

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

Floor Debate
January 13, 2017

[LB36 LB68 LB125 LB222 LB259 LB271 LB276 LB289 LB355 LB356 LB357 LB358 LB359
LB360 LB361 LB362 LB363 LB364 LB365 LB366 LB367 LB368 LB369 LB370 LB371
LB372 LB373 LB374 LB375 LB376 LB377 LB378 LB379 LB380 LB381 LB382 LB383
LB384 LB385 LB386 LB387 LB388 LB389 LB390 LB391 LB392 LB393 LB394 LB395
LB396 LB397 LB398 LB399 LB400 LB401 LB402 LB403 LB404 LB405 LB406 LB407
LB408 LB409 LB410 LB411 LB412 LB413 LB414 LB415 LB416 LB417 LB418 LB419
LB420 LB421 LB422 LB423 LB424 LB425 LB426 LB427 LB428 LB429 LB430 LR1CA
LR13 LR14]

SPEAKER SCHEER PRESIDING

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

SENATOR CRAWFORD: (Prayer offered.)

SPEAKER SCHEER: Thank you, Senator Crawford. I call to order the eighth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. (Doctor of the day introduced.) Mr. Clerk, please record.

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

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

CLERK: I have no corrections, Mr. President.

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

CLERK: I have a Reference report referring LB231 through LB297, signed by Senator Watermeier as Chair of Reference. Hearing notices from Banking, Commerce and Insurance Committee, and Natural Resources Committee. Mr. President, I have received two conflict of interest statements, one from Senator Bolz, one from Senator Larson. Those will be acknowledged and on file in the Clerk's Office. Agency reports that were filed on the legislative Web site are acknowledged and the lobby report, as required by state law, to be inserted in the Journal today. That's all that I have, Mr. President. (Legislative Journal pages 197-200.)

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

Floor Debate
January 13, 2017

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

CLERK: Mr. President, Senator Brasch would move to withdraw LB125. [LB125]

SPEAKER SCHEER: Thank you. Senator Brasch, you're recognized. [LB125]

SENATOR BRASCH: Thank you, Mr. Speaker. Good morning, colleagues. I would like you to support my request to withdraw this motion. My eight days as the new Ag Chair is with a learning curve. LB125 was a bill I introduced on behalf of the previous chair who worked with the Nebraska board of the Brand Committee...the Nebraska Brand Committee. And at this time looking at the content, speaking with the Brand Committee, and advisement of my staff, I hesitate to move this forward. Perhaps we'll look at it once again in the interim. I would appreciate you to support my motion to withdraw. Thank you, colleagues. [LB125]

SPEAKER SCHEER: Thank you, Senator Brasch. Seeing no one wishing to speak, the question before the body is the motion to withdraw LB125. All those in favor vote aye; all those opposed vote nay. Please vote. Please record. [LB125]

CLERK: 35 ayes, 0 nays, Mr. President, on the motion to withdraw the bill. [LB125]

SPEAKER SCHEER: Mr. Clerk, we'll proceed to the motion for rereference. Mr. Clerk, are there any items?

CLERK: Mr. President, if I may before we proceed, new bills. (Read LB355-364 by title for the first time.) And that's all that I have at this time, Mr. President. Thank you. (Legislative Journal pages 200-202.) [LB355 LB356 LB357 LB358 LB359 LB360 LB361 LB361 LB362 LB363 LB364]

SPEAKER SCHEER: Thank you, Mr. Clerk. Mr. Clerk, we'll proceed to the agenda.

CLERK: Mr. President, Senator Chambers would move to rerefer LB68 from the Government, Military and Veterans Affairs Committee to the Judiciary Committee pursuant to Rule 6, Section 2(a). [LB68]

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Chambers, you're recognized to speak.
[LB68]

Floor Debate
January 13, 2017

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, before I get on to the motion I want to make a few comments. When we sit on the Reference Committee we have a list of committees and the jurisdiction of those committees. It was stated years ago that we want to try to refer bills properly to the appropriate committee because there are members of the public who follow subject matter rather than committee. And when we misrefer a bill that many members of the public, pro and con, may be interested in, they'll miss it because it went to the wrong committee. I'm the only one on the Reference Committee with training in the law; I have a law degree but I don't practice law. Generally speaking my legal training, my knowledge, my experience are not respected in this Legislature. If I can bludgeon people then they might have to grudgingly make concessions, but generally I enjoy no general respect in this body. But what I'm concerned about is the integrity of the Legislature as an institution. I am concerned about the integrity of our processes and our traditions. Each person determines what his or her self-imposed duties are, but there are certain duties we have by virtue of being elected officials. We are like trustees to and for the public. We are to give our best efforts. We are to be honest. We are to be forthright. There has never been a taint of scandal connected with me. I don't accept money from lobbyists or anybody else. I don't campaign. I don't misuse state property. I don't masturbate on Skype with a woman. Yet some of the people who do those things are accorded an acceptance which is denied me, but it matters not because the negative attitudes of people toward me will have as much impact on me as the sweat of a gnat has on the Rock of Gibraltar. On the Reference Committee they--and they know who they are--have five votes. They can do anything they want to. They can misrefer bills and there's nothing that can be done about it except to raise an issue on the floor of the Legislature as I'm doing today, That I intend to do not only on these two bills, but on others. When we have a set of circumstances where bills are referred, a word that I will use is predictability for the public. I handed out to you a Legislator's Guide that is available on the gadget so the public can see what it is that these committees are supposed to deal with. Now, the first day was what I call the Tuesday blood letting. It reminds me of what was called the Saturday night massacre when Nixon fired or ordered the firing of individuals who would not cover up for him in the Watergate fiasco. Naked power was shown here on the first day. And when you have the votes, you can do anything you want to, as was shown. Political hardball was played so that is what is to be expected. And for some of the chairpersons who are worried about the new people, if new people can be given chairmanships they should not be accorded special consideration during committee hearings as though they're babies who need to be wet-nursed. I'm not going to let any chairperson or any collection of people on a committee infringe on or limit my ability to represent my constituencies and exercise the prerogatives of a member of this Legislature. So that stuff ought to go out the window. Now, it's obvious that chairmanships are not given on the basis of qualification, knowledge, or experience. Just have the votes and it can be done. But I have a feeling from my experience here over four decades that that clump that stuck together on that first day is going to begin to fray. And some have complained already because whereas when they were being courted to go along they were treated with ultimate respect, utmost. Now it's like, go away, kids, you bother me. You're in the

Floor Debate
January 13, 2017

way. I don't have time. That's why I wasn't worried about them sticking together for the whole session. I've seen everything that has happened at some point or other, but I've never in all of my years seen it concentrated in one time, on one day as happened the first day of this session. That set a tone for me. So I want to find out what the practices will be. I don't care what they are, I will win. You know how I win? By taking vengeance. And I'm going to tell you something about vengeance. Although I don't have a corpuscle of religion, I know what's in the "Bible." And the "Bible" says, vengeance is mine, sayeth the Lord. I shall repay. But there's a human corollary that says, vengeance is sweet. And when you put these two things together you come to an understanding why the wreaking of revenge or vengeance should be in the hands of only a god if there be a god. It is so sweet, but it is also destructive that it should not be just used willy-nilly in the same way you don't let children play with matches. Now, people can think that I'm bluffing. I've handed out articles to show you where I've been challenged. I've had rules drafted to stop me, and none of them did. Water is an almost universal solvent. It cannot be universal or nothing could contain it. Maybe it is universal. It can corrode metal and eventually cause it to wear away. We know what it can do to stone by looking at what the Colorado River did in cutting the Grand Canyon. We know that if you put it in a glass container it's not going to dissolve the glass, as far as I know. Maybe with enough years that would happen. But water, if you pour it out, is not going to be contained. You have to try to find a way to confine it. And if there's a smallest opening, water will find that opening and make its way out. If I were to accord myself or compare myself to anything it would be like water. Try as you will, be determined as you might, you cannot sustain what it takes to stop me as long as I can do what I think is necessary. Everybody in here with the exception of me probably is a Christian or claims to be one, because you can be a Christian and be a devil at the same time, obviously. You can masturbate on Skype, commit the crime of misuse of state property and still be a Christian. But here's something that Christians say they believe. It's called the golden rule. As you would that others do unto you, do ye also unto them likewise. So assuming that you all know that and that you're Christians, the way you treat me is the way you want me to treat you. However, not being a Christian, I cannot stoop to the level that some stoop to in here, and you'll probably get better treatment from me than you will accord me. What I think of myself is more important than anything any individual or any collection of individuals may have of me. I have one friend, and that friend is deep down inside of me. That friend is a confidant. But primarily I call it the sentinel,... [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: ...because that friend knows when I'm toeing the line as I should. No matter what kind of praise or approval others may give, if I am not doing what I know to be right, that sentinel says, hold it, Ernie, we got to back up and do that over again. But when that sentinel finds me in sync with that sentinel, then I'm at peace. And I have a peace that is so deep, settled, and enduring that nobody can disturb it. I wanted those statements in the record, because lacking respect here, as I said, I must speak on the record, for the record, because it's not just to

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

Floor Debate
January 13, 2017

the people in this room or in that committee room of the Executive Board. The public has a chance to watch and hear what we all say. Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Bolz, you're recognized. [LB68]

SENATOR BOLZ: Thank you, Mr. President. As a member of the Executive Board and therefore the Referencing Committee, one of my responsibilities is to participate in referencing of legislation. And I wanted to share with the body the rubric that I use, the rubric that I have been taught how to use in terms of making referencing decisions. So as Senator Chambers discussed, one of the first tools in the toolbox is to look at the referencing guide, and that referencing guide--there is a copy of it on your desk--and it by subject matter articulates which committee addresses which issue. That is generally the place that I start when referencing a bill. Another thing that I look at is the statutes that are referenced in the legislation. Specifically, the statutes that are referenced in the pieces of the legislation that are to be changed. Frequently, you're looking at a piece of legislation that addresses multiple statutes, but to me I'm specifically considering the pieces of statute that will be changed and the chapter in which they are in. Other items of consideration include the history or the tradition. Does a specific committee have a knowledge base, have a past experience with a particular bill that might benefit them in making their decisions as a bill gets referenced even if it's the subsequent year? Other issues include, what is the entity that is doing the work? Who is responsible for implementing the change? Who will be ultimately accountable for implementing the piece of legislation? Other issues include a significant issue. There are certain issues that we can all recognize as common-sense individuals that have specific meaning or weight in our culture and in our dialogue. Issues such as drugs; such as issues related to this issue, guns. There are certain things that I think deserve special consideration because of their meaning in Nebraska and to Nebraskans. And last but not least, I think it's important to consider the primary purpose of the piece of legislation. At the heart of the issue, what is the introducing senator trying to achieve with their activities? What will the bulk of the conversation and testimony be regarding? I share that with you just to help you think through all of the considerations and all of the things that we weigh as Referencing Committee members when we're trying to make the right decision about which committee to which a bill will be referenced. As it specifically relates to this piece of legislation, I would agree with Senator Chambers in that it's not only about this bill, it's about the integrity of our process as a whole. So we have to think about referencing bills according to agreed-upon rules and doing the best by every bill that is in front of us. And as it relates to this specific bill, if I walk you through that rubric, the Legislator's Guide specifically articulates that guns are a part of the duties of the Judiciary Committee. I'll also point out that one of the statutes addressed in the changes of the bill is statute 28-1201 which discusses the definition of handguns as well as the definition of other weapons and the definition of a fugitive. Now, to be fair, the changes also reference 69-2441, which relates to duties related to the consumption of alcohol, which also is under the purview of the Judiciary Committee. [LB68]

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

Floor Debate
January 13, 2017

SPEAKER SCHEER: One minute. [LB68]

SENATOR BOLZ: Tradition was taken into consideration. And as I understand it and as I recall, the last time we debated this issue--and to be fair, the bill is not precisely the same, but it is mostly the same--this bill was referenced to Judiciary. Some of the entities doing the work are, of course, the counties and that's a fair consideration, but there are also references to the courts and the courts, of course, would be under the purview of Judiciary. I would argue that this is a significant issue, an issue that has specific weight to our communities, an issue of major importance. And so that issue of the use of firearms under the purview of the Judiciary Committee has a special consideration in my mind. And last but not least, I think the primary purpose is the discussion about how we regulate and oversee guns. So, colleagues, I share that with you to help you understand my logic pattern... [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR BOLZ: Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Bolz. Senator Watermeier, you're recognized. [LB68]

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraska. I rise in opposition to the motion to rereference LB68 from Senator Hilgers. But, more importantly, I guess I rise in just a little point of reference to the other members who are not involved in referencing. This is my third year as far as being involved in referencing. Just to give you a little history about what we do in here every day after the first day of bill introductions, the Revisor's Office will go through these bills and look at them and they will give us a suggestion, a suggestion as to on the surface where the bill would appear to be referenced to. So the Referencing Committee is responsible in looking at that suggestion from the Revisor's Office and making a determination. On the first day or two we probably get between maybe 60 to 70 bills, and in the heat of the battle we might have four or five pages, which would be 100 to 120 bills. So it's a big job and it's a serious job for the Referencing Committee to do their work, and I respect the decisions that are made there. But be mindful of the fact that the suggestion that it comes from the Revisor's Office is just that, it's a suggestion. And over time I would suspect that things go to different places and as complicated as bills are it's okay that things are referenced in a different order. The other process that we...or in a different reference. The other process that we do is if there's a contended issue...today is different because the bill was referenced to a committee, and it was also assigned a hearing; that's why we are debating this today. If the bill had not been assigned a hearing we could have brought the bill back to the Referencing Committee with the suggestion of both chairmen of the committees that want to agree to give up the bill and the one that wants to receive the bill. So the process that Senator Krist initiated last

