

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

Floor Debate  
February 14, 2017

---

[LB39 LB122 LB160 LB194 LB198 LB323 LB404 LB419 LB447 LB506 LB539 LB639 LR32]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen, and welcome to the George W. Norris Legislative Chamber for the twenty-ninth day of the One Hundred Fifth Legislature, First Session. Our chaplain for today is Senator Quick. Please rise.

SENATOR QUICK: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Quick. I call to order the twenty-ninth 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.

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

CLERK: I have no corrections.

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

CLERK: Mr. President, I have a series of hearing notices from the Revenue Committee, those offered by Senator Smith as Chair of the committee. Confirmation report from the Judiciary Committee. And Judiciary Committee, chaired by Senator Ebke, reports LB160, LB198, LB447 to General File, and LB39 and LB122 to General File with amendments. That's all that I have, Mr. President. (Legislative Journal pages 471-475.) [LB160 LB198 LB447 LB39 LB122]

PRESIDENT FOLEY: Thank you, Mr. Clerk. We'll now proceed to the first item on the agenda which is consideration of rules. Oh, I'm sorry. I've got one item here. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR32. The first item now is relating to rules. Senator Larson, do you want to take a moment to refresh us? Senator Larson, you're recognized. [LR32]

SENATOR LARSON: Thank you, Mr. President. I'd withdraw my amendment to the rules by unanimous consent.

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

Floor Debate  
February 14, 2017

---

PRESIDENT FOLEY: Hearing no objection, the Larson amendment is withdrawn. Next proposed amendment at your convenience, Mr. Clerk.

CLERK: Yes, Mr. President, forgive me. I now have a series of amendments pending to the motion to adopt permanent rules. The first, Mr. President, is a motion from Senator Brewer. Senator Brewer would move to amend the permanent rules by (recorder malfunction)...Senator Brewer.

PRESIDENT FOLEY: Senator Brewer, you're on your amendment. You may open on your amendment.

CLERK: Mr. President, I have a request from Senator Brewer that he be allowed to withdraw his pending motion and substitute a new amendment.

PRESIDENT FOLEY: Without objection, the amendment may be substituted.

CLERK: Mr. President, Senator Brewer would move to amend. Senator, this involves an amendment to Rule 7, Section 10. I will make copies and get them out to the members unless that's...that hasn't been done, has it? Okay. All right.

PRESIDENT FOLEY: Senator Brewer...

CLERK: We will get copies as soon as we can. Excuse me, Mr. President.

PRESIDENT FOLEY: Senator Brewer, you're recognized to open on your amendment.

SENATOR BREWER: Mr. President, as the Clerk said, I'd like to substitute that amendment.

PRESIDENT FOLEY: Yes, that's happened. We're now on your substitute amendment, Senator Brewer, and that the copies of it are being made and they will be distributed on the floor in just a moment, but you may proceed with your introduction of that proposed amendment.

SENATOR BREWER: If I can, I'd like to snag a copy so I can do that, please. All right, Mr. President. I'd like at this time to go ahead and yield the remainder of the time to Senator Larson.

PRESIDENT FOLEY: Senator Larson, you have been yielded 9:00.

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

Floor Debate  
February 14, 2017

---

SENATOR LARSON: Thank you, Mr. President. Finally, we have worked out a compromise to move forward, adopt permanent rules, and get this Legislature going. I withdrew my amendment to the rules this morning because, through the hard work of many of our members, we have come up with a compromise to cloture. It essentially will say a two-thirds majority of those members present and voting, or a majority of those elected members, whichever is greater, shall be required for a cloture motion to be successful. The requirement for cloture needed for the majority of members present and voting follows. And it goes through, and you will get a copy of the rules introduced by Senator Brewer, so if 49 members are present and voting--so not voting doesn't count, you have to be voting--if 49 members are present and voting, it takes 33; 48, 32; 47, 31; 46, 31; 45, 30; 44, 29; 43, 29; 42, 28; 41, 27; 40, 27; 39, 26; 38 and fewer will take 25. Colleagues, this is a compromise. This lets us move forward and go. I want to thank those that worked on it. I think it's a good compromise. I think it's one that we can all live with, moving forward. I hope that we have the opportunity to start getting back to the work that the committees have already sent out. I appreciate everybody that's had concerns, has moved forward on this, and I'd urge the body on both sides to honor what has been agreed upon. If you have any questions, specifically to this rule, feel free to ask myself, Senator Scheer, Senator Murante, Senator Harr, Senator Morfeld, Senator Smith--I know they were all involved as well--Senator Bolz and Senator Hilgers. So, thank you, again. Let's move forward. I'm excited that we can get this done, finally. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Larson. You're actually first in the queue, Senator Larson. Do you want to speak again? He waives that opportunity. Senator Krist, you're recognized.

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. I repeat what I have said all along. I see no compelling reason to change the temporary rules as they now exist, which were the rules that we used that had been amended with what came out of the committee and what remained from the rules from last year. Whether or not you individually feel like you were consulted in this particular negotiation, or this compromise, is not important. Whether you feel that you've been marginalized by the "us versus them" that has existed over the first 20-some days of the session, is not important. What is important is that we have had a set of rules that have served us well, my opinion, for many years. And now that we have eliminated the Larson amendment and we have gone back to the point where the temporary rules reflect again the rule changes that came out of the committee that were discussed in the committee, as they existed last year as we used them as the permanent rules two years ago, or a year ago, so I think you can tell from both my demeanor and my tone, there's us and there's them, and I am someplace in between. I am someone who believes that there is no compelling reason to change the cloture rule as it exists presently. Now let me emphasize this. When the Larson amendment going away, we are now back to 33, 17. If we do nothing else at this point to amend it, we won't change the rules from last year. And I am still

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

Floor Debate  
February 14, 2017

---

ferently, I believe, I'm convicted to the fact that there is no compelling reason to change the rules. For those of you who used to not be experienced with cloture, you experience cloture. And the vote was overwhelming in the favor as it needed to be on the issue. I may have disagreed with the budget the way that it was put together, I may have disagreed fervently on the mike and with the ex-fullback and linebacker from the University of Nebraska, but at the end of the day, what needed to happen happened. The process works. There is no reason to get mathematical. In fact, I would say in this compromise the thing that bothers me the worst about it, is that it's a mathematical formula, if then, if then, and oh, by the way, of those voting. I think Senator Larson stood up here early on and said we need to vote. Your constituents need to have you accountable for how you vote. I disagreed with that when he said it. I was on the mike just shortly after that and said, you're right is to vote, green, red, or not vote whether you're here or not. It's a not vote. So at least we're back to that point. I'll listen to the debate, but I think there's a group of us in the middle that don't want to change any of the rules as they exist right now. And again, just to emphasize where we're at, Larson rule...Larson amendment withdrawn.

PRESIDENT FOLEY: One minute.

SENATOR KRIST: We are back to 33, 17. If we don't pass the Brewer amendment, we pass the temporary rules as they exist, they will become the permanent rules and that number will stay 33, 17. I, too, want to thank the people who are busy compromising, but it doesn't represent my values and it doesn't represent my compromise. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Morfeld, you're recognized.

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise today as one of the six people that have been discussing over the last 24 hours and working hard talking to our other colleagues to get them into the fold as to what we're discussing and trying to move the ball forward. I agree with Senator Krist. I don't think that there is any reason to change the current 33 cloture rule as it currently stands. I've been adamant about that on the floor. I've been principled about that, and I think that my actions speak louder than my words. That being said, there is a group of us that have met and are trying to find some kind of common ground. Now, I realize this is not a perfect proposal, and when we left the Speaker's Office this morning, I don't think anybody went out of the Speaker's Office thinking that they had a big victory. And when we discussed this internally last night before we started contacting other members to get their thoughts on this, I'll tell you that there was no specific person that brought this proposal to the table. In fact, we had talked for about 45 minutes and really just spun our wheels and were basically in the same place that we were for the last four weeks. And this idea only came out of when Senator Harr was going through the fact that no other states have the affirmative 17 red rule, or the affirmative red vote rule, period. And so since no other state does it, there must be a

Floor Debate  
February 14, 2017

---

reason why no other state does it which is probably because it's not a good idea. And then one of the other senators around the table said, well, what do other states do? And Senator Harr looked at the NCSL list and said, well, a lot of other states that have a cloture rule require two-thirds of the members present to end debate. And somebody around the table said, well, what about that? So that is the result of that conversation last night, is this proposal that we have here today. I'll tell you that nobody came to the meeting with this proposal. It came out of a conversation that was naturally flowing and, quite frankly, wasn't very productive until we looked at what other states do. Now, granted, I'll admit that we're not like other states. We have one house. And my gut tells me that in one house we should have a solid 33, two-thirds majority regardless. And I realize that and I acknowledge that and I have stood up passionately about that for the last month. That being said, I also want to work in good faith and try to find some middle ground. And I don't think this body right now from what I'm hearing and from the people that I'm talking on the floor, I don't know if we have 25 votes for this right now, but I will tell you that this is worth a discussion in the debate. And I think that this is a moment where everybody should stay in the Chamber and listen to the discussion and to debate because this is substantive. This is fluid. But this is the body working together to find common ground. And regardless of whether we adopt this or not, this is how we should be working on finding common ground. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, nobody speaks for me. I haven't been a part of any negotiations. I have not been a part of a capitulation, but let me make one thing crystal clear. I handed out an article some days ago. It was really a comment in one of the western newspapers and they were pointing out why the rural people better pay attention to what I say because I can teach all of them something. They ignore that here. They talked about how the rural representation is going to become increasingly small and the urban will grow. Here is what they concluded. Senator Chambers can take care of himself. I can...they saw me down through the decades, but the rural people had better think twice. Senator Larson is not going to be here. These other people are not going to be here, at most two terms, and others who come here will say, what were those fools thinking? And the fact is they were not thinking, they were desperate, and they were so thirsty they would drink spit. But not me. You all can adopt any rule that you want. And this time I'm not going to tell you what I will do. You will see it. But let me give you a possibility speculating. Let's say they were going to invoke that so-called dilatory rule where two motions or two amendments, which if the introducer of the proposition thinks are for delaying or dilatory purposes, they call the Speaker, and in this case the Speaker has been co-opted. The Speaker would meet with the introducer of whatever the item was and they would conclude that it's dilatory and they'd likely be my motions. So I get at least two shots. The first would be my original offering. I'd have 25 minutes, as I've stated, to talk about that. They could take that as one motion. Then I would move to reconsider. That would be my second one, but

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

Floor Debate  
February 14, 2017

---

that would give me 25 minutes, which is a total of 50 minutes. I would take 50 minutes on every bill that comes before us. Every motion that comes before us, I will take 50 minutes. Test me, try me. I am sick of watching people scramble around here dealing with people who cannot be trusted, who have already insulted you, who have defecated and rubbed your face in it, and now they're making you eat humble pie and crawl. Crawl if you want to. I always thought, when I was a little kid, knees were for praying, not crawling. And since I don't pray, my only alternative is to stand upright. And that's what I will do. So you can do all of your bargaining, all of your selling out, but when it comes down to the crunch, I'm the one. Even Senator Larson, as disconnected from reality as he usually is, acknowledged what I can do. And I'm going to show you all what I will do. I'm trying to save you from yourselves.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: When you have to write and put numbers like this, as kids in kindergarten or first grade are having things explained on the chalkboard, you've got something that is impractical, it is unworkable, and it plays into the hands of those "Repelicans" being dictated to by forces outside the Legislature to get anything they want. And the only thing that will slow them down will be me. I won't be able to stop everything. But I'll slow everything down. And I will show the Speaker what I can do because he doesn't think I can either. None of you think I can, none of you think I will. I said I will not fold and others said it and they're just like this piece of paper. That's one fold, two folds, and if we weren't so serious, three folds. I would tear it, tear it, then I'd open it...

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: ...and it would be rejoined--no magic this morning. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Schumacher, you're recognized.

