes and twenty no.

SENATOR HARR: There we go. All right. So, folks, we're negotiating numbers. Remember that. We are negotiating numbers. We're trying to figure out what is the right number. That is not dilatory, figuring out what the right number is. Maybe it's 33. Maybe we need to talk about it. Maybe it's 31-16. Maybe it's 32-15. I don't know. But I don't understand how when Senator Larson--and thank you for that time, Senator Larson--I don't understand how when Senator Larson is negotiating numbers it's okay, but if I want to negotiate numbers, and we haven't gotten to my amendments yet, it's not going to be all right. I sure hope that doesn't happen. I sure hope I get this...I'm afforded the same rights as Senator Larson. I want to be able to say, this is what I think is right. This is as bad as telling someone who is against your bill, you only have a half-hour. I want to spend a billion dollars of tax dollars, but you only get a half-hour to object. I don't know where we lost or when we decided that debate was bad and when we decided listening to others was something that was an inconvenience. We are a debating body. We were sent here by the people. If we want to have a hearing that goes till midnight and they want to stick around, well, by God, we better do that. That's the right thing to do. Have a public hearing. There is a reason every bill has a public hearing. And there shouldn't be a limit on it. We can go half-hour, half-hour, half-hour; half-hour, half-hour, half-hour.

SPEAKER SCHEER: One minute.

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SENATOR HARR: Thank you...meaning opponents...proponents, opponents, neutral, but we shouldn't limit people who drive. We had a hearing in Revenue the other day people drove 405 miles for. Imagine if they had been cut off, if they had decided to testify on the first bill instead of the second. That is wrong. There is gamesmanship, I get that, and I'm fine with gamesmanship. But we all better play by the same rules and we all better realize that we have the right to debate and we have the duty, the duty to listen to our constituents and those who want to come in front of this Chamber and talk to us or in our committee hearings. That's what we were sent here to do. I don't know. I'll be interested to see what we're in such a hurry to pass that we're willing to throw everything, tradition, every bit of civility that we've ever had before to pass...

SPEAKER SCHEER: Time, Senator.

SENATOR HARR: ...some bill. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Harr and Senator Larson. Senator Smith, you're recognized.

SENATOR SMITH: Thank you, Mr. President. And good morning, colleagues. I understand I had some honorable mention this morning in one of our local newspapers and they chose to editorialize on committee hearings that took place earlier this week. And thought I might just rise and have a couple minutes to talk about that. And it's probably about the only time I plan to stand and talk about that myself. We can talk about taxes as well if we want to talk about taxes. But I think there was some...it was implied that somehow there was an intent to move a bill quickly or to do something of that nature. And I think I mentioned yesterday my reasoning behind the decisions that I made yesterday or earlier this week as to that committee hearing. We did have a number of people that were showing up from distances, two different bills. I certainly did not want the folks that were going to be speaking on the second bill to be till midnight and still not have a chance to be heard. Some of those folks did have to leave because they could not stay for the second bill on which they came to testify, because the first bill went long. That was my decision. As I mentioned before, I regret that some were not heard during that hearing. Many were present to hear that second bill, and some of those folks left. And in an effort to get both sides on both bills and not to keep people here till midnight, I made a decision. I made the decision that I did and that was to limit the overall testimony, the time on the testimonies. But let my record and my reputation in Lincoln stand on its own. I take full responsibility for the decision that I made. And if I'm at fault for that decision, please also give me credit for making a decision. I think my record, my history here in six years show that I do want to listen to the people. And I believe that that's what hearings are for. The hearings are to listen to testimony and to hear people and to ask questions that help us to better understand their position. The purpose of our hearings, in my opinion, and maybe some of you here in this body think differently, I do

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not believe the purpose of hearings is to express our views to the people that have come to testify. And whenever we are spending multiple times more expressing our opinion as committee members in committee than listening to what people are there to tell us, now, that's a problem. I was elected to be Chair of the Revenue Committee. I am not perfect. But one thing I am certain of is that I do my very best to be fair and to listen and to try to find common ground and to find a path forward. If you have a problem with that, that's fine. But like I said before, if you want to fault me for my decisions, please also give me credit for making a decision. Just for the record, there were more people testifying in opposition on both those bills than were testifying in support on those bills. And we will go through the transcripts later and we can talk about how much time each of our committee members spent on the mike talking about their opinion rather than listening to the opinion...

SPEAKER SCHEER: One minute.

SENATOR SMITH: ...of the folks that were there to testify. We can certainly do that as well. But the reason that there were more that got a chance to speak in opposition was because of the interaction that took place with committee members. And again, committee members, I welcome committee members to ask pertinent questions, I think that's important, but not to express their opinion. We can have a debate on this floor. That's where the opinions of my colleagues can take place. But that's my opinion. And each one of you can have your own. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Smith. Senator Chambers, you're recognized and this is your last at mike, other than your close.

SENATOR CHAMBERS: Thank you, Mr. President. Senator Smith, I'm the one who read the editorial, so if you'd like, if you'd be willing to yield to a question or two, I would like to engage you.

SPEAKER SCHEER: Senator Smith, would you please yield?

SENATOR SMITH: I will yield.

SENATOR CHAMBERS: Senator Smith, the editorial says, "Smith cut off testimony on the plan at a public hearing Wednesday, leaving opponents who had spent hours on the road to testify without a chance to present their objections. Meanwhile, Governor Pete Ricketts and Revenue Director Tony Fulton had only to walk down the hall from their offices in the Capitol to the hearing room, where they got unlimited time, and other proponents were allowed far more time

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than the opponents as well." The first question I will ask, were the Governor and Revenue Director Fulton given unlimited time, meaning they could talk as long as they wanted to?

SENATOR SMITH: They were given time to respond to the questions of the committee.

SENATOR CHAMBERS: But they could talk as long as they wanted to?

SENATOR SMITH: In their introductions, yes. We did not use a light system with them on their introductions.

SENATOR CHAMBERS: Were the proponents given more time to speak than the opponents?

SENATOR SMITH: Well, a quick reference, I asked my staff to pull the time here. There was a total of 90 minutes taken on the first bill in between the time from 1:35 to 3:00, and that included the Governor and the Commissioner and proponents. And there was another 90 minutes given to the opponents and my closing.

SENATOR CHAMBERS: So the question I'm asking you, because an assertion was made that the proponents were given more time than the opponents, are you saying that is untrue,...

SENATOR SMITH: No.

SENATOR CHAMBERS: ...that the opponents had as much time to speak as the proponents?

SENATOR SMITH: Roughly speaking, I would say that they both were given the same amount of time. And as I get the transcripts, I will correct that if I am wrong. But I believe they were given...those two times were equal.

SENATOR CHAMBERS: Okay. That's all that I wanted to ask you because I had read the editorial. Thank you, Senator Smith.

SENATOR SMITH: You're welcome.

SENATOR CHAMBERS: Members of the Legislature, getting back to the rules themselves, the Governor is ruling this Legislature. He spent money to ensure that as many people as would carry out his will as possible would be elected. If you look how they have done, you can see that they are delivering what was expected of them. Some of them, quite frankly, surprised me, one in

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particular. The Governor made an appointment. That person's name was not among those who sought the position vacated by Senator Kintner under pressure. The Governor had a goal in mind and, in my opinion, it was not to provide...this is no aspersion on Senator Clements. He was not concerned, the Governor, that is,...

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: ...of finding somebody to represent District 2 who would have been more to the liking and desire of the people in District 2. He went to somebody who had expressed no interest in representing that district. And you know he's not going to select somebody who has a different opinion from his. These are political realities which I intend to discuss further. But in my initial remarks, there were things that I thought needed to be gotten into the record also. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers and Senator Smith. Senator Morfeld, you're recognized.

SENATOR MORFELD: Thank you, Mr. President. I just want to respond first to a few comments that Senator Chambers made yesterday. First, I stand in opposition with him to the Larson amendment. And as many know, I stand with him throughout the duration of this debate. That being said, Senator Chambers did note that he thought that the fact that we had not gotten anything done yet was a victory in his mind. I disagree. I would like to get things done. As I've noted before, I have 20 pieces of legislation I've worked very hard on in years past and over the interim, and I do want to get to the business of legislating. But that being said, the rules are incredibly important and they have an impact not only on this session but decades to come. Because once we make these amendments and these changes, it's probably not going back the other way ever again. So several of my constituents have reached out to me, most of them in support of what's going on right now, but one or two have asked me: How long does it take to get the rules? This can't be that big of a deal. And I remind them that it is a big deal because this will impact legislation, laws, in generations to come. And that's why I am willing to stand here and fight for the rules as long as it takes, because it has an impact that is much broader than just what's going on this session or the next session, or in the time that I will be allowed to be here pursuant to the constitution. But that being said, I don't consider the fact that we have not done anything other than pass a deficit budget on to Select File...or on to Final Reading now, I should say, and I think passed one or two other bills on from General File. I don't consider that a victory. I want to get to the business of creating policy and legislating. That being said, this is too important, too important to back down and too important for the decades to come, the generations to come. And to answer Senator Harr's question, when did we decide when debate was bad, I think some people have decided debate is bad when things just don't go their way.

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And that's what this really boils down to, is there are some people in this body who haven't gotten their way on certain issues and so they just want to change the rules on how the game is governed. Now there are plenty of issues in this body where things did not go my way, but you don't see me trying to lower the cloture vote and blow the place up. We have not gotten Medicaid expansion, despite the fact that I have thousands of hardworking Nebraskans in my district who can't afford healthcare. We haven't passed basic LGBT protections, which in most modern societies and civilizations at this point they have. We don't, despite the fact that I have friends that have gotten fired for being gay and left this state. And the issues go on and on. There are plenty of issues in this body that have failed, that I have worked hard for, at the hands of the filibuster. It's not just the conservatives', it's not just the liberals', and it's not just the moderates' issues. But that being said, we have a process. I respect it. It has served us well and I will stand up and defend it. I've also received several different e-mails from constituents regarding some of the issues with the Revenue hearing just a day or two ago. Now, I respect Senator Smith. I've worked with him on several different issues and it is his prerogative, as Chair, to run the committee however he would like. That being said, I've served on the Education and Judiciary.

SENATOR LINDSTROM PRESIDING

SENATOR LINDSTROM: One minute.

SENATOR MORFELD: Thank you, Mr. President. I've served on Education and Judiciary Committee for several years now and there's very few nights that we get out by 5:00. And I would say that Senator Smith made a decision for the people who may not be heard to the detriment of the people who will not be heard at that hearing. An issue of that magnitude deserves more discussion and more input from the public than what was given in Revenue Committee. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Morfeld. Senator Schumacher, you're recognized.