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

Floor Debate
January 13, 2017

year--and I think it's a very good one--is that, those two committee chairmen discuss the bill and they agree that it ought to be rereferenced, they sign a letter, bring it to the Referencing Committee the next day or the day that's on the agenda, and they make their case to the Referencing Committee, and then we can make a decision at that point in time. Just for your reference, on the first day we had pulled out six bills to have different conversations with the Revisor on, and actually we referenced two of the bills differently than what they were suggested from the Revisors. The next two and three days we brought out two or three more bills, but did not reference differently than what the suggestion was. And since then, we've probably debated 10 or 15 bills and only changed 2 others, I believe, which would have cooperation from both committee chairs. So my point is this, is that I do stand in opposition to the motion to rereference, but I wanted to give you a little bit of basis and a little background as to what goes on in Referencing. Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Watermeier. Senator Morfeld is next, followed by Senators Murante, Chambers, Hilgers, and others. Senator Morfeld, you're recognized. [LB68]

SENATOR MORFELD: Thank you, Mr. Speaker. I rise in support of Senator Chambers' motion for several different reasons, and some of them have already been explained and discussed by Senator Chambers, but also Senator Bolz. I read this bill very, very closely this morning and looked at the different sections and the different sections that it impacts in terms of the subject matter jurisdiction of the committees as laid out on our Web site and in our rules. And while I was reading this section by section, I found four to five different areas of subject matter jurisdiction that's listed under Judiciary that this bill impacts. I also looked at Urban Affairs. And there are five different references to cities and villages of a certain class size that this bill references, all under the subject matter jurisdiction of Urban Affairs--which is one of the enumerated subject matter jurisdictions under Urban Affairs. So if it doesn't go to Judiciary, at the very least there's a more compelling argument that it would go to Urban Affairs. Now, I'm intimately familiar with this bill as many of you know that were here last year. And while there is one addition to this bill, as far as I can tell--there could be other several minor ones--that's referring to the counties, and that falls under the subject matter jurisdiction of, of course, Government Committee, which is the point of contention today. So if we want to look at on the face of it, based on the subject matter jurisdiction laid out by our Legislature and put out publicly, this bill should clearly go under the subject matter jurisdiction of Judiciary. I think it's also important not to only look at what on the face of it should be considered in terms of referencing the bill to which committee based on the outlines and the guidelines that we have put forth and commonly followed, but rather the practical impact of what this bill would do. In the city of Lincoln alone, in my district that has gang problems, this bill would eliminate 11 laws regarding guns. So while this bill may very well impact counties, which may be one of the subject matter jurisdictions under the Government Committee, this bill clearly, clearly, has an impact on the regulation and possession of firearms because it would eliminate 11 laws in my

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

Floor Debate
January 13, 2017

district alone that has been used to fight crime, to save lives, to prevent people being killed in parks just down my street. And so to say that this bill, simply because it has one reference to county governments, somehow magically now goes to the Government Committee when these bills have clearly gone to the Judiciary Committee for many years because of the practical impact of what it does to regulate firearms. Under Judiciary, which is under the Legislature's Guide that we have passed out: Handgun permits; possession and use of guns. This directly impacts handgun permits and the possession and use of guns. Now, I suppose I'm going to be introducing a bill that deals with Medicaid expansion pretty soon. Maybe I should just put a few criminal references in there and hopefully it will get referred to Judiciary Committee, which I serve on that committee. I'd love to have my Medicaid expansion bill referred to Judiciary Committee. [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR MORFELD: But simply because we make one addition that happens to impact one of the committees that we serve on when as a whole the bill clearly impacts at least four or five of the different areas of the subject matter jurisdiction that is traditionally addressed by a committee does not mean that that bill should be then referenced to another committee which it traditionally has not been referenced to, because it clearly does not impact on a whole the breadth of subject matter jurisdiction of another committee. If we're going to change the rules of the game let's change the rules of the game and let's put handgun permits, possession and use of guns under Government Committee, but at least give due notice to the body. And maybe I missed the notice that there was going to be an attempt to move this to Government Committee. And maybe I should just attend all of the Executive Board meetings from here on out. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR MORFELD: Thank you. [LB68]

SPEAKER SCHEER: Thank you, Senator Morfeld. Senator Murante, you're recognized. [LB68]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I rise in opposition to Senator Chambers' motion to rereference. I will begin by saying that I very much appreciated Senator Bolz's floor speech because I think she ably laid out a reasonable series of standards for bill referencing. And it is because of those standards that LB68 has been properly referenced to the Government, Military and Veterans Affairs Committee. And let me explain a couple of reasons why and give you some practical examples. At the core of LB68--and I'll do something that nobody else has asked you to do so far--I want you to get on your computers and open up LB68 and see what it actually does. At its core, LB68 says to political subdivisions that you

Floor Debate
January 13, 2017

cannot pass a regulation that is greater than that of the state of Nebraska. Now I want you to look at your Legislator's Guide. I'm glad it was passed out, because I would have if nobody else did. Under the Government, Military and Veterans Affairs Committee, political subdivisions broadly is under our jurisdiction. The relationship between political subdivisions and the state of Nebraska...we...the plurality of the bills that we get in the Government Committee deals with that question, the relationship between political subdivisions and the state. What is being regulated is not the question, and let me give you a couple of examples. If there is a bill regulating the siting of livestock operations, what does the Government Committee have to do with livestock operations? Nothing. If you look at your guide, the Agriculture Committee has control over livestock operations. But when a bill was introduced to say that counties cannot pass...that there would be a statewide matrix for the determination of livestock operations and counties had to abide by that, the bill came to the Government Committee. It was heard, it was sent to the floor, the Legislature passed it, and the Governor signed it. What does the Government Committee have to do with state penitentiaries? Nothing. What does it have to do with county coroners? Nothing. But when a bill was introduced to say that between counties and the state penitentiary, if a coroner goes to a state penitentiary to perform an autopsy, the bill came to the Government Committee because the fundamental question was, between political subdivisions and the state of Nebraska we were navigating that relationship. This is what we do most. The one thing that was stated today that is materially incorrect is that broadly speaking the Judiciary Committee just deals with guns. If you see the word firearms, stop reading the bill. What the Legislator's Guide says is the Judiciary Committee has jurisdiction over handgun permits and the possession and use of firearms. That's it. This bill does not change state policy on any of that subject matter. One of the clearest indications about whether a bill should be in the Government Committee or not is who is impacted. Who is the...what is the entity that is...whose behavior is being affected? It's not individuals. If we were debating a bill to change whether or not an individual could possess or use firearms, it would be in Judiciary and I wouldn't be making an argument. This bill deals with what city councils and county boards can and cannot do. That's it. It's the jurisdiction of political subdivisions in the state of Nebraska. Who wins? Whether you think it impacts your district, whether it nullifies... [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR MURANTE: ...some decisions of the political subdivisions which you represent is immaterial. Whether you think LB68 is a good idea or not is immaterial, because if we start going into the...if we start having the question of not what is being regulated, of not whether...if we deviate from the standard of bills that deal with the relationship between political subdivisions and the state don't go to Government anymore, and we have to get into what's the heart of the...what is being regulated, we're fundamentally transforming how the referencing process works and you're taking away the bulk of what the Government Committee does. So we

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

Floor Debate
January 13, 2017

are going to spend an incredible amount of time this year in the Government Committee determining what political subdivisions in the state of Nebraska can and cannot do. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR MURANTE: LB68 is a continuation of that. Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Murante. Senator Chambers, you're recognized. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. I often will quote Shakespeare or somebody else who will be respected. As a tale told by an idiot, full of sound and fury, signifying nothing, Senator Murante has not dealt with the realities. They looked at the makeup of these committees. They looked at the membership of the Judiciary Committee. Here are four of the people who are on this bill: Senator Ebke, Chairperson of the Judiciary Committee, who I think goes along with what they're doing; Senator Larson, who is chairperson of some committee or other; Senator Murante; Senator Watermeier. Senator Murante is chair of the committee it would go to. Senator Watermeier is Chairperson of the Exec Board. Now Senator Watermeier mentioned the number of years he has been on that committee. I will not blame and fault Senator Murante for not knowing what it is the Judiciary Committee does, but I fault Senator Watermeier. I'd like to ask Senator Watermeier a question. [LB68]

SPEAKER SCHEER: Senator Watermeier, will you yield, please? [LB68]

SENATOR CHAMBERS: Is he here? [LB68]

SPEAKER SCHEER: I do not see Senator Watermeier, Senator Chambers. [LB68]

SENATOR CHAMBERS: Well, let me tell you all one thing. When a bill is brought to the Legislature that creates a new cause of action, it goes to the Judiciary Committee. And when you create a cause of action that allows somebody to sue a city or a village--if you turn to pages 15 and 16 of the bill, which we would expect the chairman of the committee who wants this bill to have read--a person affected adversely by an ordinance, a measure, an enactment, a rule, or a policy adopted or enforced by a city or village that violates this section may file an action in a court of competent jurisdiction against the city or village. That puts the bill into the Judiciary Committee, Senator Ebke. And here are the types of relief, which every lawyer ought to understand--declaratory and injunctive relief. Is that a Government Committee matter? No. Actual and consequential damages attributed to the violation--Judiciary Committee. A person is

Floor Debate
January 13, 2017

affected adversely for purposes of this subdivision if the person is a legal gun owner, if the person belongs to an organization of at least two people who advocate for gun rights. These are the kinds of things that will, again, specifically be available. On page 16, lines 11 through 13: Actual damages, including consequential damages--Judiciary; court costs--where do bills that relate to courts--to the Judiciary Committee; reasonable attorney's fees--these are Judiciary Committee matters. And those who are signed onto this bill and Senator Murante don't even know that these things are in the bill. You know why I didn't bring these specifics up--and I have others from the bill to give you all an example of how I read your legislation--because I wanted to hear others make themselves look foolish by not dealing with the core issue in this bill. [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: They want to create a cause of action against cities and villages. When causes of action are created, they go to the Judiciary Committee. When you talk about court costs, attorney's fees, and damages, injunctive relief, those are matters squarely within the Judiciary Committee's province. You can do whatever you want to with the bill. I don't care where you send it. It'll just show me what you are, what you don't understand, how you expatiate freely in ignorance when that ignorance could have been removed had you simply read what the subject matter is as before us. I read these bills. And I'm going to go into more specifics from the bill and let the public listen to us and watch and hear. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Hilgers is next, followed by Senators Hansen, Krist, Ebke, Larson, and Crawford, and others. Senator Hilgers, you're recognized. [LB68]

SENATOR HILGERS: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I introduced the bill, and I rise this morning in opposition to Senator Chambers' motion and I wish to make two brief points. The first is why I think this is more appropriately in the Government Affairs Committee. Senator Murante ably laid out the reasons. But let me frame this for you. And it's based in large part on the debate on this bill last year. Ask yourself what this bill does. What this bill does is one very simple thing. It changes the power of our political subdivisions. Currently right now, our political subdivisions operate...in this area of expertise they operate under home rule, meaning that they could do whatever is not specifically prohibited by the state. What this would do is change it to Dillon's Rule. In other words, they could only do

Floor Debate
January 13, 2017

what the state allows them to do. What that regulates is the authority of political subdivisions. That's appropriately in the Government Affairs Committee. Does it mention firearms? Sure, it does. Of course it does. That's the area of authority that's being changed. Does it mention court fees and attorney's fees and a cause of action? Of course it does, because it provides a remedy for individuals to help enforce the provisions of the law. Of course it does. Does it impact downstream? Does it impact gun use? It has that impact. It will have that impact. We'll debate that. I hope we'll have the opportunity to debate that on the floor. But what it does at its core is regulate political subdivisions. And that, according to the guide, would go more appropriately to the Government Committee. But the second point that I rise for and I think what is the more important point is a process point, because there are senators who disagree with me. I think the case is clear, but there are senators who disagree. Senator Chambers has outlined reasons, Senator Morfeld has also outlined reasons why they believe it should be in the Judiciary Committee. But the task before us, colleagues, here is not to act as the referencing body in the first instance. What we're being asked to do--I think this is an important point--what we were being asked to do is overturn the decision of the Referencing Committee. And what we are doing if this motion passes is to not just overturn the Referencing Committee, we are overturning the unanimous agreement, concurrence of the Chair of the Judiciary Committee and the Chair of the Government Committee. Those are the subject matter experts on which we are discussing. Colleagues, we went back and looked. We worked with the Legislative Research Office and we went and looked. There has not been an instance in the last 20 years--and that's all the time that we had to look for, but I would wager it would go back further--in which this body has overturned what I just said. When there has been unanimous concurrence of the chairs of the body...of the committees that are being impacted and the Referencing Committee, we have never overturned that in the last 20 years. We've never overturned that decision. You may disagree with me that this should have gone to the Government Affairs Committee, and I think that we can have respectful disagreement on that, but that's not the question before us. I still urge you to vote red on this motion, because it's not about where it should have been in the first place, it's about whether we should overturn that process. And we'll be creating, colleagues, precedent if we do this. If anyone doesn't like where something's referenced, if we don't want to trust the Executive Board and the Referencing Committee on what they did, we can take up valuable floor time talking about these motions. Well, colleagues, I'll tell you, I did not ask to be on the Executive Board. I didn't want to have to deal with these referencing fights. I walked doors and I campaigned to come down here and do the business of the people of the state of Nebraska. I did not come to debate the fine points of the jurisdiction amongst committees. Is it important? Absolutely, of course it is. But we have a process in place. We have people who have done many and many of these, including Senator Bolz who has very articulately explained her reasoning and background on how she approaches these bills, and I respect everything she said. But that process is in place. Let's respect it. Let's move on. Let's get on to the business of the state of Nebraska. And I urge you all to vote no on this motion, even if you might disagree where it would have gone in the first place. [LB68]

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

Floor Debate
January 13, 2017

SPEAKER SCHEER: One minute. [LB68]