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I realize we're all struggling to get past this point, and that we're struggling to come up with something reasonable. Right now, it appears that what's been on the books for a long, long time is reasonable, and it is yet to hear, and I'm still listening, but I have yet to hear a compelling argument for any change, much less this complicated proposal which is highly fluid and subject to much maneuvering and trickery. I was a bit disappointed when I heard there had been a compromise reached because I truly want a compromise, but a compromise means both sides, all sides coming to consensus. And then I learn from the comments of Senator Morfeld, it was six people. Six people out of 49 does not a compromise make. We're no more at a compromise than we were the other day. But I

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

Floor Debate  
February 14, 2017

---

watched something really sad just happen. I watched the whip, as he is called, march up and down, just like they do in Washington, D.C., whipping the votes into place. That gets started here and the whips start cracking, then those who let themselves be whipped will be whipped. And that is something that will be a sad day for this state. There are so many things that need the 33 votes to slow things down. And while I'll listen to this debate and I am not committed to anything on this, having not been a party to any of these negotiations, there are things like tax packages which would lock in a future Legislature. Wow. Those are easy because it is not on anybody's nickel. Vote them through, make them part of a compromise, because they won't come to fruition until after you're out of here. We, for the last several years, tried to use a property tax credit, for example, as a vehicle for some form of property tax relief. But boy, that's a fat little pig that you could cut really, really quick in order to finance some other things. Thirty-three would be a good number there, too, wouldn't it? What about these tricky bills that come out that say, here's the way it is, but it won't be implemented until two, three years from now so the fiscal note is zero, no real way to estimate that fiscal note with any accuracy. Shouldn't that be 33? What about if the political mood swings back and forth on any of the hot-button issues, from guns to abortion to the right to farm, or any of those things? And a new group comes in, and we're going to have new groups, big new groups repeatedly over and over into the future. What happens when that happens and the mood of that group where the whip that cracks then, or the slate that prevails, suddenly goes the other direction?

PRESIDENT FOLEY: One minute.

SENATOR SCHUMACHER: Why are we doing this? I'm going to listen to your arguments, Senator Larson, Senator Morfeld. I'm going to listen, but I have heard nothing persuasive enough to change a well-established thing that works, and has kept this body on course and nonpartisan for decades now. If you bow to the whip, you will be governed by the whip. That's not smart for you or for the people of Nebraska. Thank you.

PRESIDENT FOLEY: Thank you, Senator Schumacher. Mr. Clerk.

CLERK: Mr. President, Senator Krist would move to amend Senator Brewer's amendment.

PRESIDENT FOLEY: Senator Krist, you're recognized to open on your amendment.

SENATOR KRIST: Thank you, Mr. President. I said I didn't see a compelling reason to change the rules, but if you are hellbent to change the rules, then here is what I would propose that we actually talk about which I believe is a consensus of those people who have not yet been asked their opinion or met behind closed doors. The way I try to do business is right out here in public so we can talk about the issues and discuss them on the mike. So if you take what the handout

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

Floor Debate  
February 14, 2017

---

that has come to you from Senator Brewer, and if you line through those members present and voting, if you line through "and voting" and then you use the three-fifths majority of the elected members, and what that means is that when you get down below 44 present, every number is 30. So if there are 49 people present in the Chamber, it takes 33 votes. If there are 48, it takes 32. If there are 47 and 46, it takes 31. If it's 45 or less, that number stays at 30. If you truly want a compromise, then I honestly believe in...are you handing out that amendment, Mr. Clerk?

PRESIDENT FOLEY: It's being photocopied and circulated, Senator.

SENATOR KRIST: Thank you, Mr. President. Thank you, Mr. Clerk. If you truly believe that we need to compromise and change the rules, then I would like the rest of you who have a voice and a mike to stand up and talk about a true compromise that is done in the light of day. I will use that word that's been thrown at us over and over and over, "transparency." And we can talk about what the majority of the people in this room--and that's all that counts in our little universe when it comes to our rules--what the majority of the people in this room want to see happen. I'm not sure it is substantially different except for "and voting" because, of course, it's the most important thing to those who have argued one position or the other that people are held accountable for their votes. Once again, before it comes out on...before it's photocopied and comes out, very few changes. It is eliminating "and voting" so it reads those members present or a three-fifths majority of the elected members. And I'll just ask you to confirm, Mr. Clerk, that that's the way it reads on the copy that is being handed out.

CLERK: It does, Senator, but I need to offer further clarification.

SENATOR KRIST: Please. Mr. President, I would like the Clerk to offer clarification on this, if possible.

PRESIDENT FOLEY: Yes.

SENATOR KRIST: Thank you.

CLERK: Senator, on your draft I think you also need to...in the last sentence of that new paragraph, the requirement for cloture needed for a majority of members present, I think we need to strike "and voting" there as well. You see where I'm at?

SENATOR KRIST: Yes, sir, "and voting." So every place it says "and voting" in that new paragraph, it is stricken. Thank you for that clarification. So this is one of those that probably doesn't need ten minutes to introduce because it is so clear and such, I think, a clear, concise



Floor Debate  
February 14, 2017

---

compromise to the compromise to the compromise. Now I'm asking those of you who have not had a voice at the table to stand up, please, or even those who have had a voice at the table, because you are now 1 of the 49 that will be making the decision, to stand and let us know where you are on this, as individuals. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Groene, you're recognized.

SENATOR GROENE: I doubt any of...thank you, Mr. President. I doubt any of my colleagues know I have been very reluctant to change the filibuster rules because I used it. It's ironic that Senator Krist and I stand on the same side of this issue. We went head to head on the...as a rookie, I went head to head with him on his meningitis bill. He lost. You would think he would stand up and say, I want this rule changed because I would have won. He didn't. We debated. We did it two years in a row. We fought. I went along reluctantly with the Larson amendment because I agreed to. We are all standing here, wasted 28 days, or had good debate for 28 days, depends on how you say it, not because of a filibuster scare, but because we don't have an open vote, as Senator Chambers said, suspicion, suspicion about a group of 20...I don't...I'm not sure what it was, but I think the Speaker won with 26 votes. I won with 28 for my chairmanship. I think it went from on the contested ones from 26 to 31. If you've ever rolled the dice and if somebody tells you it always comes up 7, well, it could be a 4 and 3, could be a 6 and a 1, it could be a 5 and a 2. We don't know that, how we came to 26 votes or 27 or 29, because it's secret. So conspiracies are bred, suspicions, there's...what we should have been fighting over is the open vote, not filibusters. Folks, if you believe in stopping bad legislation, as Senator Chambers said, figure up the other side of that vote, that handout from Senator Larson, figure up the other side. You got to have one more vote on the filibuster than the green lights because that means you have to take one of the greens. For 33, you have to have 17 red. For 32, you have to have 17 red. For 31, you have to have 17 red. For 31, again, with 46 people, you have to have 16. For 45, you have to have 16. For 44, you have to have 16. For 43, when they have 29, you have to have 15. With 42, with 28, you have to have 15. Look at the other side of the green. It favors the green. There is nothing wrong with our present filibuster rule. I have faith in my colleagues that when we get to the issues, we will debate the issue, not politics, not a conspiracy of who voted for who on a chairmanship. Just leave it alone. You've got three contrarians in this body, me, Senator Krist, and Senator Chambers, that agree on this. That's nonpartisan. Leave it alone. Somebody bring an amendment on an open vote. That's what I hear out in my district. They want transparency and they want it now. Not one person asked me about the filibuster. And I examined the filibusters we had or could have had. Senator Chambers, he was going to filibuster the increase in court fees over judges' retirement. An amendment was offered on the floor. It went away. A lot of filibusters stop with amendments on the floor. Filibusters succeed, I think three to four of them I were on succeeded, four or five did not, and I examined some of those. Some bad laws went into effect, I still believe, but we stopped some bad ones. I'm going to have faith that those who differ with me on issues are going to debate the issue and not vote as a bloc, so I like

Floor Debate  
February 14, 2017

---

the present rules. I do. I don't like them, I don't like filibusters. I don't like preparing for debate, I don't like standing up over and over again and doing it, but you do what's right. And the filibuster, you should have a lot of green lights. Remember the person filibuster is supporting the status quo, what has happened in this state for 150 years, no change to statutes. The people who vote green are trying to change the status quo, to change law that affect Nebraskans. It should be a burden if there is a minority in the state calling their senators and saying, they are taking my rights away, I do not like this bill, and I am adamant about it. There's a purpose for the filibuster.

PRESIDENT FOLEY: Time, Senator.

SENATOR GROENE: Thank you.

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Harr, you're recognized.

SENATOR HARR: Thank you. So I thought I had a deal. I was told it would be two-thirds, and I just started doing the math and it's not all two-thirds in here. We're going to have to change this a little, folks, because two-thirds of 47 is 31.33, which would mean you need 32 votes; 31 would be less than two-thirds. So we're going to need to change this a little bit. We're still...this is a work in progress. This is what happens. I'm glad we're having this debate here. I think it is important. I think transparency is important. I was one of the gang of six on this. And it was a terrible spot we were put in through nobody's fault, but here it was, rules were going to expire today at noon, and we had to do something or we would have no rules, which is complete chaos, to put it gently. And so we had to work something out. And I want to congratulate the Speaker for drawing this to a head because we had been dragging on for 28-plus days with no end in sight. And now we've moved the ball a little bit and we're debating it on the floor. This is a good thing. But, you know, we can still debate and we should debate. I agreed to two-thirds of those present and voting. The current amendment is not for that. I will not...I can tell you right now, I will not vote for the Brewer amendment as drafted. That doesn't mean we can't amend it or shouldn't amend it. Folks, we are at loggerheads and the reason I did what I did was because the agreement in my head was cloture is two-thirds. And so how do we deal with those that are present and not voting? This preserves the fundamental two-thirds of the body need to kill...or excuse me, vote in the affirmative to pass a bill. And if you choose to take a walk, well, that's fine. Sometimes it will help the opponents, sometimes it will help the proponents. And I can't tell you what the situation is going to be. In that regard, it's neutral. You know, I could sit up here and I could give you my Crispin Day speech about how we should never sacrifice; how we should go into battle and we should be willing to die for the cause, whatever that cause is. And we've got to do what's right, but there's also a point where we have to move on. This cannot be a partisan body and this issue had become partisan. You had a very narrow majority, 25, ideologically driven on one side; on the other side, 24 bipartisan. You had an Independent, you

Floor Debate  
February 14, 2017

---

had Republicans, and you had Democrats. If this had been allowed to go forward with just the 25, it would have split this body for a long time. It would not have been healthy for the body. Is this amendment better? I don't know, but at least we're talking, at least we're coming up with ideas. Senator Groene today says he would have kept the rules the same. Well, where was he when we voted on this a week ago? I appreciate him now, but we wouldn't have...we could have been done with rules a week ago. So, folks, we can continue debate, and we can continue debate. At some point we're going to have to come to a conclusion. Maybe we adopt rules...

PRESIDENT FOLEY: One minute.

