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Floor Debate
January 17, 2017

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PRESIDENT FOLEY PRESIDING

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

SENATOR PANSING BROOKS: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. I call to order the ninth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

ASSISTANT CLERK: There's a quorum present, Mr. President.

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

ASSISTANT CLERK: I have no corrections this morning.

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

ASSISTANT CLERK: Mr. President, two reports from the Reference Committee, and a notice of committee hearing from the Banking, Commerce and Insurance Committee. (Legislative Journal pages 223-226.)

PRESIDENT FOLEY: Thank you, sir. Members, the treats on your desk this morning are a gift from Senator McDonnell who celebrated his birthday yesterday. Happy birthday, Senator McDonnell. And while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following three Legislative Resolutions: LR2, LR5 and LR7. (Doctor of the day introduced.) Mr. Clerk, we'll proceed to the first motion at the desk. Mr. Clerk, you're recognized. (Legislative Journal pages 226-227.) [LR2 LR5 LR7]

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ASSISTANT CLERK: Mr. President, Senator Chambers would move to rerefer LB59 from the Health and Human Services Committee to the Judiciary Committee. (Legislative Journal page 227.) [LB59]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Chambers, you're recognized. [LB59]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, having been around here for more than four decades, I recognize and am very familiar with exercises in futility--the metaphorical jousting with windmills. When there are issues that require intellection, judgment, and independent thinking, those issues are going to fall flat. But as I stated the other days, as one trained in the law, I'm not going to sit on my hands and allow things to go by without challenge which one trained in the law would not allow to go by unchallenged. I believe in setting the tone from the beginning as far as myself. The bulk of you set the tone that led me to hand out this item today headlined: Candid Carpenter calls politics dirty, double-crossing racket. That's what was happening the first day. And some of that toxic attitude has carried over into some of our deliberations, particularly the Reference Committee which is synonymous with the Executive Board of which I am a member. There are issues which are not referenced in accord with the standards that have been published, that have been followed in the past, but rather for ideological or political reasons. These bills are sent to committees where it is felt there is a better chance for them to be advanced to the floor. They are not referenced based on the subject matter, the tradition, or the predictability which this Legislature itself promised to make available to the public. I want to go back to what I touched on when I first began talking. I'm going to set the tone for how I intend to comport myself. Every issue that I think ought to be addressed, I'm going to address it. I live in accord with my principles, my inner sentinel, which you all may call a conscience, and regardless of what anybody else thinks, says, or how anybody else feels, I'm going to do and say what I believe to be appropriate for me to say and do. It has been that way for over four decades in this Legislature and even prior to my coming to this Legislature. For some reason, even when I was small, much younger, I was not comfortable in the presence of other people's suffering. I saw it mostly in elementary school. I never had a black teacher. Never went to what is called a black school. Never was in anything but a very tiny minority in any class of which I was a member. And believe it or not, the ones I was taking up for were white children being bullied by other white children. That's what I did and I continue to do that. And if I am the only one speaking for what is right, I intend to do it. I live in the moment. I take what might be called the long-range view, by living in the moment. I get to that by taking matters, or life which is a continuum, a day at a time, a task at a time, a moment at a time, an instant at a time. Life is just a stringing together of a semi-infinite number of instances into a necklace. So I can endure anything for an instant. Life is hard by the yard, my children, but it's a cinch by the inch. And I shall exemplify that. However long it takes, I intend to take. The totality of my time this session will be 90 legislative days. During those days, nobody shall dictate to me what I shall say, how I shall say it, that I abide by the rules regarding when I shall