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. There's some reference made to the proceedings before the Rules Committee. One thing I think that all of us that serve on the Rules Committee can agree is that Senator Hilgers did a very nice job in chairing that committee, particularly considering that he was his first committee, first committee hearing probably he's been involved in at all, when he was plunged into that role by whatever proceeding, that probably no one will ever know, put him in that role. But he did a good job. And for all the problems and issues brought by, by the very nontransparent, behind-the-scenes activity which generated our current slate of Chairmanship, that one I think worked out very well. Our proceedings were very orderly. We had a long list of proposed amendments. We had good

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discussion, civil discussion, civil votes. I have to compliment him on a job well done. He did not sit in his position chomping down on a sandwich or munching on chips or sucking on a kosher dill. He, we can be proud of. With reference to these proceedings before us, they are very deliberative because we are in the unfortunate position of having folks brought into this body and as their very early lines of duties before really we even have a chance to vote on any bills, certainly to pass any bills, are put into a quagmire of hair-splitting on rules because basically one senator has decided that he'd like to have a little bit of a leg up on a system and be able to be kind of a...I think they call them in Washington whips, to whip people into shape, hold people in line. Boy, that's different from anything I've seen in the now going into seven years that I've been in this body. We don't have those things here. And I can look around the signs on the desks in this room. Many of them are now vacant for some reason. I'm not sure why it's...what we're doing here is so unimportant to so many of the folks this morning. Maybe there's something else going on or maybe they just want to get outside when it's a little warmer. But there's just so many good people. I don't know many of the freshmen very well, haven't had a whole lot of opportunity to work with them, but even the folks that there's some controversy around, Senator Groene, Senator Friesen on...just looking at their signs, good people. What is it that's gotten into us? What demon has descended upon this body? What force of discipline is saying, you do this, you step outside of this circle and off with your head? What has happened? You know, the rules worked perfectly well. Got a little carried away last year but we got what we needed passed. What was filibustered happened just like what happened to my bill, which was a good bill then and maybe even a slightly better bill this year because we tweaked it a little bit as a result of the discussion. And will probably be back here.

SENATOR LINDSTROM: One minute.

SENATOR SCHUMACHER: What has happened? We can probably get along just fine using the temporary rules for the rest of this year. And we probably will end up passing more, because we start going down this route of animosity, the rate of filibuster is just going to go up dramatically because there's two ways to filibuster. You can filibuster the bill, or you can filibuster getting to the bill, either way works. Folks, whatever has descended upon us is evil and we need to purge it. Thank you.

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

SENATOR HANSEN: Thank you, Mr. President. I rise in support of the Chambers amendment and, if that fails, in opposition to the Larson amendment to Rule 7, Section 10. I thank my colleagues for the conversation this morning. It reminded me of some remarks I wanted to say a few days ago and ended up adjourning before we were in the queue, and they prompted me to rise up again. A few days ago it was said on this floor that this fight over rules was because

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people lost in the first days, and it was losers, I don't remember the exact term so I'm going to paraphrase, but it was losers kind of obstructing, throwing a temper tantrum because they lost. Well, as somebody who did lose on the first day, as somebody who did lose a spot for a Chairmanship, I have to say that's not why I'm addressing the rules. And I have to admit that...and agree with some of my colleagues that Senator Hilgers, who did beat me for Rules Chair, has done an excellent job as Rules Chair by the accounts of Senator Krist, Senator Harr, and Senator Schumacher, people I really respect and worked with him. And as somebody who brought rules in front of the Rules Committee and watched a fair number of the other rules as well, I have to compliment Senator Hilgers on he did handle that in what was his first hearing ever being involved in, and he was running it. And as somebody, you know, who was elected E&R Chair day one, I understand that's a different role, I could expect the different burdens and opportunities and obligations we put on our freshmen. That being said, I am supportive of Senator Chambers' amendment. And I do appreciate that we are having a broader discussion on how committees operate in this Legislature. I think there's some opportunities and I've...to discuss and probably further refine what is best practices and what we want. I know there's definitely the opportunity to give Chairs broad discretion on how they want to hear their hearings and I think that certainly makes some sense. But I mean there's behavior of the committee Chair, there's behavior of committee members, of, frankly, everything from attendance to kind of the tone and tenor of the committee hearings, how we treat constituents, private citizens that come forward, to time limits, to all sorts of different behaviors, including the behaviors a committee Chair can do off the chair, you know, whether or not it's e-mailing people who are involved in the process and involved in their committees through subject jurisdiction. I think that it's something that we, as a body, should have oversight, not necessarily oversight but...well, we do have oversight, but it's something we as a committee, as a Legislature, should make sure we are paying attention to, making sure we're paying attention to the constituent concerns. I think that's a very, very good opportunity to discuss our role of the committee and how we want our main interaction with the public as elected officials to go. You know, I've had committee...I've had citizens, even who weren't constituents of mine, who weren't even necessarily planning on testifying in front of committee, but because they were talking to me or knew they were interested, I've been helping them kind of walk through the procedures, walk through what we want to do. I think that's something we as a body can strive to do well. So that's kind of, I guess, my overall thought here, was, you know, this is an opportunity and it is sparking a discussion that there's been several things that have happened recently. Like I said, e-mails to constituents or people respected by subject matter, the role and behavior of Chairmen in terms of decorum, the opportunity for testimony are all things we probably as a body should discuss. I think this is a good discussion, and I'm thankful for Senator Chambers for bringing this amendment to prompt this discussion, as well as I just really want to reiterate that, you know,...

SENATOR LINDSTROM: One minute.

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SENATOR HANSEN: Thank you, Mr. President. As you all know, my interest in the rules was preexisting anything that happened this session. That's why I asked to be on the Rules Committee. That's why I ran for Rules Chair. This is an interest and a passion of mine. And anybody who knew me on the floor last year knew I was always paying attention. And as one of the losers from day one, I do have to compliment the winner of day one again and compliment Senator Hilgers in his job as Rules Committee Chair. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Hansen. Senator Howard, you're recognized.

SENATOR HOWARD: Thank you, Mr. President. I rise on a little bit of an off-topic issue, but Senator Chambers did bring it up, and that was the issue around the IPP motion on the Kintner bill that we heard in Health and Human Services yesterday. Last Thursday, at the request of the Speaker, the Chairs were requested to IPP Senator Kintner's bills. And last Thursday I raised a question. I thought that's very odd. Are there any cosponsors who would like to pick it up? The only person in the room was Senator Erdman, and Senator Erdman said, oh, well, if I was going to pick it up, I would have picked it up already. (Laugh) And the reason why I remember this is because when Senator Nordquist resigned, there was a bill of his that I wanted to pick up that I was not a sitting cosponsor on, and I was told by the Speaker's Office that I wasn't allowed to pick it up and I couldn't do so. And so the bill was dead. So then last night we heard a reconsideration on that IPP motion, and the bill...the offer was that Senator Murante would pick up the bill. Senator Murante does not serve as a cosponsor on that bill. And so at the time, I didn't know what to do. I didn't know what to say. It was a completely new area for me. And so we ran the vote as though it was normal, and all I could say was, well, I guess it's a new era. The concern is that two years ago if you weren't a cosponsor, you couldn't pick up a bill for somebody who had resigned. Now you can if you want to. And that's not a fair and judicious way of administering the rules and the bills in this body. And so with that, I'll yield my time to Senator Chambers, if he has anything to add. Thank you.

SENATOR LINDSTROM: Senator Chambers, you're yielded 3:12.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. These are very serious issues, and I think the Speaker was wrong. He told that committee to kill the bill. I read the article. Then Julie Schmit-Albin made some protestations in the newspaper about this being a pro-life Legislature, nobody would pick up the bill. Senator Murante, I have yet to hear him stand up and say that when I say he's looking for a higher office that I'm not telling the truth. Senator Murante, trying to get his resume in line, he didn't cosponsor the bill. He could have cosponsored it. There are two brand new people on it. You can sucker new people into doing things. Maybe a beam of light came to them. They may have signed on to the bill as a favor. But it was not something in their portfolio when they came down here, so they wisely did not say

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they would pick up a bill. But then here comes Senator Murante and here come the Speaker getting together in what I call one of the worst examples of abuse of the power of the Speaker, the worst disregard for the leadership position that Senator Murante got to pull something like this. It was a shenanigan. It amounts to somebody being able to introduce a bill after the deadline had passed. There was no bill like LB59 in front of us. So when Senator Murante put his name on it, all of a sudden now the thing is legitimate. And Senator Riepe, for whom I did not vote to be Chair of the Health and Human Services Committee, I didn't think he was capable or as capable as Senator Howard. And I let people know who I was going to vote for.

SENATOR LINDSTROM: One minute.

SENATOR CHAMBERS: So that's where Senator Riepe comes in. Shakespeare had something: The fox, and the duck, and the humble-bee were all at odds, just being three; and then the wolf came out the door and stayed the odds by making four. They needed three to carry this out--the Speaker, Chairman Murante, and Chairman Riepe--and they got together and they did it. But if that bill comes out here, I'm going to have a royal time with it, because it opened two sections in the Criminal Code which are amenable to amendment, and those two sections deal with the subject of abortion, per se. So that's what they did. And if it comes out here, the fact that LB59 refers to those two sections... [LB59]

SENATOR LINDSTROM: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Chambers. Senator Smith, you are recognized.

SENATOR SMITH: Thank you, Mr. President. And Senator Chambers shared with me the article that he was reading from this morning. I had not read it. But, wow, that first paragraph, very disappointing but not surprising at all. And that's very disappointing coming from that editorial board. But Senator Schumacher mentioned food in his remarks and I appreciate his very balanced remarks. And I appreciate Senator Schumacher's involvement on the Revenue Committee. He's been a very stable force on that committee. But I will tell you, Senator Schumacher, I was nonetheless hungry during that hearing. Senator Chambers mentioned earlier, and given what this article is saying and based on some remarks that Senator Chambers made, and I'm not certain he intended it, but if there is any implied connection between the Governor and the way I chose to run my committee, there could be nothing farther from the truth. And the people that have been here for two years or four years or six years, they understand that I'm my own person. And I do...I just do want to make the record straight on that, if that was implied. I hope it was not. But if you want to fault someone for the way a hearing was run, that's the

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committee Chair. That's my responsibility. That's my doing. And with that, I'll yield the remainder of my time to Senator Scheer.

SENATOR LINDSTROM: Senator Scheer, you're yielded 3:15.