SENATOR HARR: Thank you...maybe we adopt temporary rules today, maybe we don't. Maybe tomorrow we just go with no rules. That is anarchy. When there are no rules, there are no rules, folks, and what guides is the constitution. And every bill that has had a hearing, every bill that's out on General becomes suspect. And we can talk about the craziness that may or may not occur if we do not adopt new temporary rules today. But we got to do something. This moved us off center. I'm glad we're having debate. Again, like I said, my agreement was two-thirds of those present and not voting. This amendment introduced is not two-thirds. In some cases it's less than two-thirds, so I've got a real problem with that. Hopefully, that will be open to amendment. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Hansen to be followed by Senators Wishart, Chambers, Williams, Larson, Pansing Brooks, Krist, McCollister, and Crawford. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. And for the record, I agree with Senator Groene, so if that is me, Groene, Chambers, and Krist, we can call that a St. Valentine's Day miracle. (Laughter) But I agree. I would...I, this whole time, I would jump at the opportunity to just adopt the rules we had last year and move forward. I have maintained that the filibuster is not something that's needed to be changed. I have maintained that frankly a lot of the filibusters we've had in the past two years have been more...either political rhetoric or disorganization or something of a matter that could be frankly, you know, handled off the microphone and either get to an agreement, get to a compromise, reschedule, do something, that we don't need to force it to cloture. That was something we said...we experienced yesterday when we experienced our first cloture vote of this session, and I think there were two no votes on cloture. Those were...a fair amount of those were last year were those in the 40s or higher and it was just sometimes we had that much to say, sometimes we didn't. Getting to the specific amendments in front of us, I agree and I thank Senator Harr for pointing out the math in the, I guess, Senator Brewer amendment to Rule 10, Section...Rule 7, Section 10. I agree. It looks like we rounded to the nearest number as opposed to rounding up. And I agree with Senator Burke Harr's math and we can make sure

Floor Debate  
February 14, 2017

---

those numbers get available to people. There are some scenarios where, you know, it is...it's already difficult and it's already our tradition where two-thirds is 33, but two-thirds of 49, I think is actually 32 and a third, but we don't round down that third of a member, we round up that third of a member. So that's something we're going to need to address in the copy of the Brewer rules. And I agree that we'll...there's some confusion there that's important to sort out. Obviously if you say two-thirds above and then the tradition is to round up and then you say two-thirds...and then you give numbers where you round down, personally I view those sections as in conflict and in desperate need of some sort of clarification at a minimum. I suppose the more specific ones might prevail and that, as Burke Harr, Senator Harr said, doesn't sound like what people had been agreed to. You know, I will come out and say I haven't been in...I was not one of those who apparently came up with this compromise in the morning. I appreciate the spirit of compromise, and I have not been one who also is threatening to take the rules to the end. I'm certainly willing to spend time on them and think it's important to get them right. So that's where I've been at in this whole thing. I must say, Senator Krist's proposed amendment to the Brewer's amendment is much closer to what I expected this compromise to be. So two-thirds of those present with a floor makes a lot of sense to me. Obviously, there needs to be some burden on the cloture side to get their people present and when you switch to two-thirds of those present and not voting, if somebody is present or not voting or, frankly, I can start entertaining hypothetical situations in where there's a call of the house and one person's...you know, I don't know. I don't know. There's a call of the house but they know the other side is...the person missing is on the other side, the introducer can proceed knowing it reduces his threshold. We could start going through hypotheticals there and I think that's concerning. You know, it's difficult enough to not know how the votes on the board are actually going to be. It's even more difficult to not actually know how many votes you need at a given moment. Certainly with those present, we have a running list of those who are present and checked in and present and excused...or sorry, excused and not present, and so that's something that we could very quickly calculate. But when we're trying to figure out who is actually going to put their votes on the board, this is going to be a running math total to that even to see how it calculates out. I mean, people are going to be...it's going to be more complex than any vote we have...

PRESIDENT FOLEY: One minute.

SENATOR HANSEN: ...in the body currently is my initial opinion. So, I am looking forward to more debate. I'm glad that there's been some champions including Senator Groene of the original filibuster rules and that would be something I would relish to take. But if, to get the body off the rules, something needs to be done, let's figure it out. At the moment, I'm more inclined to support the Krist amendment and if we do get to the...in either case we're going to have to address the actual math on two-thirds. So with that, I'm looking forward to the rest of the morning's debate and happy Valentine's Day, everyone. Thank you, Mr. President.

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

Floor Debate  
February 14, 2017

---

PRESIDENT FOLEY: Thank you, Senator Hansen. (Visitors introduced.) Senator Wishart, you're recognized.

SENATOR WISHART: Thank you, Mr. President. Colleagues, I rise today in opposition to Senator Brewer's amendment and I am taking the time to learn more about Senator Krist's amendment. I need to think more about the effect that this would have on our nonpartisan values. I am deeply concerned about any rules change that would hinder our nonpartisan traditions, especially a change to lower the two-thirds vote required for cloture, the 33 votes. I have not heard any argument as of yet that would change my opinion. We need a process through which legislation can be intensely vetted. We are one house, which means we must check ourselves so that only the most exceptional bills advance from our institution. I welcome the challenge of needing to get 33 votes for one of my bills to pass. That's on me to make the case for my legislation. I will listen closely today, but as I have said before, I cannot support Senator Brewer's amendment as it currently is drafted. And again, I will consider Senator Krist's amendment. Thank you.

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, Senator Ebke and all the rest of my fractious children, Senator Groene laid out a majority. He gave the following, Senator Groene, Senator Chambers, Senator Krist. That's a majority. We win. All of this is just blather. But in seriousness, even those who made a deal find out it was not the deal that he thought he made. When reporters go around or whoever comes around and asks us questions when we're going to run for office, and they say, what about your faith, I say I believe in algebra. And they believe in whatever church they go to. If you talk to mathematicians anywhere in the world, and these people who are mathematicians understand the concept of algebra, they will all give you the same answer to a problem that involves the application of the principles of algebra. We have people here who cannot even do arithmetic, arithmetic. There were philosophers in the days of early Greece and Rome who said that human beings have something in addition to an intellect and the body. They have a soul. And the proof of the existence of the soul is that only human beings can do arithmetic. That was a proof of a soul. There have been all kind of nonsensical things stated and there was a time when they were believed by the people who were supposed to be intellects and the leaders of the society at that time. Who are your leaders on this floor? If the space capsule, the spaceship came down and the question was asked of the people in the Legislature which these creatures, these space aliens always ask, take me to your leader, to whom would you take them? There is utter confusion here because there is not honesty, straightforwardness, and integrity. When you have people manipulating and playing with numbers in this fashion, but the real issue is never discussed, the purpose is to obfuscate and confuse. So, I'm trying to make it clear, without telling you precisely what I intend to do, what my position is. There are people who watch us. I want them to understand that I'm not a part of

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

Floor Debate  
February 14, 2017

---

this foolishness going on. I cannot stop you from changing the rules any way that a majority of you choose to change the rules. But you're going to find as the session goes along that I'm the one you're going to have to contend with because as Popeye and I say, I am what I am, and that's all that I am, today, tomorrow, forever. You know who I can base that on, kind of a paraphrase? When Governor Wallace wanted to keep black students out of the University of Alabama, he said, segregation today, segregation tomorrow, segregation forever.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: I am what I am, today, tomorrow, forever, whatever that means in terms of a human being's lifespan, but in this case, the time that I'll be in this Legislature. Whatever criticisms are made of me, nobody can say I lied, that I was treacherous, traitorous, back-stabbed, double-crossed, or any of that. It's hard not to feel superior in an environment such as this. If everybody is on their knees, a person as short as I am is a giant, because I'm standing on my feet upright as I'm supposed to. So I'm going to let you all do whatever you want to do. I'm going to offer some motions so that I'll have the opportunity to speak...

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: ...and I will watch. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Williams, you're recognized.

SENATOR WILLIAMS: Thank you, Mr. President, and good morning, friends, and good morning, Nebraska. It is Valentine's Day. I appreciate on a day like this having the opportunity to say happy Valentine's Day to my wife, my granddaughter, my daughter-in-law, and my granddaughters. But it's also a day that I wish was going to be a little more fun than this day is going to be. We've been talking about the rules for 29 days now. It's deja vu all over again. But I would remind you, as we have talked before, that democracy only works when we're willing to engage in thoughtful compromise. And I appreciate those who have been working behind the scenes to draw forward an attempted compromise on this issue. It is clear to me that what has happened because of the delay in addressing and attacking this compromise, that those parties on both sides have painted themselves into a deep corner. And it's hard to draw out of that corner and it only happens when you have communication and trust, both of which are lacking in this body today. A wise sage wrote a short little poem two years ago, a poem that he addressed to me talking about compromise when he said neither side is satisfied. And I think that's where we are now with the exception that there are some people that have not been included in the attempted compromise. That's wrong. We're 49 senators. We're 49 people that were elected to be here, and each one of us deserves to have the opportunity to have a seat at the table and have our voices

Floor Debate  
February 14, 2017

---

heard. And the place we can do that is right here on the floor of the Legislature, and that's what I ask you to do today. You know this issue. You have watched. You saw a cloture motion happen yesterday on the budget and how it worked. It wasn't so bad. The issue that we have here is not an issue of the rules, it's an issue of our own behavior. It's how we react and deal with these rules. I like the rules where they are. They have worked historically. I've been on both sides of the cloture issue, but it has worked as long as behavior works. The Brewer amendment and the compromise reached there gives us the unknown. We've got some sliding scale, depending on a snowstorm, depending on an illness, depending on who checks in and who checks out. I want to know what that number is and that's why I like our current rules. I do agree with Senator Krist and his amendment. I think his amendment is a significant improvement because it takes out and makes it clear that it is two-thirds of those present and the majority never falls below 30. I think that's an improvement. I do not believe it's an improvement on our current rules. Where I think we should be, is taking...

PRESIDENT FOLEY: One minute.

SENATOR WILLIAMS: ...our rules that came out of the Rules Committee and were fully vetted and passed on this floor and moving those forward as part of our permanent rules in the future. And it's time to not be silent any more, fellow senators, it's time for each one of you to step up, accept the responsibility of being a senator and tell people how you feel on this issue and vote accordingly. Either way, we need to resolve this because the business of the state is treading water and that's not good enough for your constituents or mine. I encourage each one of you to think about engaging in thoughtful compromise and making this happen for the future. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Larson, you're recognized.

SENATOR LARSON: Thank you, Mr. President. You know, I wasn't one of the six in the room that reached the compromise, but I don't stand up here and whine that I wasn't one of the six. Also, I've heard a lot in the past years that...from a lot of members on this floor that a hard-working group of individuals came together, reached compromise, and we need to respect that compromise. And some of those voices are the ones standing up today saying that they weren't included so they can't be part of the compromise. If you want to come and work together, that's what we've done. And we had, it's my understanding, three members, the three members from the Democrat side of the aisle looked at this amendment an hour before session started and agreed to it in this form, yet now they have a problem. I can...let me put it this way. When I agree to something, I agree to it. I don't come back later and say I didn't read it, or, oh, I didn't do the math on it. I agreed to it so I stand by that agreement. And like I said, I wasn't one of the six in the room. I'm not saying I fully like every part of this, but you know what, I trust those six that

Floor Debate  
February 14, 2017

---

were in the room. They agreed to it. They talked to me about it and if that's what it takes to get us moving, then let's...that's what I'll do. I'll support that. It was my amendment that caused all the consternation that finally brought us the compromise. Colleagues, we have an opportunity to adopt this and move forward. If not, what we may descend into will be far worse than this. And not reading an amendment or not looking at everything first isn't an excuse when you said you would do it. When you said you'd accept it, we take you at your word. And it's unfortunate that we can't take some members at their word at this point. You know, I've spent six years here and I've had plenty of disagreements with Senator Chambers on the floor, and I've had some agreements with him off the floor at times, and you know what, when he said he'd lay off, he lays off. He'll agree to it...

PRESIDENT FOLEY: One minute.

SENATOR LARSON: ...and I the same. When he says he's done, he's done. He sticks to his word, in that respect, and I guess I'd expect the same out of everybody else. When something is put in front of you, you agree. So, hopefully, this can all come back together, people will stick to what they said an hour before the session started, and we'll move forward. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Pansing Brooks, you're recognized.

SENATOR PANSING BROOKS: Thank you, Mr. President. Well, clearly we have some questions to answer, I...because of the complications. I love that Senator Chambers points out that none of us knows our math and our arithmetic and I would agree with him on that. The maneuvering is positive in a way because we are attempting to find some common ground, which I really appreciate. Again, it's hard to have everybody in a body understand or come along because, of course, we don't work in caucuses, as Senator Groene has just shown us that he can make a decision that is separate from whatever the caucus is saying for the good of the body. And that's my goal as well. My complete priority is to adopt the rules as they came out of the committee, with the amendments of the committee, and move forward. If we have to, I am interested in Senator Krist's amendment and I appreciate Senator Brewer's efforts, but I do think that Senator Krist has more accurately described it. I never, when I heard somebody talking about it today, thought "and voting" was appropriate in this amendment, so I will not be voting for it because it says "and voting." So whatever everybody is trying to talk me into, that's not happening. The other thing is I have concerns about Senator Krist's amendment regarding the three-fifths and I need to have further clarification. I think it's complicated and cumbersome right now with the two-thirds being mentioned and then the three-fifths, but I think we can work it out. And I think that we have bright minds who are good at communicating. And I will yield the rest of my time to Senator Morfeld who wanted to make a clarification. Thank, you, Mr. President.