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say it, and for how long at a stretch I shall say it. I will follow the rules and adhere to them, whereas you all don't have to. I'm saying this while I have a bit of your attention this morning. You know why I say you don't have to? Rules in the past were put in place aimed specifically at me and it was acknowledged until editorial boards criticized the Legislature for attacking one person, so then they developed code words that all people knew referred to Senator Chambers. And they did it again and again and again and they never won. Not once. When they tried to put in place in 1992 the cloture rule, there was a recent article that explained, people felt the need to do that because an abortion bill, anti-abortion, consumed 13.5 hours of debate and I was very active in that because I believe a woman has the right to make the choice and I don't think she has to get the permission from the Supreme Court, from her husband, from the Legislature, or anybody else. It's her business, her decision between her and her doctor. Now you all know my position on that if you didn't know it before. So when these issues come up, I will fight them. So what difference then does it make to me which committee bills are referred to? Because if they come out here, that's when I will wage my fight. If I can keep us, with the assistance of others, our body debating, rereferencing motions for over three hours, what can I do with a bill when it's out here? And I read the bills. Many people do not. But my standard is not set on the basis of what other people do or don't do. I believe...I would make a bet but I'm not going to bet when I don't control the outcome. I believe there are people in this Legislature with a lot of talent, with a lot of ability, with an ability to think, but it needs to be honed, guided, directed, and maybe nurtured and tutored by somebody who has been engaging in logical thinking for many, many more years. So when you, at the outset, put on another person's livery, take another person's name, you restrict yourself immediately, you straightjacket yourself, you cheat yourself and rob your own till, but each person is free to conduct his or her business in the way he or she pleases, but you all need to know you're not going to control me. I'm not your child. You're not my parents. I'm here to do a job and people sent me here to do that job knowing what I am, knowing what my views are, knowing how I comport myself. And I get calls from all over this state from people in you all's districts, and if I could just be free from those calls, I would probably have 90 percent more free time than I have now. They always start by, I wish you were my representative, I don't live in your district, my senator won't talk to me. Well, I say, I don't want to go into all that, just tell me what you have on your mind. If I can help you, I will. [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR CHAMBERS: If I cannot, I will tell you that. But they know that I've said on this floor and I mean it, although I'm elected by way of a district, my title is state senator which means my bailiwick is the entire state. My constituency comprises all of the people in this state and people outside of this state. And if you had the interest, I would show you letters postmarked from other states and in some case, other countries. And I would defy anybody on this floor to match me and certainly surpass me in the things that I've done. Thank you, Mr. President. [LB59]

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PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Krist, you're recognized. [LB59]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, good morning, Nebraska. I won't speak more than once on this although if Senator Chambers wants some time, I may consider yielding. This bill has been heard at least five times that I know of in the eight years that I've been here. Twice...once it was my bill as a part and parcel of an additional piece of information. Once I think Senator McCoy, or maybe twice, as part and parcel of what he wanted to do for the community, and then twice that I know of, Senator Kintner, who was not successful in getting it out of the Judiciary Committee, which is why I theorize that this bill has been sent to another committee and has been changed appropriately in some areas to make you believe that it should go outside of Judiciary. I believe we are...as we get through adoption of the rules, we will now get into a portion where almost everything has to do with cloture. So if you intend to continue the track that you're on and that is continue to support the Rule of 27, at some point you will not be able to succeed because there will be 17 potentially on the other side. That's not a threat. That's just reality. So, start at this point maybe thinking about another way of doing business. Independently evaluating what you're hearing and voting up or down, yes or no, for your constituents and the constituents of Nebraska. Section 4 of this bill clearly identifies that there may be constitutional issues because it clearly says if any part of this bill is declared unconstitutional, the remaining parts of the bill will not be subject to, da, da, da, da, da. You don't put that kind of a clause in a bill knowing on the get-go that everything in your bill is above board and constitutional. Second, this tells a private business, and it doesn't make any difference whether it's for-profit or not-for-profit, that it must do something. All you small businesspeople, I'm going to tell you how to put the sign in your window to the exact dot description of the way I want you to display it. Just on the surface, I can think of three or four parts of the United States Constitution and at least one or two parts of our own state constitution that this particular edict violates. You can't send this bill to a committee that does not understand the legalities and the jurisdictions that are addressed in this bill. It sets them up as a disadvantage to fail. Now I'm not saying that Senator Riepe and his staff can't do a lot of digging and get to the same point that the Judiciary could get to...the Judicial Committee could get to, but I ask myself why? Why are we circumventing what have been traditional rules in this Legislature in terms of referencing bills a guide? Is it because we really want to put something someplace that we think will come out easier. Senator Morfeld made a point during our last discussion that he--and I will agree--and I will go in front of committees that may not be as accommodating as other committees. But I said on the mike on Friday--I think Friday or Thursday--I have faith that it's going to get a fair and honest debate in no matter what committee it goes into. [LB59]