SPEAKER SCHEER: Thank you, Mr. President. I just wanted...and thank you, Senator Smith, for the time. Just some clarification here: The bills that Senator Kintner had introduced, the Speaker's Office contacted anyone that had cosigned any of the bills to see if they wanted to be picked up. Anyone that wanted to was allowed to do that. The bill in question, I believe, did not have a cosponsor. And, indeed, the Speaker's Office did request that that bill be killed. I had no involvement other than that in the bill whatsoever. In relationship to Senator Howard's comments that two years ago she was not allowed to pick up one of Senator Nordquist's bill, I'm not exactly sure which bill she may be talking about. But there were a couple bills that were not picked up, but they were not picked up because those that were cosponsors could not determine who was going carry the bill. It had nothing to do with the Speaker's Office; it had to do with those that were cosponsors. As I told you to begin with, I am trying to be as fair as I possibly can. Those bills, I assume, were probably introduced on behalf of someone or some constituent. The fact that the senator had left the body, those bills should not have suffered, those constituents should not have suffered if there were others out there willing to take those bills on. I would do that for anyone, any senator, regardless. I just want to clarify that I personally had nothing to do...the first I knew about Senator Murante picking up the bill was yesterday...or this morning. I'm not exactly sure which one it was. So if there's this conspiracy theory out there that the Speaker's Office was trying to do something covertly, that is absolutely false. Whatever Senator...

SENATOR LINDSTROM: One minute.

SPEAKER SCHEER: ...Murante's reasoning for taking the bill under his name is his. Those comments should be directed to him, not to the Speaker's Office. I'll take credit for the stuff I do, but this wasn't one of them. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Speaker Scheer. Senator Pansing Brooks, you're recognized.

SENATOR PANSING BROOKS: Thank you, Mr. President. Yesterday I had a lot of hope. I heard about different people trying to work out some sort of agreement and something positive, and now there's none. Where we have been a civil body, we've lost all civility. Where is the civility? Where is the leadership? The gang of 27 decided to control the whole Legislature, and I want to remind Nebraskans that those of us who are in the minority have been eviscerated in Chairmanships, we've been slaughtered in committees, and now we're supposed to sit back and

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just say, fine, diminish our minority voices via the rules. Where is the leadership? I'm hearing now about nuclear options. I hear continuing threats, threats! I've had at least five senators come up, even before one of my bills has had a hearing, and threaten: Can't believe you brought this and, you know, we're going to go after that. I'm hearing threats! This is not the body that we've been working in for two years, threats over bills? I have a lot of bills I don't care about, and I don't want to pass, but I've never threatened people. How dare they! How dare anyone come to me and say: We will do whatever we can to stop you. I am advocating for my constituents, whether you like it or not. I will do the work that I think is valuable. If my constituents do not like it, fine. They will vote against me. But until I'm voted out of this body, you must deal with the fact that I have constituents for whom I will advocate and I will not allow our voices to be silenced. How dare you! When is it enough? Who is leading? Where are the leaders in this body? Yeah, I know there are people wandering around with machetes. Great! Good job! Doing a really fine job of leading! Who understands mediation? Senator Hilgers should certainly understand mediation. He's a trained lawyer. He's done a good job in some committees. But who understands it enough to realize that demoralizing members of the body, humiliating members of the body, eviscerating the power and the voice of members of this body so that your side can win, so that you can just roll over us all, there was nothing wrong with how we worked last year and the year before? And for the freshmen to come in and say so is disingenuous and you have no idea what had happened before. You're just listening to a few people who want to wander around with their machetes. I'm tired of this. I'm tired of the lack of leadership. Nebraskans, you need to rise up. You need to say "enough."

SENATOR LINDSTROM: One minute.

SENATOR PANSING BROOKS: Dwight Eisenhower said: You don't lead people by hitting them on the head. That's assault. That's not leadership. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Pansing Brooks. Senator Harr, you're recognized.

SENATOR HARR: Thank you, Mr. President, members of the body. And thank you, Speaker Scheer, for your words. I have always considered you a fair man. I think you put a lot of thought in what you are doing, and I know you care about this institution and this body, and you are looking out for its best interest. And I hope we can continue down that path. I also want to thank Senator Hilgers, Chair Hilgers. I agree, Rules Committee were run very well. There was fair debate, there was interaction, and there was collaboration. That's how you run a committee. I would follow that guy anywhere. I don't necessarily agree with him ideologically, but I agree with how he ran that committee and how he ran the meetings. That was true leadership. He made sure everyone had a voice. He made sure everyone was heard. It was well done. Folks, we are in a collaborative body. We have to learn to work together. We are going to be with each other for a

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long time, and this can be easy or this can be difficult. My wife has commented that, until the last couple weeks, I always loved coming down here, and it's been tough. We aren't paid enough to wake up with knots in our stomach in the middle of the night because of what's going on. We aren't paid enough to give our voices away to a third party so that we can make these sacrifices and let the others have the benefit of our hard work. We were sent down here to represent our constituents, not special interest groups, not political parties; our constituents. That's why we are nonpartisan. That's why what we do is so important. The rest of the country looks to us. You will go to conferences and people will say are you guys really nonpartisan? And they'll look at you with such disbelief, and they can't believe it. And the answer is yes and no. We know everyone's political ideologies, but we address issue by issue, not party by party. The rules are set up to be nonpartisan. The rules are set up that if you have something controversial, you have a heavy burden. It's meant to bring people together. It's meant to be collaborative. Are filibusters abused? You bet. They were a little bit. Is it because we went from eight to six hours on General? I don't know. Or was it about the behavior of the people in the body? Senator Larson had a dry bean bill. He took it almost eight hours, almost four hours, and I'm not sure if he did it on Final. I can't remember. And at the end of the day one person voted against the bill, one. Was that proper behavior? Would changing it from 33 to 30 fix that problem? Under the changes, could we continue to do that? If the problem is we have too many filibusters, ask yourself, how does this stop that? What is the problem we are trying to solve? I have yet to hear what the problem is. We need to work together, folks. And we need to work with the public. They're watching us. And there is nothing worse--I'm going to change subject for a second--than driving 400 miles and getting three minutes and no one asking you questions. People drove that long distance because they wanted to know their voices were heard. They want interaction.

SENATOR LINDSTROM: One minute.

SENATOR HARR: They are not going to be able to get their whole point across in three minutes. I will interact with people who come. I will take pride in the fact that I interact and I ask questions. I take pride in the fact that I say, hey, here's where I am. Let me dig a little deeper. Let me see what you think about this, to see where they really are, to see where we can collaborate together, or to see where we disagree. The fact that I give my opinion is not a bad thing. I can debate with all of you all on the floor, outside. I only get one chance with that person in the chair, that citizen who may or may not have voted for me, who may or may not live in my district. And I want to make sure that their voice is heard, that I understand their argument, that when they walk away they don't say, that person didn't listen or I can't believe they went in a total different direction.

SENATOR LINDSTROM: Time, Senator.

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SENATOR HARR: Thank you.

SENATOR LINDSTROM: Thank you, Senator Harr. Senator Blood, you're recognized.

SENATOR BLOOD: Thank you, Mr. President. I rise today in support of Senator Chambers' amendment because I think dialogue is a good thing, and against Senator Larson's amendment. And I want to tell a story today and the story that I want to tell happened yesterday. In our office, we had a lobbyist who apparently owns a crystal ball, because he let me know that I have a bill that there's going to be a lot of interesting dialogue and amendments once it gets to the floor, one that was handily voted out of committee, by the way. And he sat there with that smirk because he was in a freshman's office and, you know, we don't know what we're doing and apparently we can be bullied. And I want to tell you if you want to fill your e-mail box up, put the word "gun" in any bill, even if it happens to be a taxpayer bill, and you're going to find that you have a lot to read, day after day after day. And I took this to one of the senior senators and I said, I'm appalled! I'm appalled that somebody can come in and bully me or attempt to bully me, which is always, by the way, the wrong way to direct anything to me. And I was told, well, you know, Carol, it's probably not even going to get to the floor for debate because of what's going on right now. And so I said to myself, self, why am I here? I'm here because I was fortunate enough to be voted into office, because I promised my constituents, just as I had done on the Bellevue City Council, that I was going to hit the ground running. And a lot of you teased me, because on the first day that we were able to turn in bills, my bills were ready to go and they were turned in because policy makes me giddy. But it became really obvious really soon that there were labels involved with being a state senator, labels that we're so quick to point out when they offend us, but when we want to get our way out come the labels: we're progressives; we're conservatives. What are we? You know what we are? We're senators! We're Nebraska senators that are here to get a job done. You hear me make the joke all the time I'm on the island of lost toys. I'm apparently not progressive enough for some and not conservative enough for others. But you know what I am? I'm a typical person from District 3 in Sarpy County, and my expectation, as their expectation, is that the Legislature is going to get stuff done. And I don't fault this debate and I don't fault this dialogue. I understand its importance. But I do fault these war of words because they have nothing to do with why we truly are here. I take issue with that. And so I want to echo Senator Schumacher's plea to consider going to temporary rules to get our stuff done. What is the point--and the farmers will appreciate this--of the roosters puffing out their chests, trying to take over the farmyard or the barnyard? What is the purpose? So please, Senators, quit the labeling. I don't care if you're talking about the alleged 27 or the 19 or the progressives or the conservatives. We are a nonpartisan body. Rise above that. You are all intelligent and all have wonderful things that I am learning from every day, even the senators that are very different from me.

SENATOR LINDSTROM: One minute.

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SENATOR BLOOD: But give me the opportunity to truly learn about what this Legislature is about beyond debate, and let's get our stuff done, and let's figure out how we're going to do that, not three weeks from now but now.

SENATOR LINDSTROM: Thank you, Senator Blood. Senator Murante, you're recognized.

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. The issue of LB59 was brought up, and I'd like to give a little bit of the legislative history on how that process has worked and a little bit of background as to why I chose to take it up. First of all, as we all know, every bill that is introduced in this Legislature is provided a public hearing. I think that's very important. LB59 is a bill which is very important to a lot of people and it deserves a public hearing. Admittedly, when I chose to take the bill up, I acknowledged that that bill requires a lot of work. It is not in a form that I would have introduced it, but I'm willing to do that work and I'm willing to have that public hearing. And I can't speak to the experience that Senator Howard conveyed regarding her inability to take up a bill that was introduced by a senator who had resigned. What I can say is that there have been bills in recent history that did not have cosponsors, the introducer of which resigned. After the fact, it was taken up by a different state senator and cosponsored after the senator had resigned. Not only was it not indefinitely postponed but those bills were granted a public hearing, they were heard on General File, they were heard on Select File, they were heard on Final Reading, and they were passed into law. So what happened with LB59 to this point is not unprecedented. It's happened before, and it's happened in very recent history. So that was my goal with LB59. Like I said, the bill needs a lot of work. I'm willing to put that work into it, but it deserves to have its day in Health and Human Services Committee. That's why I did what I did. Thank you, Mr. President. [LB59]

SENATOR LINDSTROM: Thank you, Senator Murante. Senator Kolowski, you are now recognized.

SENATOR KOLOWSKI: Thank you, Mr. President. I also hope we continue to have good dialogue this morning on this issue which is extremely important to all of us. I'll yield the remainder of my time to Senator Chambers, please.

SENATOR LINDSTROM: Senator Chambers, you're yielded 4 minutes, 47 seconds.