SENATOR HILGERS: Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Hilgers. Senator Hansen, you're recognized. [LB68]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, today I rise to discuss this motion which I ultimately will be supporting. But I want to just talk broadly kind of about some traditions that I quickly learned as a freshman two years ago on committees, and specifically for this I'm going to talk about a bill that is in front of General Affairs; totally different subject and totally different matter. But anyway, it's my first week of hearings, maybe second week. I've only been a couple times, and the bill introducer gets up and wants to change how citizens come in front of the Liquor Control Act. And I'm nodding along and I'm nodding along and they're making really good points. They have a couple constituents who are really concerned with the Liquor Control Act and hearings there. And they're making good points, they're making good points, and I'm thinking, oh, this is like, slam dunk. This is going to be great. This is going to be amazing. We'll kick it out and this will be a great bill. And then we get to opposition and the Director of the Liquor Control Commission comes up and lays out all of his concerns, point by point by point, and the members of the committee who are more senior than me are all nodding along, thanking him for following up and whatnot. So we go Exec on that that afternoon and I find out that this is a bill that has been carried multiple times and it's come up and there's been the same concerns over and over again. Now, unfortunately, that was a bill I ended up supporting and still liking despite the concerns. But there was this body of expertise where there had been members on the committee who had heard the bill before who could incorporate previous testimony and incorporate previous changes in their understanding of the bill and their understanding of a potential committee amendment. And that's something I learned very quickly was an important aspect of this body, that when an issue has been raised and there's members of the body that have debated it before...and for all you freshmen, you will quickly learn how important Executive Committees are to discuss committee amendments and whatnot. So once you have that body of expertise, it's really important and adds an extra layer--whether they agree with the bill or disagree with the bill--it adds an extra layer and is frankly why we have the committee structure. Now, being that LB68 is the spiritual successor to LB289 I know there is some changes, some differences, but the fundamental underlying concept here is the same and every section that was amended in LB289 is in LB68. There's going to be several members of the Judiciary Committee that heard that last year. I was not on the Judiciary Committee, I was in fact on the Government Committee, and I switched committees in part because I was interested in areas like this. So I could only take it personally that I missed it on Government or I missed it on Judiciary apparently if this initial referencing stands. But my point is, there are members that have debated this bill, discussed this bill, had the committee session, heard opposition testimony from people who might not make it down to Lincoln this year, heard proponent testimony of

Floor Debate
January 13, 2017

people who might not be able to make it to Lincoln this year, and can weigh that in on what is fundamentally a very, very similar bill. Now if this is truly a very gray area where reasonable minds disagree, I think it's unfortunate we didn't have this debate two years ago and maybe send it to the correct committee at that time. If this is going to be a perpetual Government Committee issue, I would have liked the opportunity to sit through that hearing two years ago as a member of the committee at that time. But as we have, we've established precedent that this specific concept, municipal preemption of gun bills, was a Judiciary Committee hearing and we have spent a lot of time and effort to have committee members and committee staffs become better educated in this area. That's why I think it's appropriate to rereference it to Judiciary and that is why I will be supporting the motion. Thank you, colleagues. [LB68]

SPEAKER SCHEER: Thank you, Senator Hansen. Senator Krist, you're recognized. [LB68]

SENATOR KRIST: Thank you, Mr. President. Good morning, Nebraska. Good morning, colleagues. I sit on the Judiciary Committee and I have been there for some time. I heard this bill last year, and all the comments that have been made about the additions and subtractions are correct. Senator Ebke is the Chairman of the Judiciary, and it is true that she has not contested the placement of this bill. I think Senator Ebke carried this bill last year. It actually came out of the Judiciary Committee, which goes to my point that you should be proud to have anything referenced anywhere, because if it's there it will get a fair hearing in this Legislature. If it needs to come out of good quality, in my opinion most have. Probably 5 percent have come out that have had some serious flaws. When the flaws are there, it's because the jurisdiction of the standing committee was not capable of working through all the detail. Now in this case, I have to respectfully disagree with lawyer Hilgers in the fact that there are a lot of interwoven issues here with guns. And what this bill does for me, for my jurisdiction, for Omaha, Nebraska, tells them that they can't do what they need to do as part of local control. We are circumventing local control. We are telling them, the state of Nebraska told you, you need to do this. Now, I know Colonel Senator Brewer, Senator Ebke, and many others have run on a platform of local control. They've said it's the most important thing. Get the state out of my business. We heard that at the symposium. Senator Erdman said, you know, the counties do their job. And now we're saying with this bill, we're going to tell you what to do as a state. To what end? For what purpose? I'm arguing the bill and I understand we're supposed to be arguing whether it should go to one committee or another, but if you don't have the pride and the responsibility and the comfort that it's going to get a fair hearing no matter where it goes, then you need to fall back on what Senator Bolz said. See, I have a lot of experience in referencing as well, probably more than anybody in this room with the exception of Senator Chambers. We've had these fights. There are a few that would like to steer certain things into certain committees because it has a better chance of coming out of the committee. Is that the right thing to do? Senator Hilgers, whether this bill goes to Government or comes to Judiciary that I sit on, you'll get a fair hearing. But, folks, I think it's a broader issue than that. You made the point, in 20 years its never happened. In

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

Floor Debate
January 13, 2017

the whole time I've been in this Legislature and the 40 years that I can go out here and get some experience, no one has ever put an application or a...and asked to be the chairman of a committee on the day of the vote. We've always seen it beforehand. So don't talk to me about precedent. Don't talk to me about things that have never been done. The sanctity of the institution, the tradition of the institution has come at stake from the beginning of this session and it will continue through, and there will be overtones. And there will be people saying that I am vengeful for what has happened. That's not my intent. That is not my intent. My intent is the preservation of what we believe in. I had a meeting this morning with Senator Watermeier and Senator Kuehn. [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR KRIST: I had a suggestion for them. If you want to change the guide--which Senator Larson has been saying for the last few years--then spend the time and change the guide. And until you change the guide, stick to some format that gives you continuity. So I would argue that we do need to rereference this and the next bill for many reasons. Please vote green on the rereferencing. Thank you. [LB68]

SPEAKER SCHEER: Thank you, Senator Krist. Senator Ebke, followed by Senator Larson, Crawford, Schumacher, and others. [LB68]

SENATOR EBKE: Thank you, Mr. President. It is true that in the last session I carried a version of this bill, LB289. This morning's discussion points to one of the reasons why I agreed with the referencing to the Government Committee in large part because I believe that our discussion last year revolved around what municipalities ought to be able to do. And under Article I, Section 1 of the Nebraska Constitution we had that discussion last year with respect to firearms rights and what local municipalities and ultimately counties were able to make limits on in terms of limiting those. Much has been...that I wanted to talk about has already been addressed by either Senator Hilgers or Senator Murante. I would also concur with Senator Krist, no matter where this bill goes it will get a fair hearing. We will deal with it however it is referenced ultimately, but I do believe that ultimately this is a bill which deals with what powers localities, communities, municipalities have, and that is an appropriate place for the Government Committee. Last session chairs of both the Education Committee and the Government, Military and Veterans Affairs Committee agreed that LB1109, which updated the University of Nebraska's hiring process for its chancellor and president positions, should be heard in front of the Government Committee. Yes, it's education. Yes, the University of Nebraska falls under generally the Education Committee. But both chairs agreed that it should go under the auspices of the Government Committee because it affected what the regents could do, what the local governing body, the appropriate governing body should do. It received more than enough votes

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

Floor Debate
January 13, 2017

necessary to remain in the Government Committee and it did make it to the floor where we debated. Additionally, last session LB329, which was the agritourism liability bill was rereferenced to the Natural Resources Committee. It had the blessing of both the chairs of the Judiciary Committee and the Natural Resources Committee and there wasn't a fight about that rereferencing. In many cases, bills can have multiple scopes of interest and sometimes sorting that out is difficult. I would agree with Senator Watermeier that it's not always an easy decision for the Referencing Committee, but I think it's also important for us to respect the work that they've done if they've done it in a thoughtful manner and if it seems to make sense. And in this instance, I think it makes a lot of sense for us to keep it in the Government Committee. Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Ebke. Mr. Clerk, for items. [LB68]

CLERK: Thank you, Mr. President. A series of hearing notices from the Agriculture Committee, Education Committee, Retirement Systems Committee, Transportation Committee, and the Health and Human Services Committee. That's all that I have, Mr. President. (Legislative Journal pages 202-204.)

SPEAKER SCHEER: Thank you, Mr. Clerk. Senator Larson, you're recognized. [LB68]

SENATOR LARSON: Thank you, Mr. President. I rise against motion 3. I, too, am a member of the Reference Committee and have been for two years and starting in on my third as a representative of the Third District caucus. I felt that Senator Murante laid out very well why this bill belongs in the Government, Military and Veterans Affairs Committee. Not only...and I did serve on the Government Committee when we heard a bill about agricultural zoning and counties being able to regulate that. I will be introducing a bill that deals with an entity called Airbnb. Some of you may have heard of it. It deals strictly with an exemption...a preemption that cities and counties cannot make a law more strict than what we will be doing at the state. I can almost assure you that will go to the Government Committee. Colleagues, that is what the Government Committee deals with. Senator Morfeld said that maybe he should go to Exec Board everyday and Referencing. Senator Morfeld, I'd welcome you to come, you should, and understand what actually happens in Referencing and how that goes. I've heard from a number of people about the concept of historically where does this go? Well, colleagues, the first bill of the year that went against a prerule...we had the prerule laid out, how we get a prerule sheet and these are suggestions. The first bill of the year that went against a prerule, that motion was made by Senator Chambers, and that bill specifically had gone to Appropriations in the past. It had gone to Appropriations a number of times and he went against the prerule, went against history and moved it to Judiciary. Senator Bolz, Senator McCollister, Senator Crawford, myself, I think Senator Hughes voted for it as well. I think Senator Kuehn as well; we can go get the

Floor Debate
January 13, 2017

record. Just because it's gone or something similar has gone somewhere in the past doesn't mean that it will continue to go there. This bill has changed since Senator Ebke introduced it last year. So I don't want to hear the, historically it's gone this or historically a bill similar to that has gone to someplace. So yes, Senator Morfeld, please, please come and see what it's like. Attend. The structure of this belongs in the Government Committee. And if you haven't been part of it or you haven't seen all the motions that have been made in that committee, specifically this year, be careful what you say on the floor. Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Larson. Senator Crawford, you're recognized. [LB68]

SENATOR CRAWFORD: Thank you, Mr. President. I rise in support of motion 3 and would like to just take an opportunity to talk a little bit about the process and local control and also talking about the process in terms of when you might challenge the work of a committee. So we are early in the process and it's the case that referencing discussion happened early in the process. It's important that...I think the work of the committee is important and that, in general, we take it very seriously if you challenge the work of the committee. And so I think that has been a critically important tradition. And so it is with reservation that I rise in support of motion 3, because I serve on the committee and it's important for the record and for members who aren't on the committee to know this was a very close vote of the committee. So it was a matter that the committee was deliberating and it was a very close vote. It's also the case that we have these processes in place for an appeal of a committee decision for a reason, and that is that sometimes it is important to take a pause and ask if we need to rethink that decision. And I believe that's the case with this motion. It is an important consideration. It's an important policy change that's being asked for in the state. And so the emotion is asking us to reconsider which committee is the most appropriate committee to help shape the bill and decide whether or not that policy decision comes to the floor. So the bill itself, as has been noted, is really...the bill itself is about what ordinance authority municipalities or counties can have in terms of regulating firearms. And just to correct something that was said on the floor earlier, it's important to realize our responsibility here as state legislators is to determine what powers municipalities and counties have. So we determine what powers municipalities have. We determine what powers counties have. As we're determining what those appropriate powers are, it's important that we think about that in the context of the whole range of laws and judicial processes that exist. So it is the case that if you look at the bill itself, you're going to see that the bulk of the bill are changes to the municipal ordinance authority. And so in terms of a committee that would be able to have experience and work on ordinance authorities and regulation to firearms in terms of ordinance authorities, that expertise would be in the Urban Affairs Committee. It is true that the bill has some language at the end about county ordinances. However, if you look in the state law and you look at that chapter, county ordinance powers, or if you've been involved in conversations about local control over time in the state of Nebraska, you will know... [LB68]

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

Floor Debate
January 13, 2017

SPEAKER SCHEER: One minute. [LB68]

SENATOR CRAWFORD: ...thank you, Mr. President...county ordinance authorities are very, very limited. And so it is not the case that counties have ordinance authorities over firearms right now. So really, the change in policy would be a change in terms of local control and what powers we should give local control. The change in policy would really be a change that would be a municipal ordinance authority. And so...but back to the point. Why do you need to understand firearms? And the importance of understanding that area is, that's an important context in which you should decide whether or not to change the power of the municipalities in this area. So the understanding and the debates of the concealed...of all of our existing firearms acts are important. And if you look at the changes in the policy, you'll see that that language that's being changed is very fundamentally related to our existing firearms policies and procedures. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR CRAWFORD: Thank you. [LB68]

SPEAKER SCHEER: Thank you, Senator Crawford. Senator Schumacher, you're recognized. [LB68]

SENATOR SCHUMACHER: Thank you, Mr. Speaker and members of the body. A few days ago I went to the funeral of John Wightman. No finer individual has ever served in this body. And he was one of the older members of the senior class. And as I looked at his coffin, suddenly great concern came over me not because one day I will lay in a coffin like John did, but because I suddenly realized--with the exception of Senator Chambers, who is in a class by himself--that I am the oldest member of the senior class. And with that comes some degree of responsibility, because I know with John and the other members of the senior classes that have gone before us have a responsibility to try to pass on the traditions and the wisdom of this institution. And they maybe had an easier job in the past because they were here longer than the mere six years that I've been here, but that's why I was frightened. Whether I could convey with the mere six years that I had, the wisdom and the judgment, the common sense that the senior class is obligated to convey. And I really wasn't going to speak on this today, but Senator Hilgers in his remarks--and I just raised a pen to try to jot them down as quickly as possible--and in the phrase there were the words: trust, people, Executive Board. And I was so saddened, because at John's funeral I looked at the benches around in which former legislators were there. And they were all political shades, parts of the political spectrum, but they all respected and they trusted each other and I was so proud to be in that group. The words, trust each other, should never be a question in this body. But already this year we've seen things that basically were never seen before. Slate voting; that can only occur if somebody has created a culture or is attempting to create a culture of them