PRESIDENT FOLEY: One minute. [LB59]

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SENATOR KRIST: But why? Why? I'll support the recommit only because I believe the proper place for it to go, the proper place for it to get a fair debate and to be voted up or down out of committee, is the Judiciary Committee. Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, you're recognized. [LB59]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, and I will accept time that people give me. I'm going to be Professor Chambers this morning. Am I blowing in the wind? Good chance of it. None are so blind as those who will not see or who refuse to see. None are so deaf as those who refuse to hear. What I try to do is present things that you all from your orientation might can relate to. So although I may bring up something that seems off the mark, I do like these lawyers do on television, judge, I'm going to tie it all together and show you the relevancy. And the judge will say, on that basis, I will overrule the objection, but be certain that you do so. In Monday's Omaha World-Herald, page 3d, headline: Moody's to pay nearly \$864 million. And I'm not going to read the entire article, but Moody's had done some things in putting out ratings for sub-prime mortgages that ultimately led to the worst recession since the Depression and another world rating system, Standard and Poor's had to pay nearly \$1.4 billion to settle similar allegations by the Justice Department, 19 states and the District of Columbia. This is what I want you to note. Quote. In the settlement, the world's second largest credit ratings agency acknowledged that it didn't follow its own standards in rating the risk of securities backed by home mortgages and the collateralized debt obligations that called...that relied on their health. Moody's acknowledged that it used a more lenient standard for certain financial products and did not make public the differences from its published standards. Quote. Within the article Moody's failed to adhere to its own credit rating standards and fell short on its pledge of transparency in the run-up to the Great Recession, end of quote, Principle Deputy Associate Attorney General Bill Baer said in a statement. Moody's, Standard and Poor's violated their own standards, the standards they published, the standards that they gave the public and those who deal in securities and other activities that are rated, a reason to believe would be dealt with in an honest above-board manner. There has been information put on the Internet for the public to read to see how the Legislature has promised to deal in referring bills. The Legislature did not have to do that. Here's what I mean by didn't have to do that. The Legislature did not have to adopt rules to refer bills certain places. The Constitution doesn't even require the Legislature to refer bills to committees. These things that I'm talking about are what the white master race in Nebraska decided on its own that it would do and promised at the same time to keep faith with the other members of the white race in Nebraska in carrying out these promises that it voluntarily made. [LB59]

PRESIDENT FOLEY: One minute. [LB59]

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SENATOR CHAMBERS: The duties it voluntarily assumed. And now because a political party and certain ideological groups have prevailed on the Legislature to violate what it itself promised, we have motions of the kind that I intend to make. And I find great irony in the fact that a black man has to remind the master race. You know why I keep using that? I read reams of books, periodicals about how inferior I am, how lacking in moral compass I am. How akin to the beasts of the field that I am. I read all that as a child. It was printed in newspapers. [LB59]

PRESIDENT FOLEY: Time, Senator. [LB59]

SENATOR CHAMBERS: Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thanks, Senator Chambers. Senator Riepe, you're recognized. [LB59]

SENATOR RIEPE: Mr. President and fellow senators, I rise as Chair of the Health and Human Services Committee to share with you why LB59, which is now scheduled for a HHS hearing, was correctly assigned by the Executive Board to the Health and Human Services Committee. LB59 places a mandate on the Department of Health and Human Services for information not--I repeat not--a mandate on an individual's right to an abortion. LB59 has nothing--I repeat nothing--to do with the right or restriction of an abortion nor does it have any legal ramifications. LB59 requires DHHS to develop and maintain a Web page to allow for a searchable word such as "abortion" or "abortion information." DHHS is mandated to provide a video of ultrasound images at two-week gestation increments, period. Just because the word "abortion" is used in LB59 does not automatically assign it to the Judiciary Committee and LB59 is clear in its language. Because these mandates are required of DHHS, LB59 was correctly referenced to HHS Committee. Colleagues, I ask you to vote no on the motion to rereference LB59. Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Riepe. Senator Morfeld, you're recognized. [LB59]