SENATOR CHAMBERS: Thank you, Mr. President; thank you, Senator Kolowski, and thank you, Senator Murante. I would like to ask you a question or two if you will yield.

SENATOR LINDSTROM: Senator Murante, would you yield to a question?

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SENATOR MURANTE: Yes.

SENATOR CHAMBERS: Senator Murante, are you...I know...I'm pretty sure you were in the Legislature when the senator resigned and went to work for Senator Brad Ashford. I won't mention his name because I always mix it up, I mispronounce it with a strong conservative, but do you know the one who resigned?

SENATOR MURANTE: The person whose name rhymes with Grover Norquist?

SENATOR CHAMBERS: I'm not going to say...yes.

SENATOR MURANTE: Okay. That person, I believe, was Senator Jeremy Nordquist.

SENATOR CHAMBERS: So there's no "d" in his name; he's Norquist.

SENATOR MURANTE: Grover is "Nor," Jeremy was "Nord"...

SENATOR CHAMBERS: I'll remember...

SENATOR MURANTE: ...sometimes referred to "Nurdy" (phonetic) I understand.

SENATOR CHAMBERS: Thank you. Now I'll mention his name. You were here when Senator Nordquist resigned, correct?

SENATOR MURANTE: I was.

SENATOR CHAMBERS: Are you aware that Senator Mello picked up two of his bills and had not been a co-sponsor of either one?

SENATOR MURANTE: I don't recall the specific legislation, but that's my understanding.

SENATOR CHAMBERS: Are you aware of how he went about having that done?

SENATOR MURANTE: There was a motion to...I believe it was a unanimous consent motion to attach his name to the bill.

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SENATOR CHAMBERS: Yes, and neither of the bills had been killed by a committee, either. So that's all that I was going to ask you if you knew that so when I speak it, it will not catch you all by surprise that I'm going to bring it up. Members of the Legislature, the two situations are not the same. When Senator Mello sought unanimous consent, the Legislature gave him permission to do that. There was an official act by the Legislature without a dissenting vote. Neither bill had been killed. In Senator Murante's case, the bill had been killed pursuant to the directive of the Speaker. Why would I put the Speaker in it? His name was mentioned in the article, and he was saying it made no difference that Senator Murante was not a co-sponsor, and it makes a difference to me. And when I began speaking, I pointed out that what, in effect, Senator Murante was allowed to do was introduce a bill after the cutoff date without the Legislature giving permission. He could have asked, but here's the way I put it, he could have drafted the bill and asked for the Legislature to suspend the rules and let him introduce it. He didn't have to do any of that, because it's a bill that the anti-abortion people want. It went to the HHS Committee because Senator Riepe was the Chair. That bill should have come to the Judiciary Committee. And, in fact, it quotes language from the Criminal Code in the body of the bill. But since that bill has been discussed, I touched on the fact that it opens two sections in the Criminal Code, 28-326, 28-327.01, those sections dealing with abortion are now open for amendment on the floor to try to change what exists right now. So some people are too smart for their own good.

SENATOR LINDSTROM: One minute.

SENATOR CHAMBERS: Had not Julie Schmit-Albin cracked the whip, the bill would have stayed where it should have been, which was in the graveyard. I tried to get you to send the bill where it belonged, which is the Judiciary Committee. So you got your clumping together and sent it to HHS. They wanted it there because Senator Riepe is the Chairperson and they looked at the people on the committee, and look what they got. They got just what they were looking for. They got what they were looking for and what they expected. The bill was revived without any approval from the Legislature, even though the committee killed it pursuant to the directive of the Speaker, they voted to revive it. So it...

SENATOR LINDSTROM: Time, Senator.

SENATOR CHAMBERS: ...if a motion. Oh, thank you, Mr. President.

SENATOR LINDSTROM: Senator Quick, you're recognized.

SENATOR QUICK: Thank you, Mr. President. I'd like to speak on that I support the Senator Chambers' amendment. And then I also wanted to talk a little bit about I...after my election, I received a message from a former senator telling me to listen and learn; and that's what I'm

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doing. I don't think that he expected I would be learning so much this session, but I'm hoping that all of you will listen and learn to what's going on here. And I yield the rest of my time to Senator Chambers.

SENATOR LINDSTROM: Senator Chambers, you're yielded 4:22.

SENATOR CHAMBERS: Thank you, Mr. President; thank you, Senator Quick. The discussion we're having this morning is of consequence. The good thing is that the public is watching. They just cannot see that all those "Repelicans" and the Governor's people are not here. At least one of them is here, he's right behind me, and I don't know if he was assigned to keep an eye on me, but he's a very pleasant person, and we have had a conversation. What I'm dealing with here, though, is the total disregard for our rules, for our traditions, for the standards people have come to expect. You know how I knew about the 27? You know how I knew about the 27? Because one of them came to me and said, Ernie, guess what's going to happen tomorrow. I said, Kintner's coming? We are going to spring some surprises. Twenty-seven of us had a meeting, and just watch what happens. It was too good to be kept. Everybody knows it, so for them to play like it didn't happen shows how disingenuous they are and how wrong they know what they did was. And I also know who...at least one of the people was who told the people in his district he was going to come down here and put me in my place. I sent to all of the new people information about that, where these rookies are told--go down there and get Senator Chambers; and nobody has been able to do it. What did Bob Seger say? Whenever they thought they had him caught, he was a little quicker than they thought. So I sent them a cartoon that Paul Fell had drawn. One was a starling wolf or something, and the other one was a little bitty mouse with a chair. And the wolf was labeled Chambers, the mouse was labeled newbies or something. And the wolf looked down and said--don't tell me, I know who you are, you're a rookie and you've come to put Senator Chambers in his place. So that's what...dumb as they were, they accepted and were stupid enough to say it publicly. Now they can come clean if they want to, but I'm not going to embarrass them on that score. They going to put me in my place. I wish they would. I wish they would try, let me say that. See, crocodiles let little insects crawl around and lick whatever they get out of the crocodile's eyes, but that doesn't mean that the little insect owns the crocodile; the crocodile is extending a boon. So here's what we're looking at today, in my opinion--the utter lack of leadership. The Speaker should have intervened and told Senator Riepe--don't be foolish, don't make a blunder. They don't even communicate with each other. So they go off in all directions. Trump says one thing; Spicer says something different; Kellyanne Conway says something else and throws in a commercial for Ivanka Trump.

SENATOR LINDSTROM: One minute.

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SENATOR CHAMBERS: And they're all going in different directions; then Trump denies it all. Then later on he confirms it. That's what they're doing, they're following the wrong example. This Legislature is the third branch of government. This Legislature, as an institution, is entitled to something better than has been done this year. You all put the wrong people in positions of leadership. I said at the time, competency and experience meant nothing. And you can look at how they're blundering and see that they don't know anything; they won't take the time to inform themselves anything. They've got the numbers and that's what they're basing it on. And the Legislature is in a shambles. And I'm going to keep pointing that out. And it's reconfirmed every day when you listen to what is said and watch what is happening. Thank you, Mr. President.

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

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Occasionally I'll give Senator Chambers some of my time because rarely does when he speak he not leave a very, very important message. And so today I see he's out of time and I will give him five minutes of my time so that he can share with us some of his experience. The guy's got a tremendous burden and he's being really pretty good in focusing his comments on that burden and educating us. So I yield the balance of my time to Senator Chambers.

SENATOR LINDSTROM: Senator Chambers, you're yielded 4:12.

SENATOR CHAMBERS: Thank you, Mr. President; thank you, "Professor" Schumacher. Since various people have mentioned why they came down here, I will say a word or two in that vein. Do you see how all of the Governor's people, practically all of them, are gone? Didn't you hear me say in the opening days that they'll be gone and I'll still be here? I'll still be doing my job. They probably are mooching and sponging off some lobbyist someplace. But here's the point: there's work that we should do in the Legislature. I am generally odd person out. But that doesn't make me run back to my office. I stay up here and fight for what I believe is right. I get voted down constantly. Votes of 46-1 with me being the 1 are not unusual for me. And if there happens to be another vote on my side, that's a bonus, and I figure somebody made a mistake, or they misheard what was being voted on. But I am not going to let the foolishness, the weakness, the venality of others prevent me from doing my job. I will be here. These new senators have taken to absenting themselves from the Chamber, following bad examples, but they're following their leaders who don't know anything and have no respect for the institution. Who speaks about that all the time? What do I need from this Legislature? I could be dead, and if there was no obituary to let people know it, I'd get re-elected, not because the people are unconcerned, but they know that even when they don't see me, I'm working to try to get something done. Then they'll pick up a newspaper mentioning something that a national newspaper had said. I'm going to send some

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articles around to you all from national newspapers, and then challenge any one of you or the collection of you to show me where these kind of articles were written about any of you and what you were doing. They don't even care what you do or what you say because it doesn't amount to a hill of beans. What I say reverberates throughout the country and throughout the world. Yeah, I'm going to give you all some articles of things that I did that had an impact on what was happening in the world. This was the first Legislature in the country to take action against South Africa by banning the investment of public funds and companies doing business in or with South Africa. Then I began to get calls from senators all over the country, and I worked with them. Then guess what? The United States followed suit, yeah, the United States. And I believe Reagan was in office at the time. Which of you can say anything like that?

SENATOR LINDSTROM: One minute.

SENATOR CHAMBERS: You think too small. Little brains think little thoughts. I've been given offers to leave this place and go someplace where I, as people say, would be appreciated. And I reply, that's not what I'm doing what I do for. I'm doing it to vindicate my own existence. I have a destiny to meet, as all of us have, and I don't know what mine is, but I'm going to work toward it by doing what my mind and conscience tells me I should do. I don't expect you all to do like me. You're not made of the same stuff. You're not tough. You're not dedicated. You don't have ethics that come into play when they're under the strongest assault. Oh, you're bold and brave when you've got a lot of company with you. But look at these chairpersons, they run out.

SENATOR LINDSTROM: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Chambers. Senator Erdman, you're now recognized.