Floor Debate  
February 14, 2017

---

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Morfeld, 2:45.

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I want to stand up today and personally apologize to some of the members that I talked to last night. I walked away from my meeting in the Speaker's Office not fully understanding that this included "and voting." And I talked to my colleagues Senator Harr and Senator Bolz about what their impression was walking away from the meeting last night, and this morning, and they thought it was fairly clear that "and voting" was a part of this. And so that's my mea culpa. It's clear that I did not fully understand the deal and that when I went and talked to my colleagues on the phone, probably five or six of them last night, I explained to them that this was a deal that meant that it was of the members present, not "and voting." And so I misinformed them based on a mistaken assumption on my part and I feel very badly about that. And I personally want to apologize to Senator McDonnell who I talked to and then he agreed to go along with this based on my mistaken assumption on this deal. So I don't feel very good about that, but I want to get up and be on the record for being wrong and for not fully understanding the deal that I was going and talking to my colleagues about. So that's my mistake.

PRESIDENT FOLEY: One minute.

SENATOR MORFELD: I think that there is going to be good discussion on whether or not this amendment, the Brewer amendment, the compromise, the deal, whatever you want to call it, is the right path forward. I think that amendments can be made to it and there might be legitimate amendments made to it. I think that this is progress one way or the other in finding compromise and I will likely support the Krist amendment, but I still want to hear from the body and other folks across ideological lines on how this will impact debate and how they feel as though this will be in the best interest of the body and Nebraskans. Thank you.

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Krist, you're recognized.

SENATOR KRIST: Thank you, Mr. President. Senator Larson just popped up a few minutes ago and I think we need to set the record straight. I don't know that anybody has got up and whined. Whining is something that I don't think is done in here. So for me to set the record straight, I would say, I don't think that anyone did. Secondly, as far as sticking to your word, we were all told when Senator Larson first brought his amendment forward a week ago that he wanted to be able to substitute an amendment, put it in there, just give me a chance, give me a vote, up or down, no whining. And what happened? As soon as the vote was taken, he was up asking us to think about it again. So when you make a promise, when you say something on this mike, yes, Senator, it should mean something. Back to the matter at hand, the Krist amendment, regardless of whose name is on it, represents I think where we were, where you were, the negotiators were,

Floor Debate  
February 14, 2017

---

the six principal negotiators, along the path. You went down to 30 at one point. You were back to 33. You wanted to have 17. You wanted everybody to vote. You wanted everybody to be accountable for their vote and it wound through a series of changes, and all the time I stood here at this mike and I think there were several others that said, including Senator Schumacher, and now we hear Senator Groene felt the same way throughout, there's no compelling reason to change, we've used the rules and they've worked effectively for us, and it is true. I have been an advocate of continuing on with the present path. So why would I want to compromise? I want to compromise because we have business to do. We have the state's business to do. We have a \$900 million surplus...or shortage--I wish it was a surplus--a \$900 million shortage that we need to solve before the biennium budget goes out. We have juvenile justice issues that need to be talked about. We have adjustments to ACCESSNebraska, Foster Care Review, DD funding rates. We have a lot on our plate, not to mention the fact that there are all of those that are being asked by the Governor for us to take action on. So if you're committed to doing the state's business, trying to look at what the Governor would like to do in leading this state down the path, if you're committed to getting some things done, then we should be committed to passing a set of rules today or, worst-case scenario, just admit that we're going to take it for another 30 days or another week or another 10 days so that we have rules in place. I can compromise with that Krist amendment because I've never been in this Chamber when there has been less than 45 people to vote. There was a time a couple of years ago that this entire back row was either on an operating table or dead. I mean, we were seriously ill. And it was down to 45 people. Some of us came back to vote just to vote and then went back. So the reality of the situation is normally we're having 49, 48, or 47 people in this body to vote. So I don't feel that this is a dramatic change and I think that I can live with that. What I can't live with?

PRESIDENT FOLEY: One minute.

SENATOR KRIST: And you need to think about this and I'm going to get back up to the mike and talk about the real ramifications. What you need to think about is the lack of any rules because without the rule book, there does not exist a committee process. Open your rule book and look and see how we are guided. "Anarchy," "chaos," those are nice words. We need rules. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Krist. Senator McCollister, you're recognized.

SENATOR MCCOLLISTER: Thank you, Mr. President, good morning, colleagues. Good morning, Nebraska. I have not been a party to any of these agreements that people have been talking about, nor am I a member of any group or gang. I think I'm independent and can make up my own mind when a situation arises that I need to consider. So, with that in mind, I'm moving forward on the Brewer amendment and the Krist amendment. Senator Groene is absolutely right.

Floor Debate  
February 14, 2017

---

It should be difficult to make laws and we need to maintain our current rules as they are. You may recall that I got up on this body and suggested that we simply continually adopt temporary rules and move forward. That offer was briefly considered but dropped. And I contend that's probably a better solution for us now than continuing to argue about the rules debate that we're currently doing. Here we are going to spend another three hours in this day debating the rules when we could adopt temporary rules for 30 days and then get to the business at hand. My LB419 withdrawal has been on the agenda for now, for well over 10 days. And we could be going about the state's business and looking at the multitude of laws that we have in General File and I understand there's well over 100 bills that we need to get to work on. So, let's adopt the temporary rules and move forward. I must also say that I find the drift toward Washington-style partisan warfare is not healthy. It's dangerous. So let's honor George Norris and move this body forward, adopt our current rules as suggested by the Rules Committee, or consider adopting temporary rules for 30 days, and let's move this state forward. I relinquish the balance of my time to Senator Chambers. [LB419]

PRESIDENT FOLEY: Thank you, Senator McCollister. Senator Chambers, 2:45.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator McCollister, and the last gesture he made indicates how intelligent he is and why you ought to listen to him. Let me tell you all one thing, show how you don't pay attention to me. I had mentioned when you were starting all this that we can spend 30 days on the rules, then we're down to a 60-day session, and that I can do a 60-day session at a full, all-out sprint, or standing on one foot on a bowling ball. That's what I told you, but you all don't listen. This is the 29th day. Tomorrow is the 30th day. We are down to a short session. In a short session of the Legislature, we do everything that needs to be done. It will always be that way. You panic. You get frustrated, because a lot of what happens here is based on emotion. Emotion has as much substantiality as a snowflake on the Sahara Desert at high noon: nothing to it; poof, and it's gone. I know you all. A guy said about Jesus what would apply to me. He had no need that anyone speak to him of man for he knew what was in man and woman. I've been here all of these decades and I've watched senators come and go. You all have not yet reached the level of foolishness as certain individual senators, but collectively you are outdoing any Legislature, taken as a whole, of any that I've been a part of.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: A contract exists when you have a meeting of the minds and what they call consideration, something to bind it. A promise for a promise can serve as consideration. A contract exists and is binding only with what's within the four corners of that document. A contract can be done away with in the instance of fraud or misunderstanding. Misunderstanding means you did not have the meeting of the minds. There was no contract made. The people who

Floor Debate  
February 14, 2017

---

talked were talking past each other. They had their own idea, but they never meshed. I'm enjoying this immensely. Carry on. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Crawford, you're recognized.

SENATOR CRAWFORD: Thank you, Mr. President. I rise to raise concerns about the Brewer amendment and also again just to do join in the conversation about how we best move forward. I have in every time I've spoken on the mike in this debate, in this phase of the debate, I've indicated that our best path forward is to adopt the permanent rules with the amendments that were vetted by the committee and debated on the floor and to move forward. And I believe that that is still the best way forward and I believe that in this conversation this morning, we're hearing other people express that that is the best way forward. I believe that and I appreciate the efforts of folks who were working on a compromise and I think that the understanding going into that meeting, into those discussions, was that because there was an amendment on amendment vote of 25, there was a sense by the Speaker that there was a desire or need to move forward with some kind of change, some kind of amendment. And so that is what would be possible in terms of Speaker's prerogative of pushing in changes of amendments and making the pathway clear for some kind of vote to move forward. And so I think that part of what we've heard this morning is some of the folks who maybe were a part of voting on that 25 of amendment to amendment would prefer actually adopting the permanent rules without a change in cloture. So, if it is the case that there was a sense...there is a sense that we need to have some kind of change or compromise, it's really the case, the Krist amendment is a compromise. In my...as I read the Brewer amendment, that does not look like it is a change from what the Larson amendment was that was up prior. It takes the Krist amendment to make something that is a compromise and so if it is required that the will of the body is that something needs to be done to move forward and that compromise, the Krist amendment is an appropriate compromise, if a compromise is necessary to move forward. But I believe as sometimes happens in floor debate and discussion, I believe we're hearing, and some concern and recognition, that you might not have to make a change to cloture movement rules to move forward. And again if there's...if enough people stand up and express that, then maybe we can see that there is a clear path forward in terms of not making a change if that is the will of the body in terms of over a majority. As I noted earlier when we were debating the Larson amendment, I expressed concern that if there were 25 votes for the Larson amendment, it would be the case that that is enough votes to push that change, but that a substantial change to the cloture rule, with only the bare majority, was problematic. And so to push that change just because you could is problematic. And again...

PRESIDENT FOLEY: One minute.

Floor Debate  
February 14, 2017

---

SENATOR CRAWFORD: ...I think there was some weakening of support and just an effort by people wanting to move forward, and so I appreciate the efforts to try to move forward. If there is a compromise needed to move forward, I believe the Krist amendment is actually a compromise. But if it's the will of the body as comes through debate this morning that really the will of the body and more than a majority especially are ready to move forward with no change in cloture rules, I think that is something that can be expressed on the mike and we can hear and see if that is a will of the body and that that vote of 25 on the amendment on amendment was not really a stick will of the body in terms of needing to see some change in cloture rules to move forward. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Morfeld, you're recognized.

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

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Chambers, 5:00.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Morfeld. Senator Morfeld and others really put forth an effort to bring about some kind of accord. But they did not take account of those with whom they are dealing. I wouldn't be in a deal with the Speaker on anything. No leadership, no forcefulness, no plan, that's what happens when you make serious decisions based on something other than the factors that the decision ought to be based upon. As far as where we are today with this so-called agreement, I see Senator Larson's fingerprints all over it. They call it Senator Brewer's amendment. Senator Brewer is a strong man. He is a kind man. Now he is a wise man. He knows what he is dealing with. You know what they used to say in cowboy movies that made me watch and then I'd wait to hear it, and they'd always have Native Americans speak broken English like they have black people speak broken English? When they write stories about white hillbillies, sandhillers, clay eaters, and the other terms white people have for those white people who were poor, they'd have black people speaking broken English where you would need an interpreter. But the same white people who had no education, were also in the same boat, would speak perfect English to dehumanize the black people. So you had these ignorant white people trying to make nonwhite people look ignorant: White man speak with forked tongue. That's what we're seeing. Make us speak your language and laugh at us when we don't speak it the way you speak it. But we're seeing what white people do when left to themselves. If black people had this much confusion, there would be every kind of racial stereotype you ever saw or heard from the birth of a nation all the way back to the "Bibble" which asks the question, can a leopard change his spots or an Ethiopian his skin, always insulting black people. That's why those of us who are strong are strong. You all won't listen. We are going to continue what we're doing. I'm going to continue bludgeoning until finally you all agree that we ought to just leave well enough alone because you're tired. What has happened

Floor Debate  
February 14, 2017

---

with this arrangement that was worked out, I'm a lion. And we have a "hippoposaurus" and a "rhinopotamus" and the "rhinopotamus" and "hippoposaurus" are going to negotiate with the "crocogator" about what ought to be done with the lion. And the lion just watches them and laughs. And the hyena watches and laughs. Then these three who did the negotiating that was to bind other people who were not a part of the negotiations, fall out with each other. And when they get all mixed up, then the "hippoposaurus" becomes a hippopotamus and the "rhinopotamus" becomes a rhinoceros and the "crocogator"...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...becomes two, a crocodile and an alligator. And that's how those three creatures...those three species came into existence and the lion remains what the lion always has been. The hyena remains what the hyena has always been and even the hyena has been stereotyped. Hyenas have very powerful jaw muscles, shoulder muscles, and the one who leads the hyena pack is the female. And they don't laugh. But at any rate, here we are about to embark on a 60-day session and I am firmly in control. I am firmly in command. I don't have heartburn. I'm not worried. And I also know that everything we need to do, Senator Lowe, will be done by the time the session is over.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Ebke, you're recognized.