SENATOR MORFELD: Thank you, Mr. President. I yield my time to Senator Chambers. [LB59]

PRESIDENT FOLEY: Senator Chambers, 5:00. [LB59]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Morfeld, and we will discuss the bill itself. But I want some preliminaries in the record so that I don't have to go through them every time I offer one of these motions because I have additional motions of this kind to offer. I'd like to ask Senator Riepe a question. [LB59]

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PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB59]

SENATOR RIEPE: Love to. [LB59]

SENATOR CHAMBERS: Senator Riepe, did you read this bill? [LB59]

SENATOR RIEPE: I have not read the bill in its entirety because we're not here for the hearing today. We're here for the Referencing. [LB59]

SENATOR CHAMBERS: Then how can you so authoritatively state that it is appropriately referenced to HHS when you haven't read the bill? [LB59]

SENATOR RIEPE: Well, I've read enough of the bill, Senator, to know that it's a requirement of DHHS to provide the service, not to make any decision about the right or wrong of an abortion, or any restriction on an abortion. [LB59]

SENATOR CHAMBERS: Did you read the regulations and mandates it puts on health clinics? Did you read that information? [LB59]

SENATOR RIEPE: No, but I do understand that it does require a link for the clinics to provide this information. [LB59]

SENATOR CHAMBERS: Thank you. Senator Riepe, thank you. Members of the Legislature, he has not read the bill. I told you I read the bills. That's what I'm going to deal with a lot, but I want that in the record so when the public who are watching us and listening to us judge, they'll know that I at least read the bill. As Senator Krist pointed out, there are very specific mandates put on small nonprofit or for-profit operations, businesses, telling even the size and type of print, lettering which must be used. The compelling by the state of speech which does implicate constitutional matters and that's why they added the severability clause. They know that this bill is suspect. But what Senator Riepe doesn't know because he's relatively new here, I will ask him a question or two before I make a presumption. Senator Riepe, would you yield to a question or two? [LB59]

SENATOR RIEPE: Yes. [LB59]

SENATOR CHAMBERS: Were you here in 2009? [LB59]

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SENATOR RIEPE: No, sir. [LB59]

SENATOR CHAMBERS: Were you here in 2010? [LB59]

SENATOR RIEPE: No, sir. [LB59]

SENATOR CHAMBERS: Were you here in 2015? [LB59]

SENATOR RIEPE: Yes, sir. [LB59]

SENATOR CHAMBERS: Are you aware that a bill very similar to this went to the Judiciary Committee in 2015? [LB59]

SENATOR RIEPE: I was not aware of the bill being sent to Judiciary and I don't know the similarity. [LB59]

SENATOR CHAMBERS: Thank you. That's all I will ask. Members of the Legislature, bills can be tweaked a little bit by putting a word in it, but it's substantially this bill. All of the references in the bill are to Chapter 28 which deals with crimes and punishments. The subject of abortion is dealt with in Chapter 28. Not every statement with reference to abortion in Chapter 28 goes to criminal action by anybody. That is where these bills go. In 2009, LB675, which amended the sections that are dealt with in this bill, went to Judiciary Committee. In 2010, LB594, which dealt with these definitions and these regulations, also went to the Judiciary Committee. The two provisions mentioned in this bill, cross-referenced, are 28-326... [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR CHAMBERS: ...29-327.01 were amended. Every amendatory bill went to the Judiciary Committee. No bill dealing with this subject went to HHS. As I stated, you can vote any way you want to because you have the votes, but if the king decreed that the earth is flat, it is not flat. If the flat-earthers in the Legislature pass a resolution saying they're convinced that it is flat, they are just delusional, but reality has not changed. The reality is that this bill has always gone to the Judiciary Committee and all of the new language in this bill refers... [LB59]