SENATOR ERDMAN: Thank you, Mr. President; good morning, Nebraska. I've sat here for 26, 27 days listening to the discussion. Senator Kolowski says it's open and fair discussion and we're having good debate. What we're doing here is we're wasting time; that's exactly what we're doing. On the very first day of the Legislature, the vote was taken. And as Barack Obama once said, elections have consequences. And those elections were held, and people had the free right to vote however they wanted, and they voted as they did. So now we've got to move on, we've got to accept those elections are happening. They've already been done, it's over. My parents taught me there are things you do when you win, you win with dignity and grace; and also when you lose, you pull up your big-boy pants and move on. So it's time for us to quit whining about losing on the first day, or whatever we might be doing, and we put a smoke screen up that we're

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talking about the budget and we're so concerned about congeniality and we're going to get along and we're nonpartisan, and we've always been partisan ever since this body was formed and we always will be. Let's just face it straight up and get on with what we need to do. And Senator Chambers, when you were gone, I told people I was glad you were back. And the reason I told him he was...I was glad he was back is because those years when you were gone, we passed twice as many bills as we do when you are here, so you helped us immensely. So what are we doing here? We are wasting time which is probably a good thing for most Nebraskans because the safest place for you to be is when we're not in session, because we're not spending your money. So I'm not at all happy that we've wasted 27 days. That's what it is. I came here to do whatever we got to do. I've discovered one thing: if we all agree with Senator Chambers, then this body would be in agreement, and I don't understand that. I don't comprehend how he can always be right and the rest of us always be wrong, we're simple minded, no minded, we don't have any opinion at all that counts. The only one that counts is Senator Chambers. And this body wouldn't even exist without Senator Chambers. And the Bible says no man has greater love than this that he lay down his life for his friends. So I've made these comments. Now Senator Chambers can pick on me, and all the rest of you can be forgiven, my children. The point is I'm sick and tired of wasting time. Let's pull the amendments, let's vote, let's see what the vote is, and let's move on. The only people filibustering and talking about all this garbage we've been talking about are the people on the other side. So what happened on the first day is somebody figured out how they can use the secret vote to the way they've been using it all of the years before. And so when you beat them at their game, then they're totally upset, and that's exactly what happened. Perhaps if you had open vote that day, you wouldn't have what you have now. So that is what happened; it's over, it's done with. Let's move on. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Erdman. Senator Krist, you're now recognized.

SENATOR KRIST: Thank you, Mr. President. You know, the wonderful thing about my vantage point back here, my seat, is I can see most things going on; and, Senator Erdman, you just turned on about ten lights. There you go. If that was your goal and objective, you succeeded. I'm going to stand up here and talk about something else today. When and if you get a bill that comes to the floor, and when and if you freshmen get it passed and it becomes part of law for better or for worse, Senator Erdman, thinks most, I guess, is for the worse, but when you succeed, there's something you need to do. You need to follow through to make sure that the bill that you passed, that the law that is changed is, indeed, enforced or is taken seriously by those people that should be taking action. I'm speaking today about one of my bills, LB19. It was passed...the actual ledger says that it went to Final Reading on the 29th of February, 2016. So it was on Final Reading and presented on the 29th of February, 2016. It was approved, meaning it was signed into law by the Governor of the state of Nebraska on March 3, 2016. Usually if there are any compliance issues in terms of setting up new processes or having hearings or doing whatever needed to be taken to put it in place, that should be done in an orderly manner. That orderly

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manner, for this bill, would be identified under Title 179, Chapter 20, LB19, 2015 is the actual date of the bill as it was first presented, and then I said passed in '16. Under Title 179, now here's where it comes...is incumbent upon you to follow through with what's happening. I put this bill in place on behalf of the laboratories around the state. Some of these laboratories are in your districts. But the state of Nebraska lab was not allowing them to conduct water samples except in certain, small categories. Yet the state was going out and buying its product from other states surrounding us. This was small business at its best. This was trying to put our laboratories to work. Now, the state laboratory came in in opposition to this bill. So when they started Title 179, and they started in Stage 1, Identification--they had to identify the problem that we were solving. I think we did that in public hearing, but I won't judge that. Stage 2, Authorization--not sure what that is, but that's part of their process. Stage 3, Preliminary Steps--and I'm noted here, asterisk, still in progress. Stage 4, Drafting--they tell me that that's complete. Stage 5, Legal Review; Stage 6, Governor's Policy Research Office--GPRO would have to then review the legal opinion. Stage 7, Public Hearing and Comment Period; Stage 8, Adoption; Stage 9, Attorney General; Stage 10, Governor--I assume that means it goes back to the Governor for his signature again, even though the law was signed into law. Stage 11, Secretary of State; Stage 12 Effective Date; guess what? It's still in stage whatever. So when you think you're successful and you think a bill has been passed, one of your responsibilities, and I've said this over and over on the mike, we legislate, we appropriate,...

SENATOR LINDSTROM: One minute.

SENATOR KRIST: ...and we apply oversight. One of your individual responsibilities in following through with something that's very important to you, like clean water is to me, and small business growth is to me, is to follow through on those bills. Does this have anything to do with Larson's bill? No, but I think I've said about everything I can on Larson's bill. I just thought, as a matter of record, we should put into the record that the follow-up, besides getting something here to the floor and debating it and passing it, the follow up, the oversight of that function is all important, very important. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Krist. (Visitors introduced.) Senator Quick, you are now recognized.

SENATOR QUICK: Thank you, Mr. President. I gladly yield my time to Senator Chambers.

SENATOR LINDSTROM: Senator Chambers, you're yielded 4:52.

SENATOR CHAMBERS: Thank you, Mr. President; thank you, Senator Quick. Members of the Legislature, I make everybody talk eventually. Senator Erdman couldn't sit still any longer. I'm

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going to make him talk more, because he has things he can contribute. He made the wisest statement that was made on the floor so far this morning when he said how good it was that Senator Chambers came back to the Legislature. There still were 49 people here, but a lot of bad bills were passing. And, ironically, adding to what Senator Erdman said, former Governor Heineman expressed in the newspaper that he was so glad that I was coming back to the Legislature. He said they're going to have to read the bills, and he and I had a talk, he said there won't be so much bad stuff coming to my desk. There was a person who was a former Attorney General who also welcomed me back, and he said with the kind of trash they've been passing, and we have to defend it, at least we won't get that. I know what it is that I do. I'm not going to pretend to be humble, act like most black men have to say, well, you know, thank God for it. Joe Louis had the hardest punch of anybody his size up to that time. You know what his manager told him? He said, Joe Louis, it was a time when the...worse racism than now because it was more overt. He says you are going to whip all these white guys, you're going to knock out most of them, but never, ever show any elation, never ever show any emotion ever, because that will be your downfall. You can whip them to a pulp if you stay humble. So you know what Joe Louis's slogan was and made people think that he was dense? They would be interviewing him, and he would get that what they call deadpan look on his face, that look of a black man whose got to play a role for these white people. And you know what he would say? And I was a little boy in those days. "Just another lucky night." Lucky? And in those days they had occasionally something on television, but Joe Louis was a craftsman. He was a master of what he did, virtuoso. But that's what he had to say. And people thought that he was as dense as that made him sound. But if you read about Joe Louis, you'll say how could a man so intelligent utter so few words, when words of the kind he's writing and speaking now would have advanced the cause of black people to such an extent? That's what a lot of us have to do. I don't say--just another lucky...I don't have luck. If I have it, I make it. And I don't bite my tongue and take low, and I like people to stand up and address their comments to me like Senator Erdman did. (Laugh) It has much impression on me when it's critical and in error as the sweat of an gnat has on the rock of Gibraltar. And the rock of Gibraltar stands, and every gnat that ever lived no longer lives. He is...this frustrated 27 days into the session; how frustrated is he going to be when there are only 27 days left? I've been here. I've gone down this road for 42 years. These new people think they can show me something? They can tell me something? They can outsmart me? There are a lot smarter people than all those who are in here now who couldn't do anything with me.

SENATOR LINDSTROM: One minute.

SENATOR CHAMBERS: But my direction was never mistaken by anybody who listened. Let the Legislature do what it has the power to do, talk forever, and I don't mind that. But then the things we talk about, the things we acknowledge as being problems facing the public, we can go beyond the talk and do something about it. I am so offended with this Legislature because we

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have the power to do so much good and we won't do it. Your Jesus said, he who knew his master's will and did it not was beaten with many stripes; he who knew not his master's will and didn't do it shall be beaten with few. Those who know and won't do need a tongue lashing. And what is that to you? It doesn't take you from eating with the lobbyists or do whatever you want to do. It's just words. Blowing in the wind...

SENATOR LINDSTROM: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Chambers. Senator McCollister, you are now recognized.

SENATOR MCCOLLISTER: Thank you, Mr. President; good morning, colleagues. We can all benefit from the sayings from the good book, from Psalm 118, This is the day the Lord has made, let us rejoice and be glad in it. My goodness, here it is February 10, it's 55, 60 degrees outside, the sun is shining, what a beautiful day. In fact, it would be a good day to work out a compromise on this dispute that we're currently in. I offered a commonsense compromise. Let's use temporary rules for 30 days. Let's do some business, conduct some business, establish a good working relationship and then take up this rules debate after 30 days. When I mentioned that to Senator Murante again, he said no, John, time isn't ripe, we need a deadline in order to effect some kind of compromise. A deadline is not upon us, so I guess we wait and waste another day. That is unfortunate. I yield the balance of my time to Senator Chambers.

SENATOR LINDSTROM: Senator Chambers, you are yielded 3:50.

SENATOR CHAMBERS: Thank you, Mr. President; thank you Senator McCollister. Very wise in what you said, but you're learning, too, what you're dealing with. I'm like the utility player. The utility player plays every position on the field. I'm always ready to talk when we're talking about things that pertain to the Legislature as an institution. But if you all are up here talking about nonsensical things, as I view them, I'll let you all have the field and do with it what you will. But now I'm going to be an active player and participant, because what we do in terms of building a foundation will determine what the super structure is going to be as we move through the session. But you all don't learn. You've listened to people who have beguiled you. You are bewitched, bebothered, and bewildered. There was a comic strip called Pogo, a little opossum who lived in the Okefenokee Swamp or somewhere, and he was famous for making statements. One of them he made that a lot of people in college campuses quoted--we has...his grammar was poor...we has met the enemy and he is us. That's what's happening. And you think anything that can be presented is a surprise to me? Your predecessors have tried every imaginable way to

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ensnare me. But they're operating on the grade school level and I'm at the postdoctoral level. So I watch them and I smile. Although many of them are absent, you all have heard me refer to you as all of my children. Parents who are understanding of children know that they are not going to know as much today as they will know ten years from now. But if they know no more ten years from now than they know today, than something is wrong. You all have had enough days down here to get an idea of what is going on and who the players are and what their goals and intentions are. I have bills that mean something to me or I wouldn't have offered them. But I have priorities also and a priority that's higher than any bill that I have is the integrity of this body as an institution. If I take a lot of time to make my precision tools...

SENATOR LINDSTROM: One minute.

SENATOR CHAMBERS: ...while other people are using slap-dash thrown together things, they're getting more output, but the quality is not there. When I get my ruler, you all call it a ruler, I get my ruler straight, I can draw a straight line every time I lay it down and put my pencil along it. You got a crooked ruler. You'll never draw a straight line. You'll draw a lot of crooked lines. You will never have the quality in which you produce because that with which you produce it is flawed. Sometimes you need highly developed tools to make tools with. Your brain is a tool for making tools. The tool is going to be no better than the work generated by your brain. All this brain power going to waste.