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

Floor Debate
January 13, 2017

versus us, of right-minded versus open-minded, progressive versus conservative, urban versus rural, democrat versus republican. That tears at the very core of this body, as does efforts to break with tradition as to on even the most minuscule scales as this thing does. When Senator Chambers rises to speak on matters of the integrity of this body, listen to him... [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR SCHUMACHER: ...because he embodies a genuine concern for the integrity of this institution and 40 years of wisdom. Now, he'll go off on tangents, some of them pretty educational, some of them are just tangents. But nevertheless, take heed from that wisdom. You will need it! With regard to this matter, whatever manipulations of what committee is in our favor? Who can we trust? How many votes do we have? Wrong. Wrong. Wrong. Wrong! Guns and judicial actions have always gone to Judiciary Committee. I don't know and I didn't sit in on the meeting in which this was selected to go where it has never gone before, kind of like Star Trek, to Government Committee. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR SCHUMACHER: Thank you. [LB68]

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Morfeld, you're recognized. [LB68]

SENATOR MORFELD: Thank you, Mr. Speaker. I won't belabor the point much more than we already have other than to respond to Senator Murante and some of the other comments that were made. I obviously will accept the invitation by my dear colleague, Senator Larson, to attend the Exec Board meetings. I'm not quite sure he'll like that after a while, but I'll do it anyway out of courtesy and respect. The other thing that I'd like to say is that Senator Murante brought up the point that this solely deals with the jurisdiction of local governments to be able to enact certain laws. And while that is correct, the logical conclusion is, whether or not that that will impact the individual right to be able to possess a firearm, which falls squarely under the jurisdiction of the Judiciary Committee. Now everybody in this body, particularly last year, knows my previous position on this bill. And I need to read the bill again. I read it this morning and I'll come to a conclusion on what my position on this bill will be this session. But the thing that I am concerned about right now is the integrity of our process in referencing bills to the subject matter jurisdiction in which they should be at, because I tell you what, colleagues, I've got a lot of bills that I know are going to certain committees that it might be a little bit tough. But I'm still going to introduce the bills because it's important to my constituents that I represent and their interests. This bill should have been referenced to Judiciary Committee because of the

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

Floor Debate
January 13, 2017

subject matter jurisdiction that it overwhelmingly impacts. And we shouldn't just look at the face of the language on the bill which clearly shows that it should be in Judiciary, if you look section by section as I have, but also the practical effect. The Judiciary Committee takes up matters involving criminal justice and law enforcement. The laws that this bill would preempt would take away the city's ability, and the counties now in the new version of the bill as compared to two years ago, it would take away their ability to combat gang violence in most cases. And should that be the purview and the subject matter jurisdiction of the Government Committee? I don't think so. Not only do I not think so, it's fairly clear under our standards and guidelines that that should not be the purview of the Government Committee. Senator Murante is right, his committee does deal with jurisdictional issues with county government. And Senator Murante is right, there is a reference to county government in the bill. But the overwhelming subject matter of the bill deals with things that clearly fall within the Judiciary Committee. As I noted, colleagues, for me this is a matter of principle, a matter of integrity of the body, and a matter of members understanding and knowing what the subject matter jurisdiction is of each committee and understanding those dynamics. As I noted, I have many bills that are going to committees that probably won't be very friendly to my bills. [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR MORFELD: But that's okay because I know I'm going to get a fair hearing on that bill and that hopefully it's going to go to the committee of the proper subject matter jurisdiction. That is the purpose of this debate, and that is why I will support Senator Chambers' motion 3. Thank you, Mr. Speaker. [LB68]

SPEAKER SCHEER: Thank you, Senator Morfeld. Senator Murante, you're recognized. [LB68]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I wanted to address a couple of the issues that were brought up. First of all, it has been referenced today by several of the people who want LB68 to go to the Judiciary Committee that this is a bill that deals with local control. That term, local control, has been stated several times. If your position is that this bill is a local control issue, it belongs in the Government Committee. That is what the Government Committee does, is determine jurisdictional disputes and determine the relationship between the state and the political subdivisions. If you think this bill is directly related to whether or not individuals can possess or use firearms, then send it to Judiciary. If you think it's a local control issue, then send it to Government. I haven't spent a considerable amount of time on the issue of whether this bill should be in Urban Affairs, because that's not the motion before us. And I would submit to you, if you in your heart of hearts believe that this bill properly belongs in the Urban Affairs Committee, you need to vote against this motion, because you can't get to the point that the bill belongs in the Urban Affairs Committee until you reject the argument that it

Floor Debate
January 13, 2017

belongs in Judiciary. You can't have it both ways. You can't say the bill belongs in Judiciary; if not, then Urban Affairs, but just anywhere other than Government. Just, please, God, not the Government Committee, because that's the argument I'm hearing right now from some. Not from everybody, but from some. I would submit this bill, regardless of the amount of lines that it spends dedicated between cities and counties, is a 50-50 bill. Yes, they have to go in and say cities of the metropolitan class, cities of the primary class, cities of the first class, cities of the second class, and villages. The state law has to be constructed as such for the purposes of not creating closed classes. We had to go...we didn't...Senator Hilgers...I didn't have anything to do with the drafting of this bill. But Senator Hilgers when he drafted the bill had to go into each one of those sections of statute, otherwise we'd have a closed class problem. One county catch-all was sufficient. Does that have anything to do with the referencing of this bill? No. If that's the standard, then I'd advise him to, in his drafting process just go in and say, okay, counties of 150 to 300,000, and then counties of 100,000 to 500,000. Just create as many sections as you possibly can. Just crank out as many words as you can, because that's the standard that we're using. It's a ridiculous standard. Senator Schumacher referenced a man who I greatly respected, Senator John Wightman. Senator Wightman was Chairman of the Exec Board at a time...during a portion of his time as Chair of Exec Board, Senator John Nelson was the Vice Chairman of the Exec Board. And, as many of you know, I was legislative aide for Senator Nelson. And if we are going to talk about traditions and institutions and so forth, I think the statistic that Senator Hilgers brought up is something that needs to be stated again. When John Wightman was Chairman of the Exec Board and going back into recorded history, there has never once been an instance where a jurisdictional dispute between two committees had both committee chairs agree on a solution and that solution was not upheld. John Wightman never did that. [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR MURANTE: It hasn't happened. Senator Ebke and I are in agreement. Our counsels have studied the issue. We deal with this all the time in the Government Committee. This will most likely be the last time I speak on this as I think the arguments have largely been laid out at this point. But I would encourage you to vote against Senator Chambers' motion, motion number 3, send this bill to the Government Committee where it can receive its public hearing. Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Murante. Senator Chambers, you're recognized and this is your last time at the mike, other than your close. [LB68]

SENATOR CHAMBERS: Thank you. And Mr. President, if nobody is afraid, I need some time. This is an important issue. Senator Schumacher advised you to listen to me as I would advise you to listen to somebody if they had the experience. But you don't have the respect and I know

Floor Debate
January 13, 2017

it. For a young person just here to lecture us on how we ought to conduct our affairs is preposterous. It is arrogant. It is presumptuous. But as a member of the Legislature, you can be anything you want to be. Senator Wightman's name was invoked by Senator Murante to buttress what Senator Hilgers said. I was on the Exec Board all of those years, and nothing like what we're dealing with now ever happened while Senator Wightman was the Chair of the Exec Board. Nobody would have run against Senator Wightman by telling Senator Wightman a few minutes before the vote, by the way, Senator Wightman, I'm going to run against you for Chair of the Exec Board. That never happened. Trust? You don't know what trust is. You can start by looking in the dictionary. Trust is based on confidence, experience with people, finding that their word means something. Those of us who are intelligent, Senator Hilgers, and witnessed what we saw the first day had an experience. Wise people learn from experience. Some people never learn. But to help educate my young friend, Senator Watermeier, who is now the Chairperson of the Exec Board, handed out some information that was telling what kind of things could be done and should be done on the Executive Board. He mentioned that a reference may be objected to by any member and such reference then may be changed by unanimous consent of the Legislature or by a vote of the majority of the elected members, which is in our rules. It's there, Senator Hilgers. And you were boasting about your credentials about rules. You don't even know what's in the rules. There was a guy named Job in the Old Testament. Bad things happened to him. His wife said, Job, why don't you curse God and die? Job looked at her and said, you talk like one of the silly women. Not all women, like one of the silly women who don't know what they're talking about. But in the Legislature, you don't have to know what you're talking about. There is no literacy requirement. There is no intelligence test. There is no experience requirement, otherwise you wouldn't have chairpersons who are freshmen. They were a part of what I call an unholy alliance. This provision goes on to say that what I'm doing has been rarely invoked. But it's there for situations such as this. And sometimes the only purpose that can be served is to lay before the public what it is we're doing. It goes down to another provision on Senator Watermeier's paper. [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: In fact, many bills are drafted broad enough to fit logically within the subject matter of more than just one obvious committee and could legitimately go to one, two, or even three different committees. In these instances, predictability and consistency become the goals. And since I only have one minute, less than a minute now, I won't go to the others. But if you'd read, you'd understand things. You know that under the law, logic does not prevail, but what is in the statute--and not just there, but how the courts have interpreted them--you have fallen down. You failed your first test. But I'm a very forgiving person when I deal with somebody who's intelligent, even though they're mistaken. But you must show that you're teachable and that you will learn. Thank you, Mr. President. [LB68]

Floor Debate
January 13, 2017

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Bolz, you're recognized. [LB68]

SENATOR BOLZ: Thank you, Mr. President. I want to speak specifically to the point that was made by Senator Hilgers and reiterated by Senator Murante regarding the history, regarding the circumstance in which chairs are in agreement and whether or not that is something that has been overturned in the past. What I want to make sure is clear to this body as a whole is that this was not a unanimous vote in committee. While there may have been agreement among the chairs, there is not agreement among the committee. And I think the way Senator Murante and I have outlined our different policy analysis of the same bill illustrates that logical, reasonable people can disagree, can have differences of opinion, differences of analysis on the same piece of legislation. So let's be clear, the Exec Board was not unanimous in their decision to move this piece of legislation where it was moved. Colleagues, many bills will be this way. Many bills will come out of committee with a split vote. Many bills will be debated on this floor from a committee that did not have a unanimous opinion about whether or not it was good for the state of Nebraska or the right thing to do. According to the rules under which this body is working, you have your opportunity to vote on this issue. This is your choice. This is a choice that the rules allow you to make. It is not a choice of only the Executive Board. And I encourage you to use this opportunity to vote your individual conscience and what you believe is best for your district. Thank you, Mr. President. [LB68]

SENATOR KRIST PRESIDING

SENATOR KRIST: Thank you, Senator Bolz. Still remaining in the queue, Senator McCollister, Hansen, Hughes, Harr, and others. Senator McCollister, you are recognized. [LB68]

SENATOR MCCOLLISTER: Thank you, Mr. President. Good morning, colleagues. I also sit on the Referencing Committee by virtue of my membership on the Executive Committee, and I've been learning the process. We've been doing this now for seven or eight days, so I'm onto the system. Senator Watermeier explained that there are nine members on the Executive Committee that do referencing. There's two from each caucus; there's two members--a member from...the Chair of the Executive Board and also the Vice Chair; and lastly, the Speaker; nine members. As Senator Bolz indicated, it was a split vote for this particular referencing. It was referenced 5-4, split vote. So it was not, in fact, unanimous. When a bill comes to us initially, there is a referencing that comes out of the Clerk's Office. And that is primarily based on all the factors that Senator Bolz utilized and told us about. But in this particular case, I was impressed with the historical background on this particular assignment. Twenty, twenty-five years those bills have been assigned to the Judiciary. So this is an effort, I think, to send the bill to a more friendly committee and maybe move that bill from that committee. So I would encourage your green vote

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

Floor Debate
January 13, 2017

on motion 3. Thank you very much. I would relinquish the balance of my time to Senator Chambers. [LB68]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Senator Chambers, you have 3:20. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator McCollister. And I'm trying my best to read into the record the reasons that I have for saying the things that I'm saying. Why should I even care? It's a white people's Legislature. If you do foolish things, why shouldn't I let you? Then I can go condemn and criticize and ridicule you. If you want to undermine your traditions and throw them aside, what difference should it make to me? They don't benefit me at all. If you want to corrupt and compromise what you've put on paper as the guiding standards, why should I care? All I can say is, well, that's what they are. I tell you that's what they are. Now they're showing you. Left to their own devices, they would have total chaos. I am basing what I'm saying on what your people have put in writing. I am not making up anything out of whole cloth. So let me read something else from Senator Watermeier's paper. And, by the way, he's the one who I will say politely...no, let me not use Senator Watermeier. I use analogies. If I'm a gang member, because you all think black people are all in gangs...but the first movies you had about gangs, West Side Story, they were all white people. If somebody is in a gang where they have some kind of voting and they want to vote for somebody else, the ethics of the gang will not allow one of them to come up at the last minute and say, I want to run and unseat him. That would be the kiss of death. You don't do things without notice. You let everybody in the gang know what your intentions are. So the gangs have a higher standard of ethics than in this body. I could not sit next to somebody for several years and then stab that person in the back. I'm talking about what I cannot do. If somebody applies it to himself or herself, that's on them. But let me read what Senator Watermeier, the new Chair of the Exec Board... [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: ...and former Vice Chair wrote. The same section of the rules defines the quote, appropriate committee, unquote, as that which has subject matter jurisdiction over the issue or--with emphasis and underlined--which has traditionally handled the issue; subject matter or tradition. The Judiciary Committee handles the subject matter and traditionally has done it and Senator Murante knows that. Four people on this bill want it, so they think they can get it out of committee. Look at the membership. I am not afraid to look at the reality and call it what it is. Compare the make-up of the Judiciary Committee with the make-up of Senator Murante's committee. Those are the driving principles. Why should they not be mentioned on this floor? We are adults. We should behave like adults, not children. [LB68]