SENATOR EBKE: Thank you, Mr. President, I haven't said much on the whole rules debate issue in large part because I guess I really don't care that much. I think that at some point we have to just decide what the rules are and have some certainty and move on. That said, you know, I understand that there is a significant movement out there that felt there was a need for change to cloture and I was okay with that as long as we knew what the rules were. I did not like, last week or the week before or whenever it was that we were talking about it, the requirement for 20 red votes. I thought that was too high, that it was an unreasonable request. And so, I look at these two amendments in front of us right now and I could live with the Brewer amendment in large part because I think, like Senator Krist pointed out, that we're going to have...it's going to be rare that we come to a cloture vote and there aren't going to be 45 people present. So that means that we're going to be at 30 votes and it's going to require at least 30 votes and maybe more than that. However, I think that the Krist amendment makes a lot of sense. I think that if we're going to have a change, I think that if you have 49 members present, that 33 is a rational, reasonable number. That's what we've worked with before and as a member, as a member for the last two

Floor Debate  
February 14, 2017

---

years who has been on both sides of filibuster issues, you know, some we've won and some we've lost. I don't think that that's necessarily unreasonable if we know what we need to get to. That said, I think that when you get on the Brewer amendment, when you get down below the 44 and we start putting 29 and 28 and 27 on the books, I think that's a little bit more dangerous in large part because we have, you know, it takes 30 votes to override a Governor's veto. It takes 30 votes to suspend the rules. I think that's a nice baseline. So, you know, I'd vote for the Brewer amendment if we don't get the Krist amendment to the Brewer amendment passed, but I would at this point support the Krist amendment because I think that this 30 baseline is a nice place to go. But let me say this, that if in all of this we somehow manage to get back to 33, I'd vote for that too. I think it's time to move on. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Ebke. Senator Kolowski, you're recognized.

SENATOR KOLOWSKI: Thank you, Mr. President. I appreciate the tone of the day. What has been going on and what has been said is a great improvement over what we've been going through. Senator Chambers reminded us that tomorrow is the thirtieth day. Tomorrow is the thirtieth day. We only have 60 left after that and we're vastly moving on toward the completion of this session and we have to keep in mind how much time we have burned up. I support the permanent rules in their original form, but I also support the Krist amendment as it's been outlined and I'll continue to look at the Brewer amendment, although I have concerns over that. I would like to...the very best would be no change at all in the cloture rules and get back to where we were and the way this place has been run in the past and how well that's been done for many, many years, decades in fact as far as how successful the Legislature has been. Yesterday, Monday, I was very frustrated and I had a lot of pent-up anger when we were going over the Krist bill. It was very frustrating to sit here and listen to what was being said when we had a situation where Senator Krist was in charge of the major work that was going on as far as the repairs and replacement of different things within this facility. Keep in mind this building is approximately 85 years old and the amount of work that needs to be done on it is extremely important to maintain it. Having been responsible for an \$80 million high school campus, building and campus, I know how things happen and how quickly you have to move sometimes, even on a new building when things go wrong. Also keep in mind this is the sesquicentennial year--150 years of our statehood. March 1 we'll be going through some ceremonies and I hope this entire tone has changed...will be changed by that time so we're more united as a total group going into that day of celebration and this year of celebration. We have a great deal of work to be done. Let's get to it. I now yield the rest of my time to Senator Krist, please.

PRESIDENT FOLEY: Thank you, Senator Kolowski. Senator Krist, 2:00.

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

Floor Debate  
February 14, 2017

---

SENATOR KRIST: Thank you, Mr. President. Thank you, Senator Ebke, for the analysis--as always, very thorough. I, too, would like to get back to a point where it's 33-17, the way we operated for the last couple of decades I guess. But in the interest of compromise and moving on, this amendment that I put up there keeps us at 33 when we are a full complement of 49, and never goes below 30 which is somewhat of a compromise from those things that have been suggested in the last 28 days, 27 days and brought forward. So here we are at a point where realistically, someone might call the question and call of the house and we could vote green on the Krist amendment, which doesn't seem to be unpalatable for anyone; green on the Brewer amendment as it would be amended by the Krist amendment; and green on adopt permanent rules because we could move on with life.

PRESIDENT FOLEY: One minute.

SENATOR KRIST: Thank you. And I think that we should think about the state's business and getting to the state's business and moving off the discussion of rules. However, let me emphasize once again, if we have to talk about the rules and give ourselves another period of time in order to talk about the rules, then I think that's a better alternative than no rules. No rules means no rules. It means if we go back to the basic Masons, there is no ability to compel anyone to do anything within that set of rules. It means that we have chaos. So I'm willing to talk about my amendment as it amends the Brewer amendment. I'm willing to talk about going back to the rules the way they were in the past couple of years. But I'm not willing to walk out of here today without a set of rules to operate. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you Senator Krist. Speaker Scheer, you're recognized.

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. I would request that we move forward and adopt temporary rules through this Thursday which would be day 31.

PRESIDENT FOLEY: Thank you, Mr. Speaker. The motion is to adopt temporary rules through Thursday. All those in favor vote aye; those...

SENATOR CHAMBERS: (Microphone malfunction)...debatable motion, isn't it? It's a motion.

PRESIDENT FOLEY: Yes, sir, that is...you're correct, Senator Chambers. It is a debatable motion, yes.

SENATOR CHAMBERS: You all make me tired. You sat there just because he said, "I move." If I didn't say anything, you all would think we couldn't debate it. This is one of the most basic



Floor Debate  
February 14, 2017

---

things in our assembly and I have to do these kind of things and this isn't the first time I had to do it. We have other Chairpersons here. And you all won't listen. You won't even take instruction when I give a demonstration. It's a waste of my time. I do what I do out of respect for myself. When black people sent me here, they wanted me not to go along and lower my standards. They thought that in the same way Atlas carried the globe, I could lift this entire body and bring it closer to what it ought to be and cause people to use the intelligence that they all have but which they seem to check at the door when they enter this Chamber. You all are worthy of something better than what we've been doing. You can do better. We don't need to change the rules. That is another power play so that these wimps and these small-minded people who got their way on the first day can show that they truly are in charge. They don't care about the rules. They don't follow the rules. But you all can do whatever you want to do. But I'm not going to give in to frustration and say they don't know what can be done so I'm going to let the thing fall apart. I'm on this airplane and if the pilot has a medical experience, then I have to take over and at least bring the plane to earth without crashing it. A crash is described by the aeronautics people as an operational plane flying into the ground. That's how they describe a crash. There's only so much that one person can do and you're lucky that you have a black man here who is not going to fold like the rest of you who have been coddled and privileged all of your life. And you don't like what I'm saying, do you? I don't like what you all are doing. I give words and look how upset you get. Why shouldn't I get upset when I look at your actions? Patrick Henry, "Give me liberty or give me death," and he held slaves. Thomas Jefferson: All men are created equal, endowed by their creator with certain inalienable rights, among these, life, liberty, and the pursuit of happiness; and to procure these rights, governments are instituted among men, deriving their just powers from the consent of the governed. He wasn't talking about black people because while he was writing at night, a black slave was holding a candle so he could see how to write that all white men are equal. He didn't even mean all white people. He meant white men in America had the same rights as white British people in Britain. He wasn't even talking about all white people. He had contempt for poor white people. He felt they shouldn't have been poor, they had every opportunity, they were detrimental to white supremacy. You all don't know what these men thought. You don't read original documents. You read what people have said, the mythology that was created. And my expression--I gave it the other day and nobody listened--history, white American history is a lie well told. And when the truth comes, white people get offended. You ought to get offended at those who tricked you, who duped you, who snookered you. I have a degree in history at Creighton, but most of my reading of history came outside of that classroom and it's entirely different from what was taught there. I went to Creighton from Technical High School which was considered the dumb school in Omaha.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: A lot of black people went there, children. You know what, when I went to Creighton and took their entrance examination, a black kid who was poor, the son of a

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

Floor Debate  
February 14, 2017

---

poor father, I scored so high on their language that I wound up in the honors English class, a black man. Every seat in the room was not filled because there were not enough white people who scored highly enough. Then I watched white people given all these privileges and I listen and I read the history of how we've been dehumanized ever since we've been in this country, the things done to us. Then here a black man stands in a white assembly, under your rules, demonstrating how your rules should work to make you better. That's what I want to see. I'm trying to lash you so you will use the mind that I believe you've got but you don't believe you've got.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. At this point, we have nine senators in the queue. It's not clear if those senators wanted to speak to the temporary rules motion or to the prior motions. But we'll go through those Senators in turn. Senator Baker, you're recognized.

SENATOR BAKER: Thank you, Mr. Lieutenant Governor. When I decided to run for a seat in this Nebraska Legislature, I stated that I do not breathe partisan fire. That posture has left me in the middle on a number of issues that come before this body. I've always admired and respected the ideals and the principles of the nonpartisan Nebraska Unicameral. I'm very comfortable with the rules under which this body has operated for more than a quarter of a century. That said, I am ready to move forward. I would support the Krist amendment to the Brewer proposal if that's what it takes. I think we can get this done today. And I do not support Senator Scheer's motion to extend the temporary rules. Thank you.

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Groene, you're recognized.

SENATOR GROENE: Thank you, Mr. President. I want to adopt permanent rules today, get it over with. I don't care what happens on those votes. I'm going to vote against both of the amendments, but I'm going to vote for the permanent rules because that's what we do here. You accept the outcomes. You accept who got elected Chairman. You accept who got elected Speaker and you go on. The reality is we should have accepted the Larson rule because it passed. But we kept debating and I got to stand up for what I stood for. I like the filibuster rule the way it is. I don't like filibustering. But when I look back on it, I'm not so sure some of my friends, if this new rule would have been in place, we would have Medicaid expansion now. I believe it was a really close vote in '12 or '13. I think these rules, if I could look at the vote from back then, we would have Medicaid expansion if we accepted those, if they were in place back then. The pendulum swings back and forth, political philosophies in this body. The rules should stay pretty

Floor Debate  
February 14, 2017

---

well permanent. I'm not asking any of my friends to vote with me. I am not a leader of a group who I expect to follow my vote because I'm not going to be there with you all the time. So I hope nobody who I consider my friends thinks that they're going to hurt my feelings if they vote for this rule. They won't. I woke up this morning at 5:00 and decided I had to do the right thing and I did it. It's not about a group. It's not about a club. It's about doing the right thing when you get down here. And once I change from that with my philosophy when I showed up here, I'm no good to my constituents. So vote your conscience. But at the end of the day, 12:00, I hope we're voting for the permanent rules. You know, there's one thing about President Trump I never liked. When he beat somebody, instead of going forward, he turned around and kicked them. He kicked the lady that was running against him. He kicked Cruz when he was going...running against him, after he had defeated him, he went back and kicked him. We won, folks. We won the chairmanship battle. Let's not turn around and kick them. Let's go on. We probably won't worry about the filibuster rule if we go on as individual senators who got elected without partisanship. I don't play that game. If I defeat you, I'm going to help you up. I'm not going to kick you when you're down. So you vote the way you wish because you believe that's the right change. There's going to be some social issues come up in this body in the next few years that people are queasy about. And some people will sit and disappear and 25 votes might change those rules because that will be enough for that filibuster. Keep that in mind. Present system works. And that's what I stand and why I'm going to vote no on the two rule changes and I'm going to vote for permanent rules. I'm going to vote for permanent rules if they pass. We need to move on. It needs to be over with. We got 60 days, 60 days on the floor. We have gotten some things done, folks. Remember that we have done committee hearings for the last three weeks or so. So the 90 days have not been wasted, maybe here on the floor, no, not really. Conversation and debate is always good in a free democracy and a free system.

PRESIDENT FOLEY: One minute.

SENATOR GROENE: But anyway, I stand in support of permanent rules--permanent rules. I'm going to vote no on both amendments. I don't want to do temporary rules again, folks. What's that movie, Groundhog Day? But this is going to come to an end. This can't go on forever. This has 90 days and then we're done. June 1, we're done. So thank you. But vote the way you feel. This is not one of them votes where I'm going to be upset if somebody votes the opposite of me. I just...this is a personal thing on a conviction. Thank you.

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Quick, you're recognized.

SENATOR QUICK: Thank you, Mr. President. I'd like to thank all the senators that have been speaking out and talking about voting in the permanent rules as they come out of committee. I've been on that...on board with that since the start. And I'm still on board with that. I don't want to

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

Floor Debate  
February 14, 2017

---

go on with the...adding temporary rules. I don't want the two amendments. Let's just do the permanent rules as they come out of committee. We've got to trust in our committee at some point. I think they did a great job coming out with the rules the way they are. I know a lot of people want to look at it as maybe it was a partisan issue. I think we beat that horse to death, but it's more about issues. And I think Senator Groene just talked about that. It's about issues. I know Senator Chambers has talked about that. A lot of the senators have talked about it. It's about the issues that you want to bring forward. And at some point, you're going to wish you had that filibuster, that 33 votes. So I just want to keep the rules, the permanent rules as they come out of the committee and that's where I stand. And I'll yield my time to Senator Chambers.

PRESIDENT FOLEY: Thank you, Senator Quick. Senator Chambers, 4:00.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Quick. Members of the Legislature, strange things are happening. I agree with Senator Groene, or Senator Groene agrees with me. But whichever way you look at it, we agree with each other. There is no reason to change the rules, none whatsoever. Senator Groene said in a blunter, more direct way than what I had said earlier all of this wrangling over the rules is for those who prevailed the first day to rub it in and show that they really have got everything under control. There was a piece called The Rubaiyat of Omar Khayyam: The Moving Finger writes; and, having writ, / Moves on: nor all your Piety and Wit / Can lure it back to wash out half a Line, / Or all your tears wash away any of it...you can't cancel half a line. People keep saying let's move on. I'm not going to vote for Senator Krist's amendment. That is a capitulation to...now what Senator Krist is trying to do is pour oil on troubled waters. But the result is utter confusion and chaos. You shouldn't have to have a chart to understand what a rule means or when somebody invokes cloture, whoever is in the Chair has to do a mathematical calculation then ask the Clerk, have I figured this right? We are a Legislature. Why cannot we behave like grown people, behave like a Legislature? All of this flailing, floundering, and foundering is an outgrowth of what happened the first day. What happened the first day didn't make me any difference. That was you all fighting amongst yourselves. I come away with no scars or scratches. I didn't want anything. You all wanted things. And you got your feelings hurt. You're an adult. Things don't always go the way we want them to go. If you were old enough to remember these guys called the Rolling Stones, you don't always get what you want.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: But that the doesn't mean you should dry up like a leaf and blow away in the wind. Now we have the brain trust in the front of the room. That's the brain trust. They're going to come up with a solution. Each one is a cook. Too many cooks spoil the broth. Once again, they're going to negotiate and tell the rest of us what we'd better do. They're going to tell

Floor Debate  
February 14, 2017

---

the rest of you all what you all had better do. They're the ones who got you in the mess in the first place. Now the Titanic is about to strike the iceberg and they're arguing about who is going to take the wheel. And now the wheel is disconnected as a steering mechanism and the Titanic can only hit the iceberg. And as we go down, they're all going to say you did it; no, you did it; no, you did it. We, the ordinary people, should do what is right and let these people have their moment...

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: ...and play it out, then keep the rules. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. I won't belabor this point. I'd originally turned on my microphone to implore us that if we couldn't get permanent rules sorted out this morning, to make sure we at least extended our temporary rules. And now I'm thankful we have a motion in front of us, even if it is just until next Thursday. So I will be supporting the temporary rules and hopefully we can get those adopted soon and move back to debating the permanent rules. And I just wanted to reiterate my point of I'm more than happy to continue discussing the Krist amendment and...to the Brewer amendment and I'm thankful that people are continuing to bring up different ideas and different ideas. And I'm thankful actually that we've had so many new voices on the microphone...maybe not new, but new as of recently on the microphone debating the rules. I would like to move forward. I'd like to...frankly if I could get the rules from last year, I could get the rules with only committee amendments, that would be great. But otherwise, I guess we'll just keep talking about the Krist amendment to the Brewer amendment. But, yes, I'll just implore all of my colleagues to make sure we adopt temporary rules so we have a framework going forward even if it is just for the next two days. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Hilkemann, you're recognized.

SENATOR HILKEMANN: Thank you, Mr. Speaker. I rise to say that I like our present rules and I'd like to have our present rules stay in place with the 33 required for cloture. I was thinking Sunday morning, I was laying in bed and I was reflecting on the weeks that we've gone through this. And I...as many of you know, I'm a huge college football fan. And I said, you know, we've got a football game going on here between Alabama and Kansas, Alabama who has probably over the last ten years had the best football team and Kansas who has probably had the worst football team. Alabama has got 17 All-Americans. Kansas has got one All-American. So they went and they met at a mutual field. They were ready to start. They were going to get the game going. They started the clock. Then Alabama says, you know, there are times when, on this

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

Floor Debate  
February 14, 2017

---

particular field, when you get inside the red zone that the footing gets a little slippery and you got to get a double-team block on absolutely everybody in order to score, we don't like that so we're not going to play anymore, we're not even going to let it go to snap until we get that rule changed. And Kansas sits there and they say, hmm, our chances of winning this game are next to none and they're so much bigger than we are, we're going to get slaughtered, we'll just let them go ahead and fight over this particular thing. Well, that was the analogy I had on that and it's time that we move forward. And I don't like weakening our standards. And I will support the Krist amendment, but we are weakening the standards for cloture. And when we weaken it now, that will be the standards that will last for years to come. And so when you're making these votes, let's consider what we're doing. I think it was...in order...if I remember right, using an example from Washington, they had to change the rules on cloture in order to get the Affordable Care Act across, and now how that particular party wishes they had never done that. You're going to be, at some point down the line, you're going to wish that you needed to have that higher standard of the 33--my thoughts. Thank you.

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Senator Walz, you're recognized.

SENATOR WALZ: Thank you. I'm in favor of keeping the permanent rules. I'm a rule person, though, especially the three-second rule when you're following somebody, so. I've had many people ask me, how do you like your new job in the Legislature? And I can honestly say with a smile to them that I absolutely love it. But it is certainly interesting. I appreciate the time that I've had to observe and listen and learn about the rules; however, after weeks of watching people over here and over there and over here and over there, I've come to the...trying to come up with a new rule, I've come to the conclusion that there aren't any new good rules. If we had a great, new idea to change the rules, we would probably be talking about something else by now. And these conversations, I don't know if any of you have kids that...or one particular kid that you have to argue with. But I have a middle son named Patrick, and he is the child that has to argue for a whole hour and go all the way around the whatever we're arguing about before we come to the conclusion that I was right. (Laugh) So anyway, that's kind of what this reminds me of. Senator McCollister said we should adopt the temporary rules for 30 days. I say let's adopt the permanent rules now. Senator Groene, where are you? There you are. I want to thank you for your words, and I want to tell you that I respect those words, especially as a new senator. And I am very proud of you. Thank you.

PRESIDENT FOLEY: Thank you, Senator Walz. Mr. Clerk.

CLERK: Mr. President, I have an amendment to the motion to adopt temporary rules. Senator Williams would move to amend Senator Scheer's motion by striking "thirty-first" and inserting "ninetieth."

Floor Debate  
February 14, 2017

---

PRESIDENT FOLEY: Senator Williams, you're recognized to open on your motion.

SENATOR WILLIAMS: Thank you, Mr. President. Good morning, again, friends, colleagues, Senators, and everyone else. We've debated this till we're blue in the face on Valentine's Day. I believe it's time to move on. This amendment to the Scheer amendment is very simple. It extends the temporary rules until the ninetieth day of the session, so we stay with rules. If we vote on this and adopt it, rules are concluded at this point. We have rules that we can deal with and move forward. Then it would allow, during the cooling off period of summer, fall, those people that are dealing with rules on the Rules Committee to deal with these various issues for the future so that next year we hopefully would not start our session spending the first third of the session on rules. This is simple. It takes out in the Scheer amendment the thirty-first day and substitutes the ninetieth day. This gets us to where many of us are on this issue. This gets us to where many of the people who have stood up and talked this morning seem to like to be on this issue. And it moves us off the dime where we quit spinning our wheels and continuing to say the same things over and over. I believe this is the right thing to do, and I would ask for your support for this amendment. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Schumacher, you're recognized.

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. It's human nature that when you get stressed you want to go home. The soldier on the battlefield wants to go home. The young person who went off to Broadway for fame and fortune wants to go home. The person laying in the hospital with a terminal illness wants to go home. When things are not right, our instincts want us to go home. It's not just humans. It's all through our...the higher animals. I had a dog once. He got caught in a coon trap--yes, we did do coon trapping--and finally chewed off his leg, limped back to home. What has been happening here? The tendency is to go home, to go back to the rules as they were because they work, because they're comfortable, because there's no uncertainty. The magnet drawing us home, and the home with the Speaker's motion was to go home for just a little bit. Well, Senator Williams maybe has found a better answer: to go home and be at home, to be able to do your work at home. This is where these last 30 days have led us. As we chewed our leg off in that trap, it is leading us home. We won't have to worry about what happens when there are no rules. Do the committees just disappear? Do the chairmanships, they have to be reelected? What about the hearings on the bills? How many bills can we introduce while there are no rules? What does the word "preside" mean in the constitution? Does it mean dictate or just kind of manage gently? We won't have to do that because we will be home. Now this motion does sacrifice a couple things. It sacrifices Senator Harr's rule about fiscal notes. It sacrifices the amendment that I had about the Planning Committee priority. But those are minor sacrifices to be at home. We have an opportunity in the next hour to go home, and maybe at home think with a clear head about why we are here. Those big, big decisions that still await us, amounting to hundreds of millions of dollars, changing course in our educational system, dealing

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

Floor Debate  
February 14, 2017

---

with the prison mess and our criminal law, we need to have the comfort of being at home when we discuss those things.

PRESIDENT FOLEY: One minute.

SENATOR SCHUMACHER: Today, my fellow legislators, we can follow the path home. And I support Senator Williams' effort. Thank you.

PRESIDENT FOLEY: Thank you, Senator Schumacher, Senator Krist, you're recognized.

SENATOR KRIST: Question.

PRESIDENT FOLEY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor of ceasing debate vote aye; those opposed vote no. Record, Mr. Clerk.

CLERK: 28 ayes, 6 nays, Mr. President, to cease debate.

PRESIDENT FOLEY: Debate does cease. Senator Williams, you're recognized to close on your motion.

SENATOR WILLIAMS: Thank you, Mr. President, and thanks to all the members of this body for engaging in this process over this time frame, especially for the 17 and now 18 new members that are here that have not experienced a lot of the things that we're talking about: what it's really like to take a tough vote, what it's like to take a cloture vote, what it's like to vote red or green on those kind of issues. And a special thank-you to those who have worked behind the scenes trying to find a solution to a very difficult problem with compromise. I think we are to the point where we can agree, all of us, that the best thing for our state, the best thing for our constituents is to move forward doing the business of the state. Compromise is when neither side is satisfied, and that may be where we are, but I don't believe those people sitting outside of here are very happy that we continue debating this the way we have. I hope you listened intently to what Senator Schumacher talked about. We have difficult issues facing us, issues that will test our mettle and will require us to make tough decisions, but that's why we're here. That's why our constituents voted us to be here. We also need to know that every one of us needs to recognize that these rules are only part of the issue. It's our behavior--enforcing, using, and working with these rules--that really matter. And I would ask each one of us to be certain that the way we conduct our business in here is the right way. Follow what that old, ancient philosopher said: There's only do and not do; there is no try. I would ask for a call of the house and a roll call vote in reverse order, and I



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

Floor Debate  
February 14, 2017

---

hope you will all adopt the temporary rules until the ninetieth day of the session. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Williams. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk.

CLERK: 40 ayes, 1 nay, Mr. President, to place the house under call.

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Looking for Senators Watermeier and Linehan. All members are present. There's been a request for a roll call vote in reverse order. The question before the body is the adoption of the Williams amendment to the Scheer motion. Mr. Clerk.

CLERK: (Roll call vote taken, Legislative Journal pages 478-479.) 23 ayes, 25 nays, Mr. President, on the motion to amend the...

PRESIDENT FOLEY: Thank you, Mr. Clerk. The Williams amendment is not adopted. I raise the call. We're now back to the motion made by Speaker Scheer to adopt temporary rules. Speaker Scheer, you're recognized.

SPEAKER SCHEER: I would call the question.

PRESIDENT FOLEY: The question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor of ceasing debate vote aye; those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 4 nays, Mr. President, to cease debate.

PRESIDENT FOLEY: Debate does cease. Speaker Scheer, you're recognized to close on your motion.

SPEAKER SCHEER: Colleagues, the motion to adopt temporary rules for the two days was part of an agreement that I made this morning. I told you when I was elected that I was a man of my word and I will keep that word. We are having some difficult conversations today, but we should

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

Floor Debate  
February 14, 2017

---

have some difficult conversations in regards to this. We're actually talking about something for once. It is pertinent. But I do think in order for us to solve things, sometimes there has to be a pressure point, a time mechanism in place that will allow us to get to that change. This is being introduced, made as part of my agreement that I will uphold based on the conversations I had with the group this morning. Thank you.

PRESIDENT FOLEY: Thank you, Mr. Speaker. The question before the body is the adoption of the Speaker Scheer motion. All those in favor vote aye; those opposed vote nay. A roll call vote has been requested. Mr. Clerk.

CLERK: (Roll call vote taken.) 33 ayes, 8 nays, Mr. President, to adopt temporary rules.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Speaker Scheer's motion to extend temporary rules has been adopted. We return to the discussion on permanent rules. Senator Pansing Brooks, you're next in the queue.

SENATOR PANSING BROOKS: Oh, good. Thank you, Mr. President. I really...I don't know...I wasn't in any kind of agreement on continuing this. Senator Groene said let's vote, let's not go on, so we've got two more days, Nebraska. We can just continue talking, so I'm about to bring up a couple books that I was thinking about reading to you all. A couple of them that are good that I thought we might read is 1984. We can talk about...I mean we can just waste the people's time. And there have been efforts to find compromise. When I first heard about some agreement that was made yesterday by six people whom I didn't elect, all of a sudden I'm supposed to agree that...to the "and voting" part. No one even mentioned that, so I haven't made any agreements. I'm not agreeing to anything. I'm going to continue to fight for my constituents and for the minority voices in this body. And there have been some...there's been some movement today and some people saying, let's move on. I think it's reasonable. But, again, you know, I just...what good is two more days? Two more days to manipulate and motivate, and I really appreciate Senator Groene's comment that when you beat them, as you have on the committee Chairs, on the committee formations, then let's just turn around and kick them again. I appreciate that comment because that's what it feels like. And so it's fine that we want to wield all power and wield an inability for anybody to speak. I don't believe that I've been told exactly right on that 25 vote. You know, we have the Speaker deciding this and so that's his choice on that. Again, we need to sit down and force people to make a decision. Put on whatever pants you think you need to put on and let's go forward and do the business of the Legislature of the state of Nebraska. Two more days of this, that's great. This is a really good decision. I will yield the rest of my time to Senator Chambers because we're just going to yield time now for two days.

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

Floor Debate  
February 14, 2017

---

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Chambers, 3:00, and you're...and you're next...

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Senator...

SENATOR CHAMBERS: Thank you, Senator Pansing Brooks. Back to the future. When Senator...I was going to call him "Professor," but he was not persuasive today. When Senator Schumacher was explaining the significance of home, some things went through my mind, Senator Blood. Be it ever so humble, there's no place like home. And they introduced that amid palaces and...amid pleasures and palaces wherever you may roam, be it ever so humble, there's no place like home. But then the Temptations sang a song: Papa was a rolling stone, wherever he laid his hat was his home. The rest of that doesn't apply to me, but home is wherever I find myself. Just as if I was invited to a meal, and they're having difficulty explaining who sits at the head of the table because of all these important people, I tell them wherever Ernie is, that's the head of the table. That's what I believe, otherwise I wouldn't have been invited. People know the way that I am what I am and that's all that I am. This is going to be fun for me. Two days from now the Speaker is going to get up: I made a deal, and I'm going to have to quote Senator Chambers who in turn was quoting Herman's Hermits--second verse, same as the first. I would move to extend the temporary rules for two more days. Then Senator Pansing Brooks will stand up and say, two more days of this, and I'll just be sitting back here inwardly grinning like a Cheshire cat as I watch my betters head right out of the swamp.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: Did you say time?

PRESIDENT FOLEY: One minute, Senator.

SENATOR CHAMBERS: Oh, thank you.

PRESIDENT FOLEY: And actually you're next in the queue, so you actually have six minutes.

SENATOR CHAMBERS: Thank you, Mr. President. I'm going to finish a story I began telling you all yesterday. You think old people forget things. I was telling you the story of old man Abraham who was supposed to kill his son. And I'd gotten you to the place where Isaac was stretched out on the altar. And the reason I was going to tell that story, I was saying something

Floor Debate  
February 14, 2017

---

about a mess of pottage, and I need to tell this story to get to that. So Abraham raised that knife. And in heaven they talk about things. Satan and God even had a discussion. They were wagering on poor Job. He didn't know that he was the stakes in a bet between God and Satan, but they had conversations just like we do here. And as Abraham raised that knife, the angels were stunned and shocked and they looked at each other and looked at God. God is just as cool as a cucumber, a godly cucumber of course. And as that blade started its downward arc, the angels said, good God, he's going to do it. And the other angels said, he sure is, he's going to do it, he's going to kill his son. And God told Michael, Archangel Michael, go down there and you know what we agreed. So in a twinkling of an eye, Michael was right there and he grabbed Abraham's wrist. He said, stay the blade, Abraham. It shows that you put God first. You'd kill your son. And now Abraham is confused. He said, but everything...we were prepared for the sacrifice. And Michael told Abraham, God takes care of everything. You, yourself, said Jehovah-jireh, the Lord will provide, look over there in the bush. And there was a ram entangled in the bush, and Abraham went over there, took the ram, took the ram's life, thanked God everything worked out all right, but Abraham was never the same. Isaac was never the same. Isaac had two sons, Jacob and Esau. And Jacob...they were twins. But one of them had to come out first. And Jacob came out first, and Esau. They'd been struggling in their mother's womb. Esau said, you're not going to leave me here, and grabbed Jacob's heel, and when Jacob came out there was a hairy little creature holding on to his heel. Esau was hairy when he was born. So they grew and went their separate ways. Isaac...Jacob, as clean as a chitlin, smooth shaven, never grew a hair except on his head. His mother favored him because he was nice looking, and that is not wasted on a kid. He learned what a spoiled brat could do, so he got very slick. Jacob was so slick he could move sideways without moving his feet except his heel then his toes, and he did what would have been that biblical version of Michael Jackson's moon walk. They grew up. Esau became a man of the fields because he knew he was not favored. So he wore animal skins. He smelled like animals. He was out there hunting. And one day he went beyond the distance he should have gone. Maybe he was ill. He hadn't gotten his flu shot yet. So he was languishing and Jacob conspired with his mama. She said, go out there, take some food to your brother and tell him you'll give him some food if he'll sell you his birthright, and that food was known as a mess of pottage. Jacob went out there and saw his brother languishing, and rather than feeding his brother, he honored what his mother told him to do. Parents don't always give their children the proper advice, and parents do make distinctions between and among their children. So Jacob said, Esau, I'll give you this food if you'll sell me your birthright. In those days the eldest son got a blessing from the father. That was a birthright. Esau said, no, I can't do that, I will violate all the traditions, everything I've known, that's all I have...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...to look forward to. Jacob said, if you don't sell me your birthright, you're not going to look forward to anything except a hole in the ground. And that's why Jesus

Floor Debate  
February 14, 2017

---

said, blessed are the meek for they shall inherit the earth. Well, what he meant to say was they shall inherit a grave in the earth. So Esau sold his brother his birthright and cried bitterly. I have to turn on my light.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Harr, you're recognized. I do not see Senator Harr at the moment. We'll come back to him. Senator Krist, you're recognized.

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and once again, good morning, Nebraska. So what we just bypassed was the opportunity to adopt our temporary rules without these two amendments as our permanent rules until sine die, which would take us through the balance of the session. I understand that there were a few that had said, yes, they were going to vote for it, that have dropped off for different reasons. One of those reasons is, I think, I'm being told that had we extended it for the balance of the biennium, that we would have not lost a couple votes. I think that signifies the frustration and maybe, as Senator Schumacher said, the ability or the desire to go home. I'm toying at this point with whether or not either one of these amendments should be discussed anymore. But I remind you of the analysis that was given by Senator Ebke earlier. If the Brewer amendment is going to be passed, it needs the Krist amendment to be amended into it so we would adopt it, because as it is currently written the Brewer amendment is contingent upon members present and voting, and that changes the math. It changes the math to a point, as Senator Groene has stated and others have stated, Medicaid would have probably passed, the Medicaid expansion, given the way that you want to amend these rules with the Brewer amendment. It doesn't take a creative, analytical mind to give you a circumstance whereby you could have a number of people not voting, and you would be down to 25 votes, 25 votes to change law, to change something so, so onerous as expanding Medicaid, doing away with or reinstating the death penalty, making anybody who wants to sell any drug for the purpose of executing anonymous in the structure, and I could go on and on and on. This is a bad amendment. It's a bad plan, and quite frankly I keep hearing, "I promised, I promised, I promised, I'm a man of my word." Well, I'll say this right here and now, and I hope the Speaker is listening wherever he is. He's sitting right here, so I'm sure he's listening. The group of people that have been brought together to negotiate on behalf of the rest of us have gone nowhere, because here we are at day twenty-plus and there's not been an agreement reached. Every time they've come out behind closed doors there's been enough consternation and enough anomalies pointed out that we have not gone forward. So I'm going to suggest this to the Speaker publicly right now: whiteboard approach the next two days. Take the senior class of people who are here, take the senior class of the people who have been here the longest and put us in a room and we'll come out with a plan. And it may not be what those that have been negotiating all along have come to their conclusions, but it will be different.

PRESIDENT FOLEY: One minute.

Floor Debate  
February 14, 2017

---

SENATOR KRIST: It's not working, folks. The negotiated positions that have been coming out behind closed doors, God love you, I appreciate the fact that you've given of yourself. I'm sure you've done it in the best of intentions, politically motivated all, I might add, but it's not working. You don't put the same quarterback in quarter after quarter and throw interception after interception. It doesn't work that way. Let's get some fresh horses and let's see if we can ride the range the way it's supposed to be and reach some negotiations. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Schumacher, you're recognized.

SENATOR SCHUMACHER: Thank you, Mr. President. I think we're almost home. If you look at that vote there is no longer the votes for the craziness of changing the rules. One senator who voted not to adopt the Williams amendment basically has indicated, look, I didn't want the battle on the ninetieth day or the first day of next session to resume and do this all over again. This should have been for the entire legislative session--this year and next year--until everyone gets a little experience and sees that what had been attempted this year was not a good thing. Some, and this is a lesson, when you make a deal leave yourself a way out because there were two or three votes there that felt obligated to vote against what was right because they told somebody early on that they would vote a certain way, and so there were a couple more. There may be close to 30 votes to just go home and get on with life and do what we've been elected to come here and do. Now we have the procedural wrangle of how we go about opening that opportunity up. It has been established there is no good concrete reason to not go home. Nobody has explained why the grass is greener on the other side of the fence or why life would be so much better under a change of rules, no argument. Have you heard one? The best that there was, was, you know, there was a lot of filibusters last year. But the proponents of change were at least active in half of those filibusters, and some of the more irrational ones at that. So we're almost home. That puppy dog is walking down the gravel road having freed itself from the jaws of that trap. It's getting close to home. We're almost there, folks. Let's walk in that driveway and feel the comfort of knowing where we're at, knowing that we did the right thing. We're almost there. We need to position another vote to follow up on this, and we will be through with this nightmare. Thank you.

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. You know, when Senator Schumacher said, I think there might be 30 votes to go home, I thought he meant there might be 30 votes to adjourn sine die. And I thought that was a (inaudible) getting prepped for a motion. Then I remembered his earlier comments talking about how home is the rules from last year and that made a little bit more sense. Then again, if a motion like that came out of left field today, I guess I'm past the point of being surprised. Colleagues, I rise in continued, I guess, discussion of the rules. I

Floor Debate  
February 14, 2017

---

obviously do not feel I can support the Brewer amendment to Rule 7, Section 10. And that was not the rule I expected when I walked in this morning and had heard inklings of a compromise, both on the math part which has kind of fallen by the wayside. But that's something we'll have to clarify in what we actually mean when we mean two-thirds on numbers that don't evenly divide by three, as well as the difference between not present, and present not voting. I think that's a pretty key distinction and I've been trying to work through some of the hypotheticals here where, you know, if a supporter of a bill who has no problem voting yes for cloture wants to all of a sudden tip the scales in unusual ways by being absent, by being present not voting, I think there's some hypotheticals there and some maybe unforeseen consequences that at least I haven't figured out yet. So if anybody else has, please feel free to share them with me on or off the microphone. But I just wanted to address the kind of...the vote that's just happened and some things that just happened today. I think we do have the opportunity to just move on. I think obviously we got close to adopting the temporary rules as de facto permanent rules for the session. That would have still given us the opportunity to adopt permanent rules sometime within that time span to replace our permanent rules. I hope that can we not come to a compromise or final vote on the rules soon, that we can try that again and maybe have questions of procedure and other qualms taken care of at that time. I mean, I think...I know we've adopted the permanent rules for two days. I don't necessarily know what...whether or not debating the permanent rules tomorrow is what we should do, if we should just put some bills up there, get something else done for a day, let people talk about it and come back to it. It's certainly in the Speaker's prerogative and be an interesting theory to see what his mind-set was there. You know, going forward, going forward I'm appreciative of more and more people who have gotten up today and have the understanding that the rules, as they were, have not been the problem so much as the behavior has been potentially a problem depending on how you view it. This is a point I just want to keep getting back to, getting back to, and getting back to. But I want to make sure that this...it's getting shared by more and more members, at least on the microphone. I don't know how they felt previously. But I want to make sure we keep acknowledging it and identifying it. A lot of this can be solved...I mean, a lot of these filibusters can be solved through compromise. You can go look and in my two years and there's people who absolutely on General File, no compromising, I'm going to do it my way or the highway, yada, yada, yada. All of a sudden they maybe skate through on a 33 votes and one of the people who tells them they voted yes in cloture is, hey, I'm not solid on that, don't do that again. And then all of a sudden compromise comes out of nowhere and we pass it near unanimously or unanimously. I mean I think that's kind of more an attitude or behavior we as the body want to decide. If filibuster is the problem, I mean, let's work on building more compromise. Let's work on hearing the other side and...

PRESIDENT FOLEY: One minute.

SENATOR HANSEN: Thank you, Mr. President--and going from there. And if we're...so if that's the problem, that's the problem. And if it's the problem of we're spending too many days on

Floor Debate  
February 14, 2017

---

something, that's within the Speaker's prerogative to change things, to keep us late, to move things up and down, to go back and forth, and maybe that's the way to solve it. Anyway, I appreciate the debate we've had today, and I thought we'd solved it a few minutes ago, so, disappointed in that, but looking forward to continue, as always, debating the rules with my colleagues in future days. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Blood, you're recognized.

SENATOR BLOOD: Thank you, Mr. President. Senators, friends all, I stand to speak again in reference to the rules because I fear we've made a big mistake. Last week I got a lot of really kind e-mails and phone calls from Nebraskans all over telling me to continue to speak from the heart and that they appreciated the fact I take a nonpartisan stance. And I don't beat around the bush. I tell you what I think. I think we made a mistake. In 48 hours you can take over a country. In 48 hours we might be on a fault line and get swallowed up into the middle of the earth. You never know. But in 48 hours I bet you we're never going to come to terms because we haven't done it yet. I just experienced something that I am appalled about. I was on the sidelines. And by the way, people ask me, what's going on over there, all the time, and I say, have you ever given chum to a shark, because that's kind of what goes on sometimes underneath here. And I accidentally hear conversations that I don't want to hear. When we were called to vote on the last vote, I heard a senior senator run by another senator of the same party's desk and go, vote no, vote no. And guess what, he voted no. Why are we here? We're here to get things done. Why do we keep sending the same people to make decisions on our behalf because they're not getting it done? And no offense to the people that tell me we've got your best interest at heart, and we're going to get it done. I can't even count how many times they told me we're close. We're not close. Somebody is going to have to give in whether we agree with it or not, because we're not getting our business done. And, Senator Schumacher, who I admire greatly, your calming tone makes me always want to take a nap in a good way. But when you tell me that dog is walking down the road, that dog got hit by a van a long time ago. So I just...I stand before you today and I'm begging you guys. And you notice again there's a lot of people missing. Maybe they didn't hear my impassioned plea last week, and that's okay, or they just don't care, but I care and I think we're making a mistake and something needs to be done. Everybody is moaning and complaining on the sidelines or doing the opposite which is that they're strong-arming and recruiting their little minions to get them the way they need. I'm not a minion. I'm a Nebraska senator. I represent all people not just Republicans, not just Democrats, not just independents--all the people. I'm not getting my job done. You're not getting your job done. Knock off the politics. Let us be public servants. Let's move forward and quit the shenanigans.

PRESIDENT FOLEY: Thank you, Senator Blood. (Visitors introduced.) Senator Harr, you're recognized.



Floor Debate  
February 14, 2017

---

SENATOR HARR: Thank you, Mr. President, members of the body. So this is a...we're back to the Krist amendment. And it's a difficult place that I'm in because philosophically I think it's a better deal than what was offered originally under the Brewer amendment. I think it doesn't give any side an advantage over the other, but what it does do is hold us accountable and still keeps the filibuster at a high number. But that being said--and whenever there's a "but," that means everything I just said is negated--I did make a deal and I have to stick with my word. I'm going to stay with the Brewer amendment. It's not the agreement I made this morning, but either (sic) is the Krist amendment. I have an amendment coming after the Krist that closer identifies with it. While I do agree philosophically with the Krist amendment, I have to stick with my word, but I'm just one person, and I bind nobody to any deal that I made. So I appreciate everything Senator Krist is doing. I appreciate all that Speaker Scheer is doing to try to get us to yes, and I think slowly but surely we're going to get there. And so with that, I would yield the remainder of my time to Senator Schumacher if he would like it.

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Schumacher, 3:30.

SENATOR SCHUMACHER: Thank you, Senator Harr. I'm grieving. Senator Blood just killed my dog, (laughter) run him over with a van. He might come back though. He's a tough little bugger. I already said about all that I can say on this particular matter. It's, again, one of those things where we have a really mixed-up system. You basically hear Senator Harr saying that he's not Donald Trump and he didn't negotiate the best deal, but he's going to stand with it. And that's a long-standing tradition of the Legislature: When you make a deal, no matter how bad it becomes, you stand with it. So a lesson, everybody, always leave yourself an out if the deal becomes a bad deal. And really if we were about the people's business, the other people in that group of six would stand up and say, you know, if what you agreed to has been proven by the debate to not be the right thing to do, you're free to vote your heart and your mind and vote for doing what is right for the people of the state. The fact that Senator Harr feels bound means that someone is binding him. What a mess we can get ourselves into when we start making deals. And what if the deal involves I'll vote for this bill of yours or that bill of yours and you vote for mine? Neither party thinks it's a good deal, but it's a good deal if theirs passes. I think that's maybe one of the more powerful lessons of the morning: making a deal...

PRESIDENT FOLEY: One minute.

SENATOR SCHUMACHER: ...and then finding out it is not a good deal. We have several paths to bringing this situation home. The best path that I think pretty much a majority, maybe more than a majority has come to, is leaving well enough alone. The old adage, if it ain't broken, don't fix it. And so we're going to spend another day or two with behind-the-scenes deals, whips

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

Floor Debate  
February 14, 2017

---

cracking across people's backs, reminding people that they got to stay in line or not in line. And we will be down to 58 days and a lot of big decisions to be made. Thank you.

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Hughes, you're recognized.

SENATOR HUGHES: Thank you, Mr. President. My apologies, I did not think I was going to get up today. There were quite a few in the queue. Getting back to what we're dealing with now, wanting to change the rules that have been in place since 20, 30 years ago, I think we can all agree, and I've stated before, that each Legislature is different. We all have a different personality. The personality we have this year is different than the one we had 2 years ago, and was certainly different than the one 10 years ago, and even more different than the one 20 years ago. So each Legislature has a personality, and we have to figure out how to adapt the rules that best fits who we are. I think what we've been discussing this morning...I will give credit to Speaker Scheer. You know, he has done a lot of work of trying to get this body to come together. I've been called into some meetings in his office with a group. I didn't...was not part of the group that met yesterday, and I'm okay with that. I'm okay with not being part of the group. I'm okay with being part of the group. If someone thinks I can contribute, that's great. If they want to not include me, that's great too. I'm certainly not going to whine about it. And, yes, Senator Krist, there is whining that goes on, on this floor. When it comes to compromise, there has to be at least two sides. One side doesn't make a compromise. My understanding of what was discussed was there are several other states that handle their rules in a way that we looked at. I wasn't really excited about it. I liked the 17 red and 30 green. That's my first choice. But I'm not...doesn't sound like I'm going to get that. What we're looking at now is what I would like to see is transparency, and forcing each one of us, all 49 of us, to be accountable to our constituents on the tough votes. And I've been on both sides of the filibusters. I've won some and I've lost some. And I'm very sensitive to the minority, being a farmer, because if you're a farmer in Nebraska, if you're a farmer in the United States, if you're a farmer in the world, you are a minority. So I'm very sensitive to the minority issues, but I'm also ready to get this behind us and move on. Senator Williams said this morning that we all need to step up and do our part. That's part of what the Brewer amendment does. We all need to be here and do our part, and we're not forcing anyone to not vote or have to vote. You can still not vote if you want to, but there is a consequence for not voting. A lot of the reason that we're here is because there are people yielding time to each other, advancing their cause, and that's okay, but it's frustrating. If you have something to say, stand up and say it.

PRESIDENT FOLEY: One minute.

SENATOR HUGHES: I'm one of those people that don't believe I'm going to change anybody's mind with what I say. I'm probably just venting and getting it off my chest. But if you yield time

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

Floor Debate  
February 14, 2017

---

to someone else--and I do, do that occasionally--you're providing your side additional ammunition to make your point. And the point that is being made is the liberals want to waste our time. We've wasted 30 days already, and if we keep going we're probably going to waste the next 60. The only thing we really have to do is pass a budget. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Hughes. Items for the record, Mr. Clerk?

CLERK: Mr. President, Executive Board reports LB539 to General File, Health and Human Services reports LB323 to General File, notice of hearing from the Transportation Committee, all those signed by their respective Chairs. Name adds: Senator Pansing Brooks to LB194; Senator Erdman, LB404; Hilgers, LB506; Hilkemann, LB506; Lowe, LB639. (Legislative Journal pages 479-480.) [LB539 LB323 LB194 LB404 LB506 LB639]

Mr. President, a priority motion: Senator Chambers would move to recess the body until 3:00 p.m.

PRESIDENT FOLEY: Members, the motion before you is to recess and return at 3:00 p.m. All those in favor say aye. Those opposed say nay. The motion is not adopted. Mr. Clerk.

CLERK: Speaker Scheer would move to adjourn until Wednesday morning, February 15, at 9:00 a.m.

PRESIDENT FOLEY: The motion before you is to adjourn. All those in favor say aye. Those opposed say nay. We are adjourned.