SENATOR LINDSTROM: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Chambers. Senator Morfeld, you are recognized.

SENATOR MORFELD: Thank you, Mr. President. I rise in support of the Chambers' amendment and I also rise in support of giving us a little bit of time to work together and see if these changes are actually really needed for the reasons that the proponents have suggested. Would Senator Murante yield to a question?

SENATOR LINDSTROM: Senator Murante, would you yield?

SENATOR MURANTE: Yes.

SENATOR MORFELD: Senator Murante, do you support the underlying Larson amendment that was adopted a few days ago?

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SENATOR MURANTE: Yes.

SENATOR MORFELD: Thank you. And one more question, actually. Why do you support the underlying amendment that was adopted under the Larson amendment?

SENATOR MURANTE: I think that...I think there are a lot of good reasons for it, but among them is that it maintains the current amount of opposition to a bill while I believe hopefully the intended purpose is to allow us to vote up or down on more legislation this year.

SENATOR MORFELD: So it maintains a certain amount of opposition necessary to a bill, but does reduce the amount of a cloture vote from 33 to 30, correct?

SENATOR MURANTE: Okay. The proposal, as I understand it, reduced the number of green votes necessary to invoke cloture from 33 to 30, but stated that if 17 members vote no, that cloture would not be invoked.

SENATOR MORFELD: Correct. But it does reduce from 33 to 30. I want to...

SENATOR MURANTE: Right, it does both, yes.

SENATOR MORFELD: It does both. And what do you think is the benefit or the purpose of reducing from 33 to 30? What's the policy reason behind doing that that you think compels us to do that?

SENATOR MURANTE: I think that it respects the right of...it does two things, it respects the right of any member of this Legislature or members of this Legislature to proceed with extended debate if they so choose, and it also...the hope, anyway, whether it is effective or not, we can only find out in the future, is to allow more up or down votes on pieces of legislation.

SENATOR MORFELD: And what do you think is the...what is the genesis of this type of rule change? Something happened last session or the session before that led to this?

SENATOR MURANTE: There certainly has been an increase in filibusters over the years. There were plenty of articles prior to this session commencing which stated that the previous records would be shattered, so I think the foundation was there.

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SENATOR MORFELD: So, essentially, what you're saying is that the fear is that we're going to continue to have filibusters and continue to have this problem moving forward?

SENATOR MURANTE: I hope not. As a person who very seldom participates in filibusters, I've done it before, I believe every member, other than the freshmen, have voted no on a cloture motion in their legislative careers, but that's the hope anyway.

SENATOR MORFELD: Thank you, Senator. And a few more questions: How many new members do we have in this body this session?

SENATOR MURANTE: Seventeen, maybe 18, with Senator Clements.

SENATOR MORFELD: So there is a lot of new members in the Legislature.

SENATOR MURANTE: Correct, um-hum.

SENATOR MORFELD: Don't you think that it may be a good idea to allow the members to see how we work together first before we start changing the rules given that almost half of the body is new?

SENATOR MURANTE: The problem with that, I am...as a person who has always operated under the assumption, and I think our relationship dealing with election bills which can tend to get partisan and can get contentious, but yet somehow we have found a way to get all of those on the omnibus election bill since you've been in this Legislature passed and signed by the Governor, that is always the stated goal. The challenge right now is what's the best way to do that. And that's where we're at.

SENATOR LINDSTROM: One minute.

SENATOR MORFELD: Senator Murante, given that, we have all these new members, the fear is that everything is going to get filibustered. Would you be opposed to taking a month, adopting the temporary rules, and seeing how the body actually operates...

SENATOR MURANTE: I think a month...

SENATOR MORFELD: ...before changing the rules?

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SENATOR MURANTE: Sure. I think a month is perhaps too long. But I'm not opposed to the concept of sort of taking it piecemeal and seeing how we operate going forward. That's something that's been discussed and I think it has some merit to it.

SENATOR MORFELD: Thank you, Senator Murante. Colleagues, if the fear is that every bill is going to get filibustered and that we will not be able to get the business done of the people, I would suggest that we take a month and try to work together and see how it actually works out. And at the end of the month we still have the issues and the fears and they're prevalent, then we sit down and we have a come to Jesus and we see if we have to make changes to the rules.

SENATOR LINDSTROM: Time, Senator.

SENATOR MORFELD: Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Morfeld and Murante. Senator Hansen, you are now recognized.

SENATOR HANSEN: Thank you, Mr. President. I just...thank you, Mr. President, thank you colleagues. Again, I rise in support of the Chambers' amendment and if that fails to be adopted, the underlying opposition to Larson's AM to Rule 7, Section 10. I, as Senator Krist, mentioned was one of maybe the ten lights that clicked on during Senator Erdman's speech. I couldn't help but notice that Senator Erdman seemed to have come at similar to mine in the opposite direction. This is not a reaction to day one. This is a reaction to Senator Larson's proposal. Maybe that's corresponded with day one. Maybe he had some indication day one, maybe there was some preplanning tying it in to day one. But I can accept a loss and move on and was fully prepared to do so and have done so with my colleagues have done so in committee hearings. Just last night, I was talking with somebody and they asked how the Legislature was going. I was commenting on how productive and collegial and interesting our committee hearings are going as compared to...or at least in my three committees, as opposed to, kind of, the difficulties we're having in adopting the permanent rules. I think that's a good sign. I think that's a good sign that...you know, I know I complimented Senator Hilgers on the microphone, but I also have to compliment Senator Albrecht, Senator Wayne, and Senator Ebke, my three committee chairs for doing a very good job this session. I've actually had the opportunity to present bills in front of all three committees, so I've experienced that as both a committee member and a bill introducer and I'm very appreciative of all the kind of thoughtful hard work they do as committee chairs. And so I'm willing to recognize that a decision was made. We can move on and I am very much attempting to do so. That does not change my opposition to the Larson amendment in any way, shape, or form. I've gone time and time and time again on why I think cloture....changes to the cloture is a bad idea for the Legislature, for the institution, for the history. I've tried to explain why I think

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some of the number of filibusters last year were overblown in terms of we had some almost filibusters, we had accidental filibusters, we had some filibusters that were, basically, based on confusion. And I think one was because we divided the question on a giant, giant bill. There has been all sort of different things that have happened. And there are opportunities to fix that outside of the rules. I mean, Speaker Scheer, as we know, has quite broad authority to...on scheduling if he...if filibusters are a concern, we can prioritize and change one likely filibustered bill will be heard; or if a bill skates by on General File, he can hold it off General File for a little bit to demand a compromise. There are options outside of changing the cloture rules. There are options to us outside of doing so. And I think it's kind of funny in the sense of if we do change the rules, we will have the opportunity to change on both sides. Every member that's supporting the change to the Larson rules is...I would feel pretty comfortable in this, is going to, under those rules, probably lose a fight they would have won otherwise. And that's the difficulty in trade-offs they will have to go. The only other thing I have to add is...and I just take it out...and I know I rose addressing Senator Erdman's comments. Senator Erdman commented that people were upset that someone found a way to use the secret ballot to organize.

SENATOR LINDSTROM: One minute.

SENATOR HANSEN: He was upset that...he was claiming people were upset that someone found a way to use the secret ballot to organize. I thought that had been denied over and over and over again on this floor that there was any sort of connection between all committee chairs; they were all independent elections. Apparently, I recognized that Senator Erdman, maybe he doesn't have firsthand knowledge of that, maybe that's a guess, but I do think that's interesting that that was noted. So with that, I still rise in support of the Chambers' amendment and in opposition to the Larson AM and Rule 7, Section 10. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Hansen. And that was your third time. Senator Pansing Brooks, you are now recognized.

SENATOR PANSING BROOKS: Thank you, Mr. President. Well, I was one of the people that did push the button as I heard Senator Erdman talking. And I know it's a colloquialism, but I do rise every day as a strong, powerful woman. I don't put on any kind of big boy pants; just want to point that little part out. And I think there are many others who do that with me. Again, Senator Erdman, would you take a question, please?

SENATOR LINDSTROM: Senator Erdman, would you yield to a question?

SENATOR ERDMAN: Yes, I would.

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SENATOR PANSING BROOKS: Thank you, Senator Erdman. I was just...when you were talking, you said if everybody would pull all the amendments and just go forward and vote, that that would be good, right?

SENATOR ERDMAN: Yes, I said that.

SENATOR PANSING BROOKS: Okay. Well, I totally agree. I just want you all to know that I did listen and so you're talking about all the amendments, including Senator Larson's amendment, is that correct?

SENATOR ERDMAN: I'm talking these there right now.

SENATOR PANSING BROOKS: Pardon me.

SENATOR ERDMAN: I'm talking to Senator Chambers' amendments.

SENATOR PANSING BROOKS: Oh. But you said if we pulled all the amendments, that we could vote. And I'm totally backing up what you're saying, Senator Erdman.

SENATOR ERDMAN: Well, I'm glad you asked for clarification, so I'm clarifying it for you. I am not in favor of the Chambers' amendment and that's the one I was intending to say.

SENATOR PANSING BROOKS: Okay.

SENATOR ERDMAN: So if you misinterpreted, I'm very sorry.

SENATOR PANSING BROOKS: Well, I think that when somebody says pull all the amendments and vote, that means pull all the amendments and vote. So I just want you to know I was listening. I am in complete agreement with his first statement of pulling all the amendments and voting, but I am not in agreement with the idea that we come in and...I'm totally accepting the results of the election. Everybody was fearful of the results of our election. And then because they said it's going to be so one sided and it was truly amazing. We were able to work together in so many wonderful ways. And we have that same kind of camaraderie and ability to communicate going on. I'm done, thank you, Senator Erdman.

SENATOR ERDMAN: Thank you.

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SENATOR PANSING BROOKS: We have that same kind of collegiality going on at the committee level and we have all sorts of wonderful things going on. But to say that just accept the election, accept being eviscerated at the committee chair level, then at the committee level, and now at the rule level, we're supposed to just roll over. And in fact, I keep hearing about rewriting different rules and, you know, maybe we should just elect an emperor. We can elect... (laugh) Senator Chambers is up for nominations and I presume...oh, Senator Murante wants it. Good. So we can just have a complete dictatorship and people can just tell us how we're all supposed to vote. How we're supposed to think and...or not think, and we can move forward on this. Again, we have to be good at listening and careful about what we say. I would like to second Senator Erdman's comments from previously to pull all the amendments, but now he's waffling. So again, these are important discussions, Nebraska. I know that the rules doesn't deal with all the important things that you've elected us to come and do here, but if the minority voters are having their rights trampled, then we will stand up and continue to fight for those rights. Thank you, Mr. President. How much time do I have left?

SENATOR LINDSTROM: Senator, you have 1:17.

SENATOR PANSING BROOKS: Okay, I give it to Senator Chambers. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you. Senator Chambers, you're yielded 1:12.