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

Floor Debate
January 13, 2017

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator McCollister. Senator Hughes, you're recognized. [LB68]

SENATOR HUGHES: Thank you, Mr. President. Good morning, colleagues. I am a member of the Reference Committee. I have spent two years on there. I'm beginning my third year. I wanted to talk a little bit about the process that we go through. We receive all the bills. We get a look at them as soon as they're dropped and get a bill number and it's up to us to make the decision where they go. We take the advice from the Revisor's Office. The staff up there does a fantastic job of looking at the bills and assessing the impact and giving us advice on where they should go. But it's advice. You know, if you talk to them, you know, they will tell you that, yes, virtually every bill can go to multiple committees. Their advice is to give us an idea of where it is most, the jurisdiction would be most appropriate. Sometimes we take that advice. Most times we take that advice. Very rarely do we overturn the suggestion of the Revisor. And this is certainly not something that's new. I had a chance meeting with Doug Kristensen, former Speaker of this body in years past, and I was running a little late to a lunch where he was at. And I said, well, I apologize because I had Referencing Committee and he just laughed. He says, oh, yes, I remember those days. And I don't remember the gentleman who was in the Revisor's Office at that time, but the quote that former Senator, former Speaker Kristensen gave to me was, he says, doesn't matter what I think, you guys are going to send it wherever you want to. So this is not something new that we're doing. It's not just been within the last few years or just this year. This has gone on...I hesitate to say that this is a tradition because that's a pretty strong word and I respect this institution, I respect the traditions. But they always haven't been the same. Every body, every group of Senators makes up a different personality. We have a different way of doing things than we did them two years ago, just because we are different people. But back to the process, once we look at the bill, have a chance to look at it, we meet, take the advice of the Revisor. Most times we agree with her, sometimes we don't, but we all have to make a decision. In that room we're all equals. We all get one vote. And that's the same as it is on this floor. You were elected. You all went out and worked very hard to be in this position. So we're equals. We all get one vote. The point is, very few issues we deal with are black and white. There is gray in a lot of things. But we've been elected by the citizens of our district to make those decisions for them. If it were black and white, we wouldn't need to be here, same thing in Referencing Committee or the Exec Board. If it were black and white and we let the Revisor make the recommendation, I wouldn't have to give up my lunches. But we're sent here by our constituents to make the tough decisions. This is one of those. This was a decision on a bill that could have gone two or three different committees, depending on what... [LB68]

Floor Debate
January 13, 2017

SPEAKER SCHEER: One minute. [LB68]

SENATOR HUGHES: ...emphasis you want to give to certain portions of that bill. The fact that Senator Chambers is wanting to go through this process to get it rereferenced is fine. He is using the rules to his benefit. But this is a decision that each of us, all of us who have been elected, have to make. I'm going to oppose Senator Chambers' motion and I would certainly urge you to do the same. Thank you very much. [LB68]

SPEAKER SCHEER: Thank you, Senator Hughes. Senator Harr, you're recognized. [LB68]

SENATOR HARR: Thank you, Mr. President. Folks, this is not a tough decision. This is a political decision, plain and simple. We've heard a lot about how the process works and, I will be honest, this is almost the equivalent of a pull motion. So I take this very seriously and I'm not sure where I am right now. But let me just say I've heard a lot of things that I disagree with because this is about what a municipality or a county can and cannot do. And if that's what this were about solely, I'd probably say it belongs in Government. Or if it were a bill such as Senator Larson is bringing on Airbnb where there isn't a specific committee that deals with that subject matter, I would say it belongs in Government. But where you have a general question about whether this should be in Government or whether this should be about what a political subdivision can or can't do but the subject matter, in this case firearms, is specifically addressed in our legislative guide, because this deals with hand gun permits, possession, and use of guns, so when there is something specific, that overrides the general. It's that simple. That's why I think this belongs in Judiciary. Now for me the question is, do I want to do a pull motion? And I'm still working that out in my mind. You know, another example was given last year about the university's keeping their selection private. So you had a broad question. University, that's Education, but you had a specific issue which was public disclosure and that went to Government. Right? So broad issue, specific issue, this is exactly analogous to that. I find some of these arguments out there a little disingenuous. I respect Senator Hilgers. However, when he makes the comment that it hasn't been done in 20 years and, therefore, it shouldn't be done, this is also coming from the man who is a freshman chair and there has never been a freshman chair before. So there is precedence and I hope you pay attention to that to maybe changing what we've done over the last 20 years. So tradition is good. The question isn't how we've done it in the past. You don't rely on that solely, but you look. It's a guidepost to help educate yourself as to why it was done and to think: Why are we changing public policy? Why are we taking a gun bill? And that's what this is. Whether you support gun control or not, that's not the issue. This is a gun bill. And why are we taking it from where it's traditionally been heard, where our own guidelines say it should be heard, masquerading it as an issue of whether preemptive rights? It's not that. This is about whether we should have gun control on the state level or not. That's what it is. All right. If it were no political subdivision shall pass a law greater than the state, that belongs there, but it's specific and there isn't...and there is a specific guideline that says those type of bills

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

Floor Debate
January 13, 2017

should go where they go. So with that, I don't think the issue...I think we got the wrong issue we're debating. The issue we should be debating is, do we want to do the equivalent of a pull motion? [LB68]

SPEAKER SCHEER: One moment, please. [LB68]

SENATOR HARR: That's dangerous precedence. That's something that I don't take lightly. So I don't know where I'm going to be on it. One other thing, Senator Murante earlier mentioned about coroners doing autopsies and coroners, just for your information, are county attorneys. So I hope to God coroners are not doing autopsies in our prisons. So, thank you for the time. I look forward to further debate on this and hopefully I will be educated as well. Thank you. [LB68]

SPEAKER SCHEER: Thank you, Senator Harr. Senator Howard, you're recognized. [LB68]

SENATOR HOWARD: Thank you, Mr. President. I yield my time to Senator Chambers. [LB68]

SPEAKER SCHEER: Senator Chambers, you have 4:52. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. I want Senator Ebke to know that if you're going to use polite terms toward somebody like me, you all think it's not polite to call me old, but that's what I accept. You would say senior or superannuated, meaning a lot of years, because you don't want to call it like it is. And the stereotype is that superannuated individuals have memory lapses. I remember the specific bill Senator Ebke brought up that involved Senator Schilz. Senator Schilz was the Chairperson of Natural Resources. I, being the purist that I am, wanted a bill that related to liability to go to the Judiciary Committee. That's where it should have been. But the Chair of the Judiciary Committee, as a favor to Senator Schilz, said he would agree to let it go to that committee. And Senator Schilz and I have, off the mike, arguments about that and you can ask him. That's why I say it on the mike. They hear what we're saying. You have yet to have somebody come here and say, Senator Chambers said I said something and it's a lie, because they know that the transcript is there. Senator Schilz was trying to create a set of circumstances where people in his district could allow the rubes and the tenderfoots from the cities to come to these farms and ranches and there not be liability if they are injured. That's what the bill was about. You all think in cliches and you speak in slogans. You don't know the meaning of the word "nuance." Why do you think I spend more time down here than any of you? I don't get more money for it. I'm here in session, out of session, daytime, nighttime, because I care about what this place is and what we do. And do you know why I care? Not because of you all, because of the respect I have for myself. I chose to run for the Legislature. Nobody put a gun to my head and told me I had to be here. But everything I undertake to do, I do it the best that I can. And I don't use as my standard the low

Floor Debate
January 13, 2017

standard of other people who are sliding by and any old thing is good enough. That's not good enough for me. That friend deep down inside of me tells me, uh-uh, Ernie, that's for them, the master race, that's not good enough for you. So that's why I spend time here. That's why I read these bills. That's why I try to hold you to the rules that you put in place--that you put in place. That takes care of that issue. The Schilz bill, I knew what that was. When they talk about something going to a committee, even though the main subject matter goes to a particular committee, all right, the Judiciary Committee deals with matters related to the illegal sale of narcotics, with the drug trade. So there was bill to create a drug-free school zone. Do you think it went to Education? No. It mentioned schools. It went to Judiciary. Drug-free school zones around hospitals and medical facilities, did it go to HHS? No. And you have these people, wet behind the ears, who don't even read the bill saying, well, I don't want to call it a tradition because I don't know. You haven't been here long enough. You don't even know what a tradition is. I've been here 42 years but that...remember what I told you when we first started? My knowledge, my experience, my legal training are not respected. [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: Let people read the transcript and compare what some of you have said with what I've said. If I get a chance to speak again before my closing, I'm going to ask the authority on counties what's the difference between a county resolution and a city ordinance and who can create criminal offenses. By criminal I mean there is a jail or a fine as a punishment. Can both counties and cities do it? We know cities can do it with ordinances. Counties don't pass ordinances. They pass resolutions. But we'll let the expert straighten us all out on that. Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Harr and Senator Chambers. Senator Morfeld, you're recognized. [LB68]

SENATOR MORFELD: Thank you, Mr. Speaker. I yield my time to Senator Chambers. [LB68]

SPEAKER SCHEER: Senator Chambers, you're yielded 4:51. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Morfeld. And I would like to ask Senator Murante a question or two so that my education can be improved. Senator... [LB68]

SPEAKER SCHEER: Senator Murante, would you yield, please? [LB68]

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

Floor Debate
January 13, 2017

SENATOR MURANTE: I would. [LB68]

SENATOR CHAMBERS: Senator Murante, when the county board votes on an issue, what do you call that which they produce? Is it called a resolution? [LB68]

SENATOR MURANTE: Depends on what they're producing. [LB68]

SENATOR CHAMBERS: Okay. Do they pass resolutions? [LB68]

SENATOR MURANTE: Yes, they can pass resolutions if they want to, sure. [LB68]

SENATOR CHAMBERS: Do they pass ordinances? [LB68]

SENATOR MURANTE: They could, yes. [LB68]

SENATOR CHAMBERS: And it's called an ordinance? [LB68]

SENATOR MURANTE: Yes. [LB68]

SENATOR CHAMBERS: And do they create crimes? [LB68]

SENATOR MURANTE: Do they create crimes? [LB68]

SENATOR CHAMBERS: Let me ask you this: Do they create offenses which carry a jail sentence? [LB68]

SENATOR MURANTE: Let me give you a "for example," Senator Chambers, and I hope it's a little... [LB68]

SENATOR CHAMBERS: Do you know whether they do, because I'm not trying to trap you, do you know whether they do or not? If you're not sure, I don't want you to have to answer one way or the other. [LB68]

SENATOR MURANTE: Well, I can give you one specific. Last year I carried a bill and the Legislature passed and the Governor signed a bill which dealt with peddlers, hawkers, and solicitors, and it gave the county authority, the county board authority to permit those folks and,

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

Floor Debate
January 13, 2017

if they don't do it, there was a penalty attached. I don't recall what the penalty is. But I believe that is a yes to your question. But I'm not...I don't recall off the top of my head what the penalty was that was contained in the bill. [LB68]

SENATOR CHAMBERS: Thank you. I think if you all will do some checking, you'll find that a county board is considered, more or less, an administrative operation and a city is a legislative operation. But be that as it may, do you all think that we ought to fragment and scatter issues when there is an overarching point involved? Should a drug-free school zone go to Education or should it stay in the Judiciary Committee? My telling you I've been here over four decades means nothing to you. Somebody who hasn't been here four weeks will say something and it means more. I say it's because of complexion. You cannot conceive of a man of my complexion knowing anything. So I have to show you again and again and again and that's why I'm handing out these articles--that you won't read--of what has happened to the Legislature in the past when they treated me like so much offal--not a-w-f-u-l, o-f-f-a-l. Words mean something. I know words. They are what comprise your language. People of your complexion, when I was growing up, liked to pretend that they didn't understand what I was saying. So I made it a point to be sure that I understood the words that they used because they understand those words when they hear them from each other. But they still pretended not to understand them when I spoke them. For you all's information, I've had at least three professors at the UNL Law School try to persuade me to teach at least one course of law, which I refused. I don't want to be in a classroom as a student or a teacher. There was a priest who was a Jesuit who said he could prepare the way for me to teach a course at Creighton University from which I graduated. I didn't want to do that. I don't have to be in this Legislature. I assure you, I could get a job at McDonald's and probably make more money than what I make here. You think it's fun driving here in all kinds of weather, staying here into the night to do this kind of stuff where there is no appreciation, no recognition? So why do I do it? I'm not looking for appreciation. I'm not looking for recognition. I'm trying to make... [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: ...an organization, which I voluntarily became a part, stand up and be what it ought to be, or as Nat King Cole said in a song, "straighten up and fly right." That's all I'm trying to get the Legislature to do is straighten up and fly right, not according to my rules, but its own rules. Everything I did in those papers I handed you were pursuant to your rules. And I may have to go through a teaching process here to make you understand your rules and what I could do with your session if I chose to. But if you show me that the tradition means nothing, subject matter means nothing, all bets are off and I'm going to play the game the way you want to play it. Kenny Rogers said, if you want to play the game, boy, you better learn to play it right, meaning learn the rules of those who are sitting around the table because those may not be rules according to Hoyle,... [LB68]

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

Floor Debate
January 13, 2017

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR CHAMBERS: ...or, as somebody says, Hoy-lee (phonetically). Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Chambers. And, Senator Morfeld, I forgot to inform you that was your third time at the mike. Senator Kolowski, you're recognized. [LB68]

SENATOR KOLOWSKI: Thank you, Mr. Speaker. I stand in support of Senator Chambers' motion, but I'm going approach this from slightly different angle. Both the Omaha Chief of Police Schmaderer, as well as the Omaha Police Union, have a historical expectation that a bill on firearm weapons would go to Judiciary. The Omaha Police plans have produced significant reduction in homicides in the city of Omaha. Their plans and training techniques are working in Omaha. I would not want to, in any way, shape, or form, derail the progress those programs are making in the city of Omaha. That's my statement. I yield the rest of my time to Senator Chambers. [LB68]

SPEAKER SCHEER: Senator Chambers, you're yielded 4:00. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Kolowski. And for those new people, if you had hoped that because of my advanced age my stamina would not be good, that I couldn't last, I'll last longer than any of you. I'll be here when you all are slurping up food, when you're doing other things, when you get tired from sitting. And you know why I talk to you like this? I would like us to conduct our business at a high, respectful, intellectual level, but when I listen to some of the claptrap that has been spoken on this floor, and from people I've heard give different kinds of arguments on different issues and who know better and have shown that they know better, I know that a change has occurred. I think there was an old guy who I never thought could sing at all, he had a song, "The Times They Are A-Changin'." You think old people can't change. Yes, we can. You all will say when you're young you can't teach an old dog new tricks. You know why? Because anything you bring is a trick that you think is new is old to the old dog already. Come up with something new. And maybe you don't know how to teach. You all don't have sense enough to learn from somebody from whom you can learn. And that's why I'll always be ahead of all of you, because I learn from everybody. I learn from everybody. I don't think a person who's walking this earth, however big a fool that individual is, will not have at least one thing to say that's worth being heard and heeded. But how do I know that if I don't listen to all that is said? I don't have to accept everything because I'm listening. I know how to winnow; I know how to glean. I'm trying to use words now that rural and farm people understand. You know what winnowing is; you know what gleaning is. I try to learn your language, try to get you to understand. I thought Senator Hilgers understood the language of the

Floor Debate
January 13, 2017

law. But sometimes knowledge that people project as having is like the veneer of civilization over a country like America: very thin, very fragile, and very transparent; many things appear to be what they are not. I don't join coalitions on this floor. Senator Murante, I don't need a lot of company along with me to do anything. Senator Ebke, I don't need people to tell me what to do to get me to change and become something that I'm not, because I'm not going to do that. Let me explain something now and apply it to trying to maintain the integrity of the Legislature as an institution. [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: Let's say you sell out because you think you're going to get something of value in return but, lo and behold, you don't get what you thought you'd get. You're a double loser. You lost there and you lost your self-respect also. You lost your self-respect. That's something I shall never lose. Nobody can take it from me, nobody can make me doubt, because I know what I know. And from time to time, I'm going to demonstrate to you all what I know. I'm going to watch this vote because it's going to teach me something, whether or not your traditions mean something to you or whether they don't, whether what the Vice Chairman of the Exec Board wrote as the guiding standards will be accepted as such or they won't. If they're not going to, why put them out there? I've read from what he put out for the new senators and now they can say, oh, he wrote it but he didn't mean it. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR CHAMBERS: You said time? [LB68]

SPEAKER SCHEER: Yes, Senator. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Chambers and Senator Kolowski. Senator Schumacher, you're now recognized. [LB68]

SENATOR SCHUMACHER: Thank you, Mr. Speaker. Just an aside at this time, I was county attorney. That meant I was coroner. I picked up lots of bodies off of highways, murder scenes, and just plain dead in beds, but I never did an autopsy. Senator Chambers wants a little more time. I'd yield my time to him. [LB68]

SPEAKER SCHEER: Senator Chambers, 4:32. [LB68]

Floor Debate
January 13, 2017

SENATOR CHAMBERS: Thank you, Senator Schumacher. Thank you, Mr. President. And for those new senators who don't know me at all, believe it or not--you probably won't--when I come here, I know that a day in the Legislature can run from the time we come into session until midnight--until midnight. When I have been engaging in what I call extended debate and other people call a filibuster, I have challenged my colleagues to put me to the test and make me fill up all of that time, but I came so close to doing it anyway that they knew I could. I said: No, you all have gone over there. You've eaten with the lobbyists. While you were eating off the lobbyists, I was here doing my job. While you all were lounging and sitting down and going to sleep, I was standing up. So you know, because of the way the physical universe operates and the way a human being ages and becomes weaker as time passes, somebody as old as I am couldn't possibly do what I'm claiming that I can do, so call my hand and put me to the test. Not even the youngsters would do it. Who is the only one who votes no when you all want to adjourn? Call my hand on it and see if I really mean no. Test me. I'm calling you all's hand now and I find out you're bluffing; I find out you're faking; I find out you've hidden cards up your sleeve and in your shoes because you think nobody is going to watch you. I've seen your kind. For over four decades, I've watched the forces that come into play and influence new people. And out in the world I've watched a whole lot of young people who think they know more than anybody else. I've watched people who get a badge or a credential, then they want to strut around and show it. Then there is going to be somebody who says, show me what you got behind that badge, let me see what you got, show me. And one thing you don't want to do in the street is tell somebody I can whip everybody in this room because somebody is going to come and it might be somebody as little and weak and old as me who says you've got to show me and you've got to show me more than once. And I feel so strongly about this, you might get a banquet, but I'm going get a sandwich along the way. So test me. When I talk about principles, test my principles. If I say I'm a Christian, you don't expect me to be committing crimes by misusing state property for wrongful purposes. You don't expect that. If I say I'm a family man and I love my wife, you don't expect me to be masturbating on Skype with some wench. And that's what they call this woman. She's bad. I'm over 50 years old and I'm going pretend I'm a victim when I've engaged in this mutual masturbation with a woman and I want to be treated like I'm a victim. Who ever heard of such craziness? Then this Legislature that is going to talk about moral values... [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: ...family values, pass laws that make certain conduct criminal, and we're going to have people in our midst who do not practice what is preached. And if people can do things, there is polite language that can be used to describe it. Do you know there are people who try to get me out of the Legislature, not for what I've done, but for things that I say because they don't like it? Then somebody who has done something that is criminal is welcome with open arms by these people in the Legislature who are going to hypocritically talk about morality, justice, laws, righteousness. And I never while I was married hid behind my wife. I never took

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

Floor Debate
January 13, 2017

my wife into a situation that might be hot hoping that because she's there people will give me a break. I've seen that happen. You all don't know the manner of man you're dealing with in me or some of your colleagues. But you're going to find out before this session is over. So now do what you want to with this bill. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Chambers and Senator Schumacher. Senator Hansen, you're recognized. [LB68]

SENATOR HANSEN: Mr. President, I would yield my time to Senator Morfeld. [LB68]

SPEAKER SCHEER: Senator Morfeld, you have 4:55. [LB68]

SENATOR MORFELD: Thank you, Senator Hansen. Thank you, Mr. Speaker. I want to make one last point here before we go on to a vote. And I think there is a few more people in the queue. But it's that this motion addresses something found explicitly or impliedly in every bill and that's preemption. After the state gets done legislating, what is left for local government, that is what's left for local government. That's almost every other bill. Sometimes it's found explicitly in a bill and sometimes it's by implication. So simply to suggest that preemption is a reason to send a bill to Government is to suggest that every bill that is explicitly or implicitly preempts or does not preempt goes to Government. So does a bill prohibiting cities from imposing an income tax go to Revenue or Government? Does a bill setting standards for elevators preempting the field go to Government or Business and Labor? The issue is all preemption. Does it go to Government? Every law that we pass in this state on the state level preempts some kind of local authority or power that existed before. Colleagues, this is a slippery slope. This bill clearly deals with the possession of firearms and it should go to Government, regardless of how you feel in support or in opposition of the bill...excuse me, Judiciary. We've clearly debated this for perhaps too long. This bill should go to Judiciary and I urge you to support motion 3. Thank you. [LB68]

SPEAKER SCHEER: Thank you, Senator Morfeld. Senator Krist, you're recognized [LB68]

SENATOR KRIST: Good morning, Nebraska, again, and thank you, Mr. President. Am I the last one in the queue? [LB68]

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

Floor Debate
January 13, 2017

SPEAKER SCHEER: No, you're not, Senator. [LB68]

SENATOR KRIST: Okay. Let's get back to the matter at hand and I will refer you. LB289 from the previous year, LB289 from 2015, was referenced out of the Referencing Committee 100 percent--that's 1-0-0 percent--by the members of the Referencing Committee, of which Senator Larson was part of, Senator Hughes was part of, Senator Krist was part of, Senator Watermeier was part of. Imagine that: 100 percent. Now that bill was almost identical. And I'll give you the fact that the word county was used this time. I agree with Senator Morfeld. I would also refer you to Section 5 of the bill. Section 5 clearly, clearly in the rule of law creates an entirely new cause of action legally, an entirely new cause of action. This is a matter that is not dealt with by Government or almost any other committee, standing committee in this Legislature. What does that mean? It means that injunctive release and damages and the basis of damages and lawsuits are new based upon Section 5. If Section 5 were not part of this bill, I don't think I'd be arguing what we're arguing today. The rule of law in Section 5--let me say it again for your entertainment--the rule of law in Section 5 creates a new set of damages and basis for lawsuit. Where do you think this bill should go? I yield the rest of my time to Senator Chambers. [LB68]

SPEAKER SCHEER: Senator Chambers, you have 2:38. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Krist. And I wanted to be sure Senator Larson was here before I said this comment because I don't say things behind people's back. First of all, if I'm going to allege something about a member on this floor, I'm gonna tell the whole story, I'm gonna tell the whole thing. I'd like to ask Senator Larson a question or two so that you all will know he understands the makeup of the Exec Board. [LB68]

SPEAKER SCHEER: Senator Larson, would you yield, please? [LB68]

SENATOR LARSON: Yes. [LB68]

SENATOR CHAMBERS: Senator Larson, is the Chairperson of the Appropriations Committee a nonvoting member of the Executive Board? [LB68]

SENATOR LARSON: Yes. [LB68]

SENATOR CHAMBERS: Do you know the name of the current Chairperson of the Appropriations Committee? [LB68]

SENATOR LARSON: John Stinner. [LB68]

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

Floor Debate
January 13, 2017

SENATOR CHAMBERS: Were you there when I made the motion that you mentioned earlier that a bill should be referred to a committee other than the Appropriations Committee? Were you there? [LB68]

SENATOR LARSON: On that first bill of the year? [LB68]

SENATOR CHAMBERS: Yes. [LB68]

SENATOR LARSON: Yes. [LB68]

SENATOR CHAMBERS: Who first raised the issue as to the fact that that bill should not be in the Appropriations Committee? [LB68]

SENATOR LARSON: I don't remember. [LB68]

SENATOR CHAMBERS: Thank you. Is Senator Stinner in the room? [LB68]

SPEAKER SCHEER: Senator Stinner has checked out, Senator. [LB68]

SENATOR CHAMBERS: Well, here...then it will be in the record and those on the Exec Board will remember. Senator Stinner raised the issue. Senator Stinner, as Chairperson of the Appropriations Committee, read the bill and said,... [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: ...this bill should be in whatever other committee it was, but not Appropriations Committee, but I cannot make a vote, I cannot make a motion. Showing collegiality, professionalism, I offered the motion that Senator Stinner would have offered had he been able under the rules to do. So see how what I do is misportrayed by people like Senator Larson. Nobody on the committee offered to make that motion, but I made it. And I'll continue to do things like that. If I see my colleagues trying to do something that is appropriate and for whatever reason they cannot, I will do it. That's the kind of person I am. And whatever people want to say or make of it, they can. Fortunately, we have a record that will confirm what I'm saying. And Senator Stinner is yet alive. Ask him. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

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

Floor Debate
January 13, 2017

SENATOR CHAMBERS: Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Chambers, Senator Larson, and Senator Krist. Senator Wayne, you are recognized. [LB68]

SENATOR WAYNE: Thank you. I yield my time to Senator Chambers. [LB68]

SPEAKER SCHEER: Senator Chambers, you have 4:55. [LB68]

SENATOR CHAMBERS: Thank you, Senator Wayne. Thank you, Mr. President. And often when I'm condemned by people and they complain about how much time I get, learn something about how I get the time. Under the rules, I don't have more opportunities to speak than anybody else. But there are people who will agree with what I'm trying to do. You will have time yielded to you from time to time if you have more to say than you can get said in the time that you have. And I'll continue to accept that time. I will continue to solicit that time. I like the fear that other people have and I will say what ought to be said on the record, for the record. I'm the one who is not going to be intimidated. I'm the one who is not going to be bought out. I'm not the one who will sell out. And when some of you are given your just reward for the way you behaved on that first day and you need a shoulder to cry on, guess who you're going to come crying to: the one that you think will look beyond all of that mess and treat you like a broken, injured, wounded human being with no place else to turn. I've done that for 42 years. Somebody who is white can stand on this floor and say, well, I've been here two years, and now he's an authority. I've been here three weeks. Now he's an authority. I've been here 42 years. Well, what difference does the amount of time make? I've had judges who have said they couldn't match wits with me when it came to the law and the interpretation or citing specific matters when somebody pulls one out of the thin air and say let's discuss it. As a black person when I was growing up, I always had to do better than white people. I've never gone to a black school in my life. I've never had a black teacher in my life. I've only had white teachers and I was mistreated by them. I knew that I was being treated differently from the way the other students were. But I didn't understand it because my parents taught me to respect all adults. They didn't make a distinction between white ones and black ones, but I was wondering why this teacher was making the differences. But she still was "yes, ma'am." I never had a male teacher either. She still was "yes, ma'am" and "no, ma'am" to me because that's the way I'd been taught by my parents, those black parents whom you all have no respect for. You cannot conceive of us loving our children as you claim to love yours. Read Shakespeare and read some of the laments of Shylock. Shakespeare, as far as we know, was a white guy, but some people suggest he may not have been. And some people suggest that the Shakespeare of playwright fame was not even Shakespeare. But anyway, that's what I learned from reading you all's literature, you all's history that you don't read and that you don't know and that you don't respect. If I ever stand on this floor and speak self-righteously about something,

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

Floor Debate
January 13, 2017

pay close heed; then when I violate it, call my hand on it. Do it. You think I speak without being aware of what I say? You know why I don't get discouraged when I talk to people and it's like talking to knots on a log? There's a guy you all love but he was a Jew. Jesus, the same thing. [LB68]

SPEAKER SCHEER: One minute, Senator. [LB68]

SENATOR CHAMBERS: You said time? [LB68]

SPEAKER SCHEER: One minute, Senator. [LB68]

SENATOR CHAMBERS: Oh, thank you. He raised dead people, told a little girl, talitha cumi! And she got up. She was supposed to be dead. A guy whose family were all crying, he had been in the ground three days. And Jesus said, he's dead. And using Shakespeare...she said, Lord, he stinks. But putting it in the language of Shakespeare, she probably said, Lord, me thinketh he stinketh. Jesus said, you don't know who you're talking to; not only am I one who can bring him back, I can deodorize him. Lazarus! Get out here! And they heard the stone squeak and make this noise and open and there stood Lazarus, clean as a chitlin, no odor of the grave. That's the fairy tales you all tell, the fairy tales my parents taught me to try to persuade me. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Kolowski, you're recognized. [LB68]

SENATOR KOLOWSKI: Thank you, Mr. Speaker. I yield my time to Senator Chambers. Thank you. [LB68]

SPEAKER SCHEER: Senator Chambers, you have 4:52. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Kolowski. So far you all haven't been privileged to hear me sing. There was a guy, he said, when I am sad I sing, then everyone is sad with me. Now, you all may have heard a song by Al Green or you may not have. But one of the lyrics was (singing) let's just be glad we have this time to spend together, there's no need...and he goes on to talk about the bridges that we burn. Let's just be glad we've had this

Floor Debate
January 13, 2017

time to spend together. Subtract the number of days we've been here from 90 and you'll have a figure of how many days potentially I can do what I'm doing now without anybody yielding me time. I cannot amend my motion; any other matter I can. And I'm going to show you all that what was written in those articles was not manufactured by me. I did not fabricate those articles. The names of the writers, the reporters, are on those articles. Some of them are still alive. Ask them did they write the articles. Why, there is some language even from Mr. Cunningham who used to be head of the Catholic operation down here. And he ended one of them with the paragraph: So the man who on the first day started out with the Legislature trying to curtail his power wound up on the last day as having served as the gatekeeper and along the way people saying his power is in the ascendancy. Do you know why I did that? I was forced to do it. A challenge invites a response. Don't challenge me a certain way and you won't get a certain response. But challenge me and you're going to get that response. And now I'll be a meanie. You all can't stop me from doing what I want to do. Do you believe in voodoo, meaning that if you don't vote the way I'm suggesting you should on this amendment, that that...that motion, that it hurts me? Do you think it will hurt me? It will hurt you more because you are compromising your system. I own you. I've said that. And white people in and out of the Legislature get angry. But when I can force you because you dislike me in what I'm saying to vote against your own interests, I own you. When I can force you because you're angry at this instant with me to cast a vote that makes you look foolish, I own you. When I can make you ignore all of the things that your colleague, who has your complexion, not mine, has written and passed out as the standard according to which operations should be undertaken and you vote against that because you're angry with me, I own you. This is my Legislature. Why do you think this room is called the "Chambers," plural, Legislative "Chambers"? Why? Because those who came before you foresaw me coming here and I have to live up to it. In me are their predictions and prophecies fulfilled. [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: But I, at my advanced age, am a sympathetic, kindhearted, forgiving person. Anybody can make a mistake. But a mistake is two plus two are six; that's a mistake. When five people on the Exec Board, because they've got the votes, deliberately misrefer bills, that is not a mistake. That is wrongful. And if merely a mistake were involved, you wouldn't be having to listen to me in this manner. I overlook mistakes. I'm not judgmental when it comes to that. But when it comes to something that undermines the integrity of an organization of which I'm a part, look out. Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no one else in the queue, you are welcome to close. [LB68]

Floor Debate
January 13, 2017

SENATOR CHAMBERS: Thank you. I hear a sigh of relief and those who are waiting to exhale feel that they can. But maybe I should use this opportunity to teach you something about the rules and what can be done under the rules and that I can keep you here as long as I want to keep you here. A motion to adjourn is not debatable, so I can't say anything when the motion to adjourn is made. But the Speaker, because it's in the rules, is allowed to comment and is the only one who can comment. There has to be a flexibility, there has to be intelligence, there has to be reasonableness, there has to be nuance. And sometimes the Speaker has something that needs to be said because anybody can make a motion to adjourn at any time. Rather than have to go through motions and voting down a motion to adjourn, it was decided that the rules ought to permit the Speaker to do that. You don't understand what a legislative body is about. You came in here thinking it's one thing and it's something else, so now I have to do with you all what I did to others: I've got to teach you. And you're not going to learn. You are hardheaded, stiff-necked, stubborn children, but you are my children. You are all my children. And I'm not the kind of father who would drown his children in a bucket of water or a bathtub of water when they get older just because they're disobedient. Disobedience is of the warp and woof of being a child. And those of us who are adults and mature should remember and understand that and deal with the issue accordingly. When a mother bear cuffs a cub, you think she's trying to hurt the cub? She never hurts the cub. But it's to get the cub's attention and teach the cub in a safe environment that there are other things out there that will do bad things to you. And I have to teach you to be aware and alert and recognize the danger so that's what I will do. Why should I care what you do? That's a question I shall not answer other than to say, as I have before, you all comprise an organization of which I am a part and this organization has behaved very poorly on, from, and since the first day. And you're not going to find anybody who will stand on this floor and be as honest with you as I am because you don't have anything you can give me or take from me and you cannot put me in fear any kind of way, not psychologically, not intellectually, and not physically. Some people grumble around here about what all they ought to do to me and what they're going to do to me because they bigger than me and the more they talk and the more I see them, the more they look like Tom Thumb. But I'm available. You don't see me running and hiding. I don't wear clothes where I can conceal a weapon unless you consider me, myself, a weapon. I don't need that. I don't need bodyguards. I used to give talks around the country and these young people would come to me and say, why do you say what you say? And I'd tell them. They say, well, where is your bodyguards? I said I don't have bodyguards. They said, people like you who talk like you have bodyguards. I say, no, they're not like me. They might talk like I talk, but they're not like me. Why should I have a body guard? People, if I'm in danger, get in my way. Why should I be responsible for anybody's safety other than mine if I'm doing the kind of things that can create danger? I don't need anybody with me. [LB68]

SPEAKER SCHEER: One minute. [LB68]

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

Floor Debate
January 13, 2017

SENATOR CHAMBERS: I don't run when no man pursues and I don't run when a man does pursue because nobody has to catch me running. They don't have to pursue me. They know where I am and if they want me, tell me and I'll be there. I'm not going to pursue, be pursued. They hear a leaf crackling in the street and they say a lion is in the streets, a lion is in the streets. We're gonna go through some hard times this session because when one offends against everything that is decent, everything that is sacred by you all's definition, everything that connotes integrity and loyalty to the principles that all public officials ought to abide by, I'm going to talk about that like I said I would during the session. And don't tell me I shouldn't talk about it. I gave you warning all during the interim what I was going to do. And you think I'd reinvent the wheel? No, I wrote a lot of rhymes. I could take a lot of time. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR CHAMBERS: Mr. President, I will ask for a call of the house and a roll call vote. [LB68]

SPEAKER SCHEER: There has been a request to place the house under call. The question is, shall the house go under call? All those in favor please vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB68]

CLERK: 38 ayes, 0 nays, Mr. President, to place the house under call. [LB68]

SPEAKER SCHEER: 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. We are all accounted for, Senator Chambers. You said a roll call vote, regular order? Mr. Clerk. [LB68]

CLERK: (Roll call vote taken, Legislative Journal page 204.) 17 ayes, 24 nays, Mr. President, on the motion. [LB68]

SPEAKER SCHEER: Thank you. The motion fails. Raise the call. [LB68]

CLERK: Mr. President, I have a priority motion. Senator Chambers would move to reconsider the vote just taken. [LB68]

SPEAKER SCHEER: Senator Chambers, you have a motion and you have the floor to introduce. [LB68]

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

Floor Debate
January 13, 2017

SENATOR CHAMBERS: Thank you. Mr. President, now that I see the way this body is going to function, I'm going to show you what I can do. I'd like to ask the Vice Chair...I meant the Chairperson of the Executive Board a question, if he's here, Senator Watermeier. [LB68]

SPEAKER SCHEER: Senator Watermeier, would you please yield? [LB68]

SENATOR WATERMEIER: Yes. [LB68]

SENATOR CHAMBERS: Senator Watermeier, is the Exec Board going to meet as the Reference Committee upon adjournment whenever that occurs? [LB68]

SENATOR WATERMEIER: Yes. [LB68]

SENATOR CHAMBERS: Do you have any idea how many bills are on that list roughly? [LB68]

SENATOR WATERMEIER: Two and a half pages is probably 60 bills. [LB68]

SENATOR CHAMBERS: And if I choose for whatever reason to make a motion like this on every one of those bills, I could do that, couldn't I, under the rules? [LB68]

SENATOR WATERMEIER: Yes, I believe so. [LB68]

SENATOR CHAMBERS: And we could have a debate on this for the rest of the session or a good portion of it just on the basis of that list, unless the Chair decides we'll have a certain amount of time for each day on this debate and then move on. But is that more or less correct? [LB68]

SENATOR WATERMEIER: Other than other priority bills in front of...motions in front of it, like to adjourn. [LB68]

SENATOR CHAMBERS: And what...give me an idea of a priority motion in front of a motion to reconsider. [LB68]

SENATOR WATERMEIER: Adjourn. [LB68]

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

Floor Debate
January 13, 2017

SENATOR CHAMBERS: And when we vote to adjourn, that means everybody leaves here, doesn't it? And that legislative day is gone, isn't it? [LB68]

SENATOR WATERMEIER: Yes. [LB68]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I own you. You challenged me. You challenged me. You think I'm bluffing. This is only the start. I don't need to reconsider this bill thinking I'm going to change your vote. I can't change your mind. I saw how you behaved on the first day. You're wearing somebody's livery and you think that voting against something I offer will stop me from doing anything? It will stop me from prevailing on that particular item, of course. You will notice...you hadn't noticed, some of you had, I haven't introduced a single bill. I have bills, three-parted. I'm determining whether or not I'm going to dedicate this session to removing a cancer from the body and demonstrating the principle that Shakespeare put in one of his plays about obtaining a pound of flesh. And pound...I'd like to ask Senator Briese a question because he's been paying close attention to everything. And I'm going to see if he's been paying attention or if he can sleep with his eyes open. [LB68]

SPEAKER SCHEER: Senator Briese, will you yield? [LB68]

SENATOR BRIESE: I'd be happy to answer a question. [LB68]

SENATOR CHAMBERS: Senator Briese, which weighs the most...which weighs more, because there will only be two, a pound of gold or a pound of feathers? [LB68]

SENATOR BRIESE: They should weigh the same amount. [LB68]

SENATOR CHAMBERS: Are you a gambling man? [LB68]

SENATOR BRIESE: Not very often. [LB68]

SENATOR CHAMBERS: Would you bet one penny against a \$20 bill that you're wrong...that you're right and I'll bet \$20 against a penny that you're wrong? [LB68]

SENATOR BRIESE: I would bet that, yes. [LB68]

SENATOR CHAMBERS: Okay. And you say a pound of gold and a pound of feathers weighs the same? [LB68]

Floor Debate
January 13, 2017

SENATOR BRIESE: Sure. [LB68]

SENATOR CHAMBERS: Gold is weighed by troy weight. Troy weight has 12 ounces in a pound. Feathers are weighed by avoirdupois which has 16 ounces in a pound. A pound of feathers weighs more than a pound of gold. I'll take my penny when we adjourn. But before we do that, I want to talk a little bit longer because I have a certain number of opportunities to speak and then I have the opportunity to close and on this particular exercise, I'm not asking anybody to yield me any time. That's all, Senator Briese. You've been a very capable and worthy opponent. But you'll have to answer on your own time if you want to respond. I'm just teaching. Do you think I've taught anybody anything this morning? Some things that seem obvious may not be so. Some things that seem obvious may not be so. I'm going to make it obvious for you, though, that I'm not bluffing. But what I have not said yet is that I will make such a motion on every bill that is referenced. But look at all the opportunities that I have to do that. If I choose to derail the train, I can do it. I don't care what kind of rule you pass. You know why? Because every rule you pass to try to stop me is going to stop you too. But here is what you can do. You all are all alike. You can vote to suspend the rule so it doesn't apply to you. But if the rules remain in suspension and you make the mistake of suspending all of them to trap me, then I can do whatever I want to because there is no rule by which you can call me in order or anything else. We're just freewheeling then and every man and woman for himself or herself. You all don't believe me. I try to talk to you. I try to reason with you. It goes in one ear and out the other, without even pausing in-between. So I have to demonstrate it to you. I genuinely believe that as old as I am, I can go until midnight. There is one way you can stop me. Senator Watermeier, if he never tells the truth again, told the truth when he mentioned that there is a priority motion which is to adjourn. I'm going to see how that works today. I'd like to ask Senator Watermeier another question. [LB68]

SPEAKER SCHEER: Senator Watermeier, will you please yield? [LB68]

SENATOR WATERMEIER: Yes. [LB68]

SENATOR CHAMBERS: Senator Watermeier, did I more or less state correctly what happens when a motion to adjourn is made, that the Speaker is the only one who has the right to say anything once that motion has been made? [LB68]

SENATOR WATERMEIER: Correct. [LB68]

SENATOR CHAMBERS: And nobody else under the rules is entitled to discuss or debate it? [LB68]

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

Floor Debate
January 13, 2017

SENATOR WATERMEIER: Well, I just saw my good friend get called on the table on that. I'm not wagering with you. That's my assumption. [LB68]

SENATOR CHAMBERS: I'm not going to wager. [LB68]

SENATOR WATERMEIER: (Laugh) Good. [LB68]

SENATOR CHAMBERS: You're a good Christian man and you cheat, so I'm not going to wager with you. [LB68]

SENATOR WATERMEIER: Thank you. [LB68]

SENATOR CHAMBERS: Members of the Legislature, don't get angry at me. You set the tone the first day. There are no principles. There are no standards. There is no honesty. There is no trust. You all did it, not me. You all did it. You made your bed, now you don't want to sleep in it? Oh, how you flapped your wings. And we have a young freshman who soared like an eagle and swooped like the falcon and then assumed and presumed to instruct somebody twice his age who has been here 40 times as long as he has. I mean, that's a powerful intellect sitting there. Even when I was little and young, I never took it upon myself to instruct my elders. But I think it takes a great amount of self-confidence, which I admire, to presume that you've been here not four weeks and you know more than those who have been here 42 years. I mean, that takes some moxie. That's what they call it in the mobs. You don't know anything about the mobs, though, because, see, people who understand things about the mob know certain things about lines that ought not be crossed, because you can cross it but you cross it at your peril. And don't think that because a man is not flashing guns and knives that he is unarmed in every sense of the term. And if you want to throw down the gauntlet, be sure you can back up what you're saying. [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: Ralph Waldo Emerson quoted one of those judges. There was a father and there was a son. Their last name was Holmes. And he said if you strike at the king, you must kill him. Keep that in mind. Keep in mind whom you're striking and how effective you need to be. We have a long time to be here together. Your disapproval means nothing to me. But let me make this clear, I do not see every one of you and judge every one of you the same way. I'm trying to give you a way out. Some of you were snookered. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

Floor Debate
January 13, 2017

SENATOR CHAMBERS: You were duped. Did you say time? [LB68]

SPEAKER SCHEER: Time, yes. Senator Chambers, you're recognized. [LB68]

SENATOR CHAMBERS: You were duped. You're taken advantage of. You believed. You trusted and you're gonna find out it was misplaced. You don't see it yet but you're going to see it. We haven't dealt with any issues of substance related to legislation. Are you going to get a tax cut bill that the Governor wants by a certain date? The Legislature is going to do that? He now owns you to that extent? You better get this on my desk by a certain day, and all of you all go to chirping and whatever you do to show your compliance? That's what you're going to do? I will try to the extent I can to save you from yourselves. But on the other hand, that might be something to allow so that the public can see how supine and how lacking in self-respect the members of the Legislature are. I'm trying to stir you all up into stars of manhood and womanhood so that the thing most important to you will be your own self-respect. You don't have to be accountable to me. Well, yes, you do, but I meant other than me. You are accountable to yourself. You're grown. Behave like an adult. Don't have to get the Governor's permission, but you all have to be in line for the Republican Party. The Republican Party will spend a lot of time talking about having transparency, but they ignore the plank in their party that says we are opposed to pornography in all forms. The Republican Party is officially on record as being opposed to pornography in all forms. What could be more pornographic than mutual masturbation on Skype? And the Republican Party is quiet but not the Cass County Republican Party. Oh, you don't want to hear this? I didn't do it. You're protecting and shielding one who did. What about Jesus? You think they'd have crucified him if he'd have gone along and not condemned certain things like selling, money changing in the temple? If he didn't do that, they wouldn't have been mad at him. If he didn't call the chief priests, the scribes, and the Pharisees hypocrites all the time, they wouldn't have been angry at him. And the people would have loved him if left to their own devices because when they were always chasing some new thing, as people will do when they're behaving like a mob and they're hungry, and he gives them fish and bread, they love him. They want this guy around all the time. If the wedding has taken place and the wine has run out, the good wine, and they need some wine and there is none and he says, wait a minute, abracadabra, pops a finger and there the wine is flowing, the water became wine. Do you think the winos would want to do something to hurt somebody like that? Do you think the family and friends of the little girl whom everybody thought was dead is raised, they would want to kill him? There was an old Roman centurion, a heathen, a pagan, a non-Christian, but one who recognized authority and ability, which you all don't. That servant went to Jesus and said, my master wants you to heal somebody in his family who is sick. [LB68]

SPEAKER SCHEER: One minute. [LB68]

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

Floor Debate
January 13, 2017

SENATOR CHAMBERS: So Jesus at some point had a conversation with the centurion. He said, that's what you want? The centurion said, yeah. He said, well, take me to your house. He said, look, man, I am one who is set under authority; I say to this when he comes; I say that one goes; this one comes; that one goes; you're under authority; you just give the word and it's done. That's what the centurion said based on what he saw. And what he wanted was done, because when Jesus made a deal, he stuck by it. You believe? Then let it be unto you as you believe. Centurion went home. They said, little child, daddy, I'm healed! He said, I know it, who do you think arranged it? I talked to the great physician. I talked to the doctor who doesn't even have to be where you are and can make you well. You all don't read that Bible, "Bibble." You play like you do. You don't believe it for sure. If you could learn how to respect yourself...poor Whitney Houston sang that... [LB68]

SENATOR SCHEER: Time, Senator. [LB68]

SENATOR CHAMBERS: ...and didn't apply it. Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Seeing no one else in the queue, you're welcome to close. [LB68]

SENATOR CHAMBERS: Have I spoken three times? [LB68]

SPEAKER SCHEER: No, but you were not in the...I...there was opportunity. You were not there. This will be your close. [LB68]

SENATOR CHAMBERS: I turned on my light. [LB68]

SPEAKER SCHEER: Very well then. [LB68]

SENATOR CHAMBERS: Thank you. Do you see what I'm talking about? I have an opportunity to speak. I didn't get my light on, on time, so he's going to stop me from speaking and say close. If that's the game you want to play, I'll play it. If you're sure that's what you want, I'll give it to you. You want me to close now and not take my last opportunity to speak, Mr. Speaker? [LB68]

SPEAKER SCHEER: Senator Chambers, you can do either. You are on your last time and you have a close available. [LB68]

SENATOR CHAMBERS: Thank you very much. See how wonderful it is when brethren come together and reason? We just reasoned together. You all will have something to think about today

Floor Debate
January 13, 2017

and the rest of the days. You should not let anybody upset you so much that you do that which you know you ought not to do, that you should refrain from doing that which you know you should do. You think I don't know people got together and arranged and agreed on what they were going to do on that motion? But there are people watching. Talk to people outside this Chamber, especially lawyers who know something about the law and they are aware that any bill that creates a brand-new cause of action, that allows lawsuits against cities and villages goes to the Judiciary Committee. But you think that the whole world is what's happening in this Chamber and you think you control it. You all will be the laughing stock, not me. And it doesn't just take a lawyer. It doesn't take a judge. There are even editorial writers who know that much. There are reporters who know that much. There are students who know that much. What kind of example can the Legislature hold itself up to be knowing that something ought to be done a certain way according to its own standards, yet they will not do the right thing because they belong to a certain political party and a clique, c-l-i-q-u-e, or a claque, c-l-a-q-u-e? But in essence they both mean the same. That's what we have going on these early days. But it's not going to hold. And some of you pretty soon will wonder about the fate of things that mean something to you. And through all of this, the question you should keep asking is, why would I do what I'm doing? The only logical answer is the one that I gave you. I believe the Legislature ought to meet a certain standard of excellence. If I were the king and I had the power to sentence anybody to death who disagreed with me, I could issue an order that the earth is flat. Would that make it flat? I'm the king. Will the earth become flat because I issue a fiat saying it is flat? That doesn't make it flat. But I can put you in fear so that if somebody asks you, and you're in my presence or you think one of my spies is near, what is the configuration of the earth, you'll say flat, without hesitating, because in your mind you say, if he's that crazy and he wants it to be flat, let it be flat. Ask a mariner who knows something, who hasn't heard what the king said--and "he" because that's who they were in those days, males--what shape is the earth. He'd say round. King, quoting the Red Queen: Off with his head! He'd say, what did I do? [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: You offended the king. How did I offend the king, by telling the truth? The truth is what the king says it is and the king stated what the truth is when it comes to the configuration of the earth and what the king said is that the earth is flat. Oh, king, I did not know. May I throw myself on your mercy? There is no mercy from the king when the king has been directly challenged. They cut his head off. And you think the ones who cut the head off don't know that what they're doing is inappropriate? But they want to live, too, for the reason that Khrushchev gave when Americans couldn't understand why Francis Gary Powers did not bite into that cyanide capsule when his U-2 spy plane was shot down over Russia. The white Christians in America couldn't understand why he didn't take his life. Old, godless Khrushchev, the communist, said living things want to go on living. He had the answer. They knew the answer

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

Floor Debate
January 13, 2017

but they were going to put on Francis Gary Powers a requirement that they themselves have not undertaken. [LB68]

SPEAKER SCHEER: Time, Senator. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. [LB68]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Schumacher, you're recognized. [LB68]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. Senator Chambers this morning has taught class: introduction to legislative procedure 101. If you were listening and you were watching, you could have picked up several dozen tips on the procedure of this body and probably learned more than you would have if you had read the rules a couple of times. He's also teaching a lesson of what happens when you disregard tradition and when you begin to introduce things like partisanship and artificial distinctions between good people and slates and things like happened last week. The lesson is going to come to a close in a little bit. Also going to learn and maybe learned a little bit about what happens when the attempt to play political clique monkey business results in bills being referenced to the wrong committee. And so to give Senator Chambers just a little bit of time to conclude his lesson, I yield the balance of my time to Senator Chambers. [LB68]

SPEAKER SCHEER: Senator Chambers, 3:22. [LB68]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Professor" Schumacher. Members of the Legislature, they'll get that bill out here on the floor. Senator Ebke will have her way. Senator Murante will have his way. Senator viceroy...I mean Vice Chair Watermeier will have his way and the rest of them. What you think is going to happen when that bill comes out here? What do you think is going to happen? If I can take this time on a motion which cannot even be amended, what's going to happen with a claptrap bill like that which probably was written by the resident member of the NRA who is directing all of this? And then you're going to have these people stand up on other occasions and talk about their independence and their integrity and their honesty and their trustworthiness. They've thrown all that out the window. Young people, let me give you all an example of something so that you young ladies will protect yourselves and you young men might straighten up and fly right. You know what a man's character, such as it is, is like? Do you know what canvas is? A real heavy, tough fabric. You can lay it out. You can pour oil on it. You can pour chocolate syrup or strawberry syrup on it. You can spit on it. Dogs can urinate and defecate on it. You can roll it over like a turnover and let a steamroller roll over it and back over it several times. Then you can stretch it out, find a large

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

Floor Debate
January 13, 2017

super-charged washing machine, throw it in there with some temper Cheer...all-temperature Cheer, put it through those cycles, come out and pop it, and it looks just like it looked before it went in there. You can smell it and it smells like the soap that was used and the Bounce that was used to take out the wrinkles, ready, as good as new. On the other hand, the young woman, what is her character like? One of those fine, delicate china... [LB68]

SPEAKER SCHEER: One minute. [LB68]

SENATOR CHAMBERS: ...goblets, crystal goblet: drop it and it shatters. And even if all the king's horses and all the king's men can put it together again and put every shard and piece where it goes and it has the same configuration, you see every crack, every break that ever occurred, and she never lives it down, ever, because there is a double standard in this society. Hold on to what means something to you and don't let anybody take it from you because they'll never let you get it back again. And you young men, some things will follow you. For example, you might make the mistake when you're lonely of doing something on Skype that you shouldn't. But then it's found out. It's going to be like a millstone around your neck. Mr. President, in the interest of collegiality, I withdraw my motion. [LB68]

SPEAKER SCHEER: Without objection, so moved. Mr. Clerk for items. [LB68]

CLERK: I do, Mr. President, a number of bills to introduce. (Read LB365-430 by title for the first time.) Mr. President, in addition, I have new resolutions: LR13 by Senator Kuehn; LR14 by Senator Kuehn. Those will both be laid over. Hearing notice from Business and Labor and the Executive Board. I have a motion to be printed from Senator Wayne (re LR1CA). I have motions from Senator Chambers with respect to LB271 and LB276. I have name add requests: Senator Watermeier to LB222; McCollister to LB36; Senator Blood to LB289; Senator Chambers to LB259. Announcements: Reference will meet ten minutes upon adjournment, Reference in ten minutes. Rules Committee will meet, Mr. President, at 1:40 p.m. (Legislative Journal pages 205-220.) [LB365 LB366 LB367 LB368 LB369 LB370 LB371 LB372 LB373 LB374 LB375 LB376 LB377 LB378 LB379 LB380 LB381 LB382 LB383 LB384 LB385 LB386 LB387 LB388 LB389 LB390 LB391 LB392 LB393 LB394 LB395 LB396 LB397 LB398 LB399 LB400 LB401 LB402 LB403 LB404 LB405 LB406 LB407 LB408 LB409 LB410 LB411 LB412 LB413 LB414 LB415 LB416 LB417 LB418 LB419 LB420 LB421 LB422 LB423 LB424 LB425 LB426 LB427 LB428 LB429 LB430 LR13 LR14 LR1CA LB271 LB276 LB222 LB36 LB289 LB259]

Mr. President, priority motions. The first, Senator Chambers would move to recess the body until 2:00 p.m. today.

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

Floor Debate
January 13, 2017

SPEAKER SCHEER: There is a motion to recess until 2:00 p.m. this afternoon. All those in favor say aye. All opposed say nay. All in favor say aye. All those opposed say nay. In the opinion of the Chair, the nays have it. Next item.

CLERK: Mr. President, Senator Crawford would move to adjourn the body until Tuesday, January 17, at 10:00 a.m.

SPEAKER SCHEER: The motion to adjourn, all those in favor say aye. All those opposed say nay. The ayes have it. We are adjourned.