PRESIDENT FOLEY: Time. Time, Senator, but you are next in the queue. Senator Chambers, you may continue speaking and this is your third opportunity. [LB59]

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SENATOR CHAMBERS: Thank you and I hope others will lend time to me. I'm going to stay on the subject. Every reference to a definition or anything else in this bill dealing with abortion and this mandate comes from Chapter 28. It states so, so, so, so, as described in Chapter 28-327.01. Every definition found in this bill refers back to 28-326. This is more than just a casual reference. The subject of abortion was placed in Chapter 28 for a reason. Referencing Committees in the past not dictated to by political party, by ideological outsiders, violated their duty as has been done by this session's Reference Committee, which is, as I've stated, synonymous with the Executive Board, and I'm a member. I argue in the committee knowing it would be futile in terms of persuading any of those who are clumped together to do the right thing. I speak for the record. And as we go along, not today, I'm going to read to you from others whom you all may respect who do have sense enough to recognize the value of the things that I say on the floor of the Legislature and in the committee hearings. I am educated. I am trained. I bring those things to bear when I'm doing the work that I was elected to do. You may not only disagree with my position, you may disagree with the notion that I know what I'm talking about. But there are Supreme Court cases at the U.S. level quoting my comments. That doesn't happen with you all. I'm going to hand you some national media from the West Coast to the East Coast about what was happening to me in this state and this Legislature. Why do they care about what I do and don't care about what you all do? They want to pick those things that have substance. So, when I consider the source of the opposition, I accord it appropriate response. I'm not trying to prove you all are wrong. I'd waste my time doing that. I'm trying to reason with you, pointlessly. You were not reasoned into the position you're taking, I cannot reason you out of that position. What I must be assured of is that I'm convinced that what I'm doing, what I'm saying, are right. If I become convinced that they are not, then I will alter what I'm saying, I will alter what I'm doing to bring my words and my conduct into conformity with the improvement in my education that I've been provided. [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR CHAMBERS: I have nothing to gain, unlike you all, in holding to a position that I know is invalid. I have too much self-respect to do such a thing. And I have too much self-respect to allow anybody to try to dictate to me and force me to act like a fool and speak like a fool. And you determine whether somebody is foolish or not when you look at the facts that govern the situation and their response to those facts. Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Continuing debate on the motion, Senator Crawford, to be followed by Senator Krist, Morfeld, Murante, Harr, and Shumacher. Senator Crawford, you're recognized. [LB59]

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SENATOR CRAWFORD: Thank you, Mr. President, and good morning, colleagues. I wonder if Senator Chambers would yield to a question, please. [LB59]

PRESIDENT FOLEY: Senator Chambers, would you yield, please? [LB59]

SENATOR CHAMBERS: Yes, I will. [LB59]

SENATOR CRAWFORD: Senator Chambers, have you ever offered a motion to rereference before in your time in the Legislature? [LB59]

SENATOR CHAMBERS: I don't think I have on the floor. [LB59]

SENATOR CRAWFORD: For this year? [LB59]

SENATOR CHAMBERS: No, I don't recall ever having done it. [LB59]

SENATOR CRAWFORD: Thank you. So today we...this session we have begun with many unprecedented actions that we've seen in the Legislature and among those are these two motions that we had Friday and today in terms of a motion to rereference. As we're debating this motion to rereference, I think it's important that we think carefully about why referencing is important and I just want to speak in this turn a bit about the importance of precedence and the committee role in the legislative process. So as we're...when we think about precedence, precedence is important in referencing because different...when we choose which committees we want to be on, and when we hire counsel to help with those committees, people are hired and people choose committees based on issue interests and passions and the issues that are important to their district and issues that they have...on which they have expertise. So this notion that we have and our referencing guide and our referencing tradition helps to shape the kinds of issues that one expects to address in a particular committee. So if you are concerned about issues related to guns, and issues related to abortion, you know that the Judiciary Committee is a key committee, an important committee to ask to be a part of, and an important committee to bring on board if this is an issue that you are addressing. Similarly, as we hire counsel and develop expertise for committees, recognizing these issues traditionally go to Judiciary is an important part of building that committee expertise. The committees play a critically important role in our legislative process because they are the ones that dig into the details of the bill. They are the ones that understand the implications and broader implications beyond the language that's in the bill. And that's another reason why precedent is important in referencing because those committee members who have been here to see these bills in the past, those committee members who have been here to see other abortion bills, have an understanding of the broader implications of the

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policy that's being debated in the bill. They have an understanding of what issues are going to be contentious as they hit the floor. They have an understanding of the questions and concerns that need to be carefully vetted as the bill is prepared, and they have an understanding of those issues that need to be considered and vetted as the committee decides whether the bill is appropriate to be sent to the floor. So, while a Referencing Committee has guidelines that offer multiple rationale or multiple pathways to consider when referencing, an important part of our debate this morning may be establishing a record about the importance of precedence in that choice. [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR CRAWFORD: Thank you, Mr. President. So as a...as we assign our Referencing Committee this responsibility on the part of all of us in this room, a key question is the extent to which we would ask that Referencing Committee to strongly preference precedence in referencing. And I would argue that that is an important factor and there is a strong argument to be made for sending that message to the Referencing Committee that precedence is critical and that it is important as those decisions are being made to preference precedent because of that key role that those committee's play and the key role that we all have in predicting and knowing which committees are dealing with these issues. And that is particularly important on these controversial issues like abortion where expertise and passion is critical. Thank you. [LB59]

PRESIDENT FOLEY: Time, Senator. Thank you, Senator Crawford. Senator Krist, you're recognized. [LB59]

SENATOR KRIST: Thank you, Mr. President. I just want to add one short thing to this discussion. Anyone who has spent any time in the military understands that developing an attack or a game plan or going to war also involves developing an exit plan and creating stability in the place that you go. So please understand that my comments in no way reflect what I think will be ongoing debate on different issues because I think each one of you is going to, at some point, exercise your mind and make a judgment call that is contrary to what you would be asked to do even by the person sitting right next to you. I have that faith that this body will evolve into a decision-making body that will have 49 individual votes as opposed to a collaborative of votes that would be put into place. I don't think any of that is going to happen today because this is defending a new administration, a new regime, and a different way of referencing. And again, I would emphasize to Senator Larson and to others who have criticized the guide for as many years as they've been on the Exec Board, rewrite it, make it clearer, make it more profound so that we don't have these arguments...these discussions, I'm sorry. I'd yield the rest of my time to Senator Chambers. [LB59]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, 3:20. [LB59]

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SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Krist. I'm going to help improve Senator Riepe's education this morning and point out why I stated that to obtain the chairmanship in the way people obtained them this session does not go to qualification, knowledge, or anything else. On page 2 of this bill at the bottom starting in line 31, "If a health care facility which provides abortions as defined in Section 28-326", there's the reference. But here's where the unconstitutional language comes in. The "health care facility shall place on the home page of the Web site a direct link to the Web page developed pursuant to Section 2 of this act containing the information described in such section." For Senator Riepe's information, and the rest of you, that is state speech. You cannot order a citizen to accept or articulate state speech. That's why you cannot mandate that anybody anywhere say the flag salute. The U.S. Supreme Court has struck down slogans on license plates saying that this language is state speech and the citizen cannot be compelled to endorse or support or in any way advance state speech as a condition to driving a vehicle or enjoying any privilege. Pass the bill if you get it out here. My comments have been used by the U.S. Supreme Court, by appellate courts, and trial courts, in reaching the decision that an abortion bill that 48 other people voted for and I voted against is unconstitutional because they didn't listen. Precedent is important for the courts also so that litigants, citizens,... [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR CHAMBERS: ...lower courts know what the status of the law is and there's predictability. Lawsuits depend on what the law is. You all don't care about this. I know you don't care. If you pass this thing, it will be struck down. You cannot mandate state speech and Senator Riepe didn't know that. He doesn't have to know that to be head of HHS. He doesn't even have to read the bills that come to his committee because he probably is one of the 27, not by merit. This is not a meritocracy. If it were a meritocracy, I would be the chairperson of every committee in here, but I'm too modest except for one slight failing to even suggest that. One time before the session started I put my name in for chairperson of every committee, but when... [LB59]

PRESIDENT FOLEY: Time. [LB59]

SENATOR CHAMBERS: Oh, time. Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Morfeld, you're recognized. [LB59]

SENATOR MORFELD: Thank you, Mr. President. I yield my time to Senator Chambers. [LB59]

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PRESIDENT FOLEY: Five minutes, Senator Chambers. [LB59]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Morfeld. When the Legislature came into session, I did not submit my name to be chairperson of any committee. What I was doing was making a point which I often try to do with my colleagues. I lifted language that all of them were using to state why they should be chairperson of such and such a committee forgetting that I and others had been here, had seen them in action. We know what they're going to be about. Those were empty words. So that's what my letters contain, trying to show how nonsensical this approach is. But if you're dealing with people who are not going to listen, you don't achieve the result of improving anybody's education or altering their conduct. But in a legislative setting, there's a difference. The World-Herald touched on it when they wrote an editorial against doing away with the filibuster, as they call it. What I do is extended debate. I don't read recipes, phone books, or the things that they do in Congress where the master race is in charge. I use what is inscribed on my brain, etched and seared into my mind trying to persuade you all, who are my colleagues, not to take action that makes the Legislature, as an institution, look foolish. If you want to stand on the floor and bray like a jackass, that's on you. But when you take action that reflects on the body as an institution, it affects all of us whether we acknowledge it or not. One of the main ingredients in persuading the public to obey the laws is to show that they are logical, that they aim at an evil--that's the term used, not morally speaking--at a problem and are geared in the law's terms to address that problem and nothing more. The law will provide language that is very clear to let you know what you may do and what you shall not do. That's why criminal laws are not allowed to be vague--that means it's unclear what they're saying--allowed to have more than one meaning that reasonable people would see. You, when you pass a criminal law, are invoking the coercive power of the state to compel obedience or be punished. If an organization, I don't care what it's called, lacks the coercive power to compel obedience to its dictates, it is not a state. It may be a church, it may be a political party, but it's not a state. Any organization, any collection of people, any individual who assumes to take on to himself, or themselves, the right or authority to execute the coercive power of the state to compel compliance with what that person or group would desire to have complied with... [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR CHAMBERS: ...that person or group will themselves or itself fall outside of the protection of the law and become subject to the coercive punishing power of the state. Those are fundamental principles, but they are not only not acknowledged in this body, they're not even known by the members of this body. I could give a civics test, which some of you might pass, dealing with principles that everybody in a democracy who professes to have been educated should be able to answer at least 80 percent correctly. You wouldn't be able to do it because you've never been required to be accountable. You're not accountable to me. You can ignore what

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I say, but I will extract my price to try to make you be what we professed that we intended to be when we became members of the Legislature. Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Murante, you're recognized.. [LB59]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. Would Senator Chambers yield for a couple of questions? [LB59]

PRESIDENT FOLEY: Senator Chambers, would you yield, please? [LB59]

SENATOR CHAMBERS: For a couple and even more, if necessary. [LB59]

SENATOR MURANTE: Thank you for your courtesy, Senator Chambers. As you know, I am just a humble pizza maker, I'm not an attorney and I have relied over the years on some of your legal guidance as a graduate of Creighton University. And I'm curious. When you say that this bill makes references to the criminal act, are you referring to Chapter 28 of our state laws? [LB59]

SENATOR CHAMBERS: Yes, I pointed out that that chapter deals with law, with crimes and punishments, and that abortion is covered in that chapter and all of the new language in this bill, whether it's talking about a description or a requirement, will refer back to that chapter. [LB59]

SENATOR MURANTE: So I'll stipulate that the bill makes references to the criminal code, but what section of law is this bill actually seeking to amend? [LB59]

SENATOR CHAMBERS: It doesn't amend any of that law, any of the laws in that chapter, but it lifts language out of that chapter and incorporates it into this bill which makes that language apply in this bill just as