SENATOR CHAMBERS: Thank you, Mr. President; thank you, Senator Pansing Brooks. See the collegiality here? We always smile at each other. We like each other.

SENATOR LINDSTROM: One minute.

SENATOR CHAMBERS: I even take one liberty with her I do not take with anybody else. I refer to her in public as my goddaughter in whom I am well pleased. That I mean. That could be the same for all of you. I just had a little conversation with Senator Murante, and if somebody yields me time because I can't tell you what all it pertains to right now, it might be something everybody will like and maybe they won't like it at all. But thank you at this time.

SENATOR LINDSTROM: Thank you, Senators Erdman and Pansing Brooks and Chambers. Senator Harr, you are now recognized and this is your third time.

SENATOR HARR: Thank you, Mr. President. So thank you, Senator Erdman, for getting up and getting my dander up a little because I have some amendments that I want to have heard. They

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were brought before the Rules Committee, similar to Senator Larson's amendment, and they have yet to be heard on the floor. I hope they get a chance to be heard on the floor. If Senator Larson can bring an amendment that was rejected in Rules Committee, I hope I'm afforded that same opportunity. Equality before the law, that's what it says on our flag. I guess we're going to find out next week whether that's true or not; whether my amendments that were heard in Rules Committee, and ultimately rejected, can be heard on the floor. I sure hope they are. I want to thank Debbie Smith up in Transcribers. I asked her on LB337, how much time was afforded to all the parties? Here is the response we got. Senator Smith took ten minutes on his opening. Opponents (sic-proponents) received an hour, 30 (minutes); opponents received 40 minutes. And mind you, one of those opponents came up after the neutral testimony and just took the seat. Now, to his credit, Senator Smith let him take it. But that tells you the difference, folks. Is that how we want to be as a body? And I want to applaud Senator Smith for taking responsibility for his actions on that. But let me ask you, and it was his choice and his choice alone, is that the kind of body we want to be where we stifle those voices we don't like, whether it's on this amendment here or in committees downstairs. Or do we want to say everyone should be afforded a voice and that we respect those voices and that we move to the middle. We find a way together. You lose, I win. That's not how we should be. It should be you win, I win. A little compromise goes a long ways. That's what I'm looking for here, folks. That's what this amendment is really about is, do we want to incentivize ourselves to work and collaborate with each other or do we want to incentivize ourselves to look past each other and make decisions without talking? Sometimes those on the other side have good ideas. Senator Brasch has a cap rate bill, income basis on property taxes. I don't think it's a bad bill. It needs some work. I'm willing to work with her; holy smokes, are you really? Yeah, I am. Because that's what we do, folks. We were sent down here to work with each other. We were not sent down here to hurl insults at each other. I wonder if Senator Erdman would have been better use of his time to say, I wish we had moved the rules a week ago before Senator Larson's amendment got on there. That would have been nice, because then it would have said, hey, I honored what the Rules Committee said and what came out of there. But now that my amendment that I wanted got on there, let's move on.

SENATOR LINDSTROM: One minute.

SENATOR HARR: I don't want to debate any other amendments. Folks, we're going to have a debate. Debating is good. I don't know, again, what you're so afraid of, to talk about. But I can't have a monologue. I look around this room and there are a number of seats empty. I don't know if you're listening. I hope people are back in their offices listening. But we need to have dialogue. I can get up on the mike and talk. But unless people like Senator Howard up there who has diligently listened, Senator Lowe has been a diligent listener. Senator Briese has been a diligent listener. But I'd like to be able to have a that inner...a little dialogue between us to find out where we do agree, and maybe we can find a way together. But building walls, that's just for Mexico.

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SENATOR LINDSTROM: Time, Senator. Thank you, Senator Harr. Senator Quick, you're now recognized and this is your third time.

SENATOR QUICK: Thank you, Mr. President. I yield my time to Senator Chambers.

SENATOR LINDSTROM: Senator Chambers, you're yielded 4:56.

SENATOR CHAMBERS: Thank you, Mr. President; thank you, Senator Quick. Members of the Legislature, I always...not always, but I often will go to the scriptures because that's what you all profess to have some respect for. There was a fellow named Saul and he got the stew knocked out of him on the road to Damascus and he had a vision, he said. But in those days, people would have taken what he described as a vision as a symptom of LSD. He saw images; he heard voices, and he got up from there and was never the same. He changed his name from Paul to Saul and he became what you all call a Christian; although, he didn't call himself that. And they say he was the greatest apostle. I call him imposter Paul because he was one of the most arrogant, self-centered, boastful people you can find in the "Bible." At one point he said, I could be like other men, I could boast, but I won't. I could say I sat at the feet of Gameleo, the top rabbi of the day. I could say I was a pharisee among the pharisees. And by the time he got through, he boasted about all the things he wouldn't boast about, but he managed to boast. But here is why I'm mentioning that individual. He had a good mind, a sharp mind, but it led him to a very unpleasant end. While we are talking on the floor, some people say it's a waste of time. It's not a waste of time for us now. The time wasted was what Senator Larson did; and you see he's gone now. I stayed and sat through his boring, repetitious, empty words, and engaged him. Now that the spoiled one is not getting his way, where is he? His seat is empty and it's been empty. That's the kind of people you have put in positions of leadership. And I'm not supposed to take note of it? I'm not supposed to talk about it? No, you're not supposed to talk about it because you were trained. I was not. I had a hard life. Hard life makes a hard man. And I'm not going to soften up when I come here. You know what they were saying about the Korean War and these people who were being brainwashed, and to some extent, even in the Vietnam War, you know the ones who resisted it the most? The black man and the poor white ones who came from hard scrabble backgrounds. You know why? Because they didn't look to be treated fairly. When they were in trouble, they didn't look for anybody to bail them out. If a law said all people get this, they didn't expect to get that. So if the only thing they had to bother about is somebody asking them the same question over and over, that was nothing. That was nothing. Some guy named Booker, they put his head in a bucket of water, he cracked right away. But the people who had a hard life in America withstood the so-called brainwashing. So don't look for me who walk the path I walked to act like you. If I never had a shoe on my foot, I might could walk on hot coals and not feel the heat.

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SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: But you, who had silk slippers and the ladies who wore Cinderella shoes, a change in the weather might be more unpleasant than you can bear. So when you have diversity, you have the opportunity to learn that your way is not the only way, and that some of the things you miss out on having your easy life will keep you from doing the things that you do now that life has become a bit more controversial and challenging. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senators Quick and Chambers. Senator Bolz, you're recognized.

SENATOR BOLZ: Thank you, Mr. President. Will Senator Chambers yield to a question?

SPEAKER SCHEER: Senator Chambers, will you please yield?

SENATOR CHAMBERS: Happily.

SENATOR BOLZ: Senator Chambers, how many years have you served in this body?

SENATOR CHAMBERS: Forty-two, but it seems like a few more.

SENATOR BOLZ: (Laugh) Senator Chambers, this is not the first time that you've had to deal with controversy in this legislative body, is that right?

SENATOR CHAMBERS: No. This is my regular fair.

SENATOR BOLZ: (Laugh) I am curious, based on your historical experience, what are the strategies that previous bodies have used to resolve controversial issues that are taking a long time in resolving? What have people done? What are the tools in our tool box? What can we learn from history about how to go forward?

SENATOR CHAMBERS: Senator Erdman mentioned it, capitulate to me. Really. And there were Rules Chairs who got upset and angry and they said, the only reason you're giving in is because of Senator Chambers, because they knew I wasn't going to quit. But there were things they wanted to do and they got tired and I only got stronger. And if you check the record, I'm not

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going to say in every case, but in many cases, and sometimes the wrap-up articles and editorials might say, and in fact, Jim Cunningham, who's representing the Catholic Conference said that Senator Chambers, who started the session under the threat of the nuclear option, ended the session being the gatekeeper. They couldn't stop me, because I use my mind; and at some point practically every senator came to me for assistance in what he or she was trying to do and I assisted.

SENATOR BOLZ: Senator Chambers, when it has been an issue not related to the rules, when it has been a policy issue that the body has kind of come to an impasse on, what are the things that you and other senators have done in the past to try to resolve a difficult policy issue?

SENATOR CHAMBERS: If it was a genuinely serious issue that affected the institution, we would all talk about it and we would first see all of the things in it that we agreed on. And when we agreed on those, then we'd look at what was left and see how much of it they were willing to sacrifice to me. I was really...I was the wild card that both sides would use and they would use me to threaten the other side with if I was on their side. When they were asked a question, who would you most want on your side, it was Chambers. Who would you least want to be against you? It was Chambers, because they know that I am what I am. I'm not a fool. I pay attention to the rules. I genuinely want to see the Legislature do what it can do. And they finally recognize that.

SENATOR BOLZ: Senator Chambers, I should have predicted your analysis given that you're wearing royal purple this morning.

SENATOR CHAMBERS: In my modesty.

SENATOR BOLZ: Colleagues, my only point is that there are ways to resolve issues and we are not the first body that has had to face some of these challenges. And I think the more that we talk, the more that we work, the more that we look to history and look to the way that our colleagues in the past have faced difficult challenges and found resolution, the better we are in terms of moving forward this session. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers and Senator Bolz. Senator Morfeld, you're recognized and this is your third time at the mike.

SENATOR MORFELD: Thank you, Mr. Speaker. I yield my time to Senator Chambers.

SPEAKER SCHEER: Senator Chambers, 4:55.

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SENATOR CHAMBERS: Thank you, Senator Morfeld. Let me tell you all something that all of the white people in Nebraska couldn't wait to see happen. I came down here with a reputation white people gave me as a militant, a fiery, black militant...a black militant fire brand, that's what I was. Terry Carpenter was down here. He had instituted a reign of terror. People couldn't wait to see Terry Carpenter and Ernie Chambers clash. Well, here's what they didn't reckon on. Senator Carpenter was in intelligent. I'm intelligent. Senator Carpenter and I formed a coalition almost immediately, almost immediately. And there were rare issues which could get done if Senator Carpenter and I were against them, or that did not get done if Senator Carpenter and I were in favor of it. Iron sharpens iron. We knew there were things we would disagree on and we just disagreed. But it didn't go deep enough to prevent us from working with each other. I don't go to funerals. Terry Carpenter wanted me to be his pallbearer. When he was in his very last days, I visited him. I don't visit people for a death watch. His family wanted me to be a pallbearer. So the feeling that I had toward Terry Carpenter went beyond the time that he was walking, talking and breathing on this earth. The last act I could perform to show all these people...Terry had his haters, too. What existed between two men who genuinely respected each other was me to show that respect at a point where he would be totally unaware of it. I don't believe when you're dead you know anything. But he had living relatives and they knew and they wanted me there and I went. So if two unlikely people such as Terry, who was much older than I, and I, who is supposed to be diametrically opposed to everything Terry stood for, can come together and work together, why can't it be done here among all of you? You all are the same, and you can't get along. I'll be the villain because it takes somebody strong enough to be the lightning rod. But for the sake of the institution, I will be that. I'm not going to run off like Senator Larson, because I'm not doing it for a show. I'm willing to give the time and expend the energy to try to get us to a point where we have some mental equilibrium and recognize again, or for the first time, what the Legislature is and what we ought to be doing and to try to put these rules on to shackle a certain element of the Legislature. We'll be successful on them. But the one who is the real problem, which is me, will not be shackled. Why will you hurt those who cannot hurt you while not being able to do anything to mitigate the one who can derail the train? That makes no sense. That's why I say you're bullies. You pick those who are unoffending, who are willing to work with you, who stand up time after time after time, day after day after day and try to reason with you, and I know there is no reasoning with you. So I'll give you tongue lashing, I'm lambaste you and I will challenge you.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: So that you can do your worst when it comes to me, or your best, as you call it, and then at the end of the session I'll say, what did it do for you? All you did was made enemies among your own brothers and sisters and you didn't stop me. That's a foolish set of circumstances to be allowed to come into play, and I'm trying to tell you about it before it happens. And you don't listen. So you got to have your head thumped and bumped. I feel sorry

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for my goddaughter. Every time she stands up, it makes me think about that expression, hope springs eternal in the human breast. With some people that's it, hope springs eternal. Hoping against hope, hoping where there is no hope, but yet willing to hope in spite of all. That's Senator Pansing Brooks; that ain't me. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Morfeld and Senator Chambers. Senator Krist, you're recognized.

SENATOR KRIST: Thank you, Mr. President. We're going to come to the end of our week and we're going to be able to go home and collect our thoughts, maybe even talk to colleagues and see if there is any compromise involved. I do recognize the fact and I'd like to review for anybody who is listening, that there has been a motion put on the table, if you will, that we take 30 days. We get some of these bills, these wonderful bills out of committees and we discuss them and see how we go. I don't think it's taking away a timetable. I think it's just being able to use the rules and potentially have Senator Clements actually experience what it is to debate a real bill on the floor and potentially use the rules that are available to him so he understands it, because I know the rest of you freshmen understand it perfectly. That's a little sarcasm there. But a chance for us all to experience it. But I would like to review a few things that have been said this week before we go home so you can digest what's been said. Earlier in the week, Senator Larson begged us, in the most pitiful way, but begged us to allow him to amend his rule, take it to a vote--please let me take it to a vote. Well, what do we do? Oh, and by the way, he said, I won't whine, I won't throw a tantrum, I won't do any of that; let's take it to a vote. I'll get the real transcripts and we'll start with that next week if we're at the same place. I won't whine, I won't throw a tantrum. I'm paraphrasing now, I will quote on Monday. Well, what happened? We took the vote. And what did Senator Larson do? He whined and he threw a tantrum and he did a...we had to take the vote all over again; and in the meantime, Senator Murante and others went around and collected the votes they needed: Senator Ebke flipped, the Speaker flipped, which I had never expected to happen having a conversations I did with him. And here we are again on the opposite side of that. So be careful what you listen to and the promises that you take. At the same time earlier this week, Senator Murante asked Senator Bolz very specifically, what are you going to do for me today to prove that you're serious about going forward and not filibustering? And Senator Bolz, as eloquently as she could, as composed as she always is, simply said, I will continue to sponsor, sign on to other bills, work with other people, do what I can to get good legislation passed. If Senator McDonnell were here, I would ask him...I won't put him on the mike, but I would...he is here, I'm sorry, I don't want to put you on the mike or put you on the spot because I didn't talk to you about it. But you and I have had several conversations, oh, what the heck, will Senator McDonnell yield to a question?

SPEAKER SCHEER: Senator McDonnell, will you please yield?

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SENATOR McDONNELL: Yes.

SENATOR KRIST: You and I have had several experiences together and we've had several conversations together and I know from your past position, even though you are but a mere freshman, you bring with you some life experiences that are heavy in negotiations and in your past position, is that correct?

SENATOR McDONNELL: Yes.

SENATOR KRIST: Have you ever seen two sides not be able to come together as long as they're willing to listen to the other side of the conversation?

SENATOR McDONNELL: No. Both sides have to have a willingness to compromise, to give and take process.

SPEAKER SCHEER: One minute.

SENATOR KRIST: And are you a R or D? I don't really remember.

SENATOR McDONNELL: I'm a registered Democrat.

SENATOR KRIST: So why wouldn't you, if we all wanted you to, reserve 2022 and come together with an interested parties and help in this negotiation as a former chief and having all the experience that you do as a negotiator, would you be willing to do that?

SENATOR McDONNELL: Absolutely.

SENATOR KRIST: Okay.

SENATOR McDONNELL: Just to finish one more comment.

SENATOR KRIST: Yes, sir, go ahead.

SENATOR McDONNELL: You learn from your mistakes. And I made plenty of mistakes during the collective bargaining process. And you see one of the biggest mistakes people forget when they go to collective bargaining table, it's not about them. It's not about them. It's about the

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people you're representing. You become so personal, it becomes about someone as individual, or something that's happened outside of the negotiating process and it's personal. It's personal about them. They're upset and they can't look past it and look at the big picture.

SPEAKER SCHEER: Time, Senator.

SENATOR McDONNELL: It's not about you during the collective bargaining process. It's about the people you're representing.

SPEAKER SCHEER: Time, Senator.

SENATOR KRIST: Thank you, Senator McDonnell.

SPEAKER SCHEER: Thank you, Senator Krist and Senator McDonnell. Senator Smith, you're recognized.

SENATOR SMITH: Thank you, Mr. President. And I will...

SPEAKER SCHEER: This is your third time, Senator Smith.

SENATOR SMITH: Thank you. And I will not be long. I just, again, want to be as clear as possible. I don't want there to be misinterpretations of things that are said. And Senator Harr was on the mike just a little bit ago and he related some things that he found in transcripts regarding the hearing on Wednesday in Revenue that seems to be part of the topic of today. And again, I do not have records of the transcript, and I did indicate I would be very willing to share any of that and make certain if I am incorrect that I make those corrections with that. But I am working off of committee notes, and the committee notes, Senator Harr mentioned that there was 90 minutes of proponents that spoke on the first bill. Those 90 minutes did include the Governor and the tax commissioner and the exchange that took place between Senator Harr and them as well, and that there were 46 minutes in opposition. And I'm not going to doubt Senator Harr again. I'm going to double-check the transcripts, but then there were, roughly, 45 minutes or so that continued after that in a neutral capacity. And when we get the transcripts and take look at those, you can decide for yourself as to whether those were all in neutral capacity, or if any of those were maybe on one side of that bill or the other. Anyway, I just wanted to be clear on that, that there was some numbers that were thrown around. And I think if those are important, we'll show those in a transcript. But of course, it doesn't change the underlying concern or complaints that were expressed. I get that. But I just want to make certain that we're clear when we are talking about the numbers. Thank you.

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SPEAKER SCHEER: Thank you, Senator Smith. Senator Friesen, you're recognized.

SENATOR FRIESEN: Thank you, Mr. President. You know, I'm kind of like Senator Halloran a little bit. I kind of enjoyed the start to the session. It hasn't been bad at all. It's gotten a lot of work done. I've said it before. We have accomplished a lot in the office. A lot of legislation has been reviewed and edited and changed and we had amendments ready and we're ready to go. Senator Chambers, I've, for years, watched him work and I think he's performed a very valuable service here; and it goes back years, years ago when he was probably fairly young. But again, it's up to all of us to do that; it shouldn't be just up to one. And then as a chair, more responsibility falls on us to do those jobs. We're supposed to make sure nothing comes out of our committee, but we all get busy. It's hard to review 660 bills by a few chairmen. So I guess the responsibility still lies on all of us when we bring legislation to the floor that, or even to the committee, that we should have it in the best form possible. And we should all be trying to make sure that it's in the form that can get passed and that it doesn't have that unknown consequence that two years later we go, gosh, we screwed up, we made a mistake. So when we talk about the debate of the rules here now, I mean, I think it's a well-worth discussion. When I came here, I, you know, my focus was property taxes, but in the end, we have to look at every issue facing the state. But all of my property tax bills got tied up in committees and were never released. They wouldn't even kill them, they just let them lay there. That was frustrating. And so I've always appreciated, you know, if...there have been times that committee chairs have said on the floor that, well, he wasn't in favor of this bill, but they thought it was a bill worthy enough to come to the floor for discussion. And it is difficult to fix a bill once it gets to the floor, but they thought it was valuable enough a bill, it dealt with an important enough issue that we should bring it to the floor, even though the committee probably wasn't ready, but it needed discussion on the floor. And so I've always appreciated that and I hope that some day if I'm opposed to something as a committee chair, I can be man enough to do that. Although, it is easier to just work to kill it in committee and not let it out. But some of those issues are big enough to be discussed on the floor and then maybe withdrawn and you work on them the next summer. So when we talk about the rules and the process we go through here, and it's been pointed out many times before that the filibuster rule, if this would have been in place my first two years here, there is bills that I oppose that would have passed. There is bills that got passed that I opposed I probably could have stopped. It works both ways. And no matter what number we set as the green vote, if you will watch our votes here consistently, they always stop at the magic number, whether it's 33 or 30 or 25, when that number is reached and nobody feels like voting anymore, they stand wherever they are, they don't go push the button. It's got 25, it's moving on, we don't need to push the button. So whatever we set the number at, that's where the vote stops. If it's a controversial bill and it gets its 30 votes, everybody else is going to not vote. So I mean, it's...to me it's semantics. We're arguing over something that in the end to stop a bill is...

SPEAKER SCHEER: One minute.

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SENATOR FRIESEN: ...still there. The opportunity is still there. As a rural senator, I was concerned about that. I didn't want to so much weaken the minority, because I will be that minority on lots of issues, no doubt, because this is...it can go from all sorts of divides, as you get bills in front of us, you're going to see that there is coalitions formed on numerous things, some that you never would have dreamed working together will be working together. And in the end, we will get stuff done again. So I look forward to the time that we can get those bill in front of us and actually have the debate. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Friesen. Mr. Clerk, are there any announcements?

CLERK: Yes, sir, Mr. President. Transportation Committee reports LB418 to General File and LB347 to General File with amendments, likewise with LB584. Retirement Systems reports LB32 to General File and LB110 to General File, and LB79 is indefinitely postponed. A confirmation hearing report from the Natural Resources Committee; all those signed by the respective Chairs. (Legislative Journal page 461.) [LB418 LB347 LB584 LB32 LB110 LB79]

Mr. President, a priority motion: Senator Kuehn would move to adjourn the body until Monday, February 13, at 9:00 a.m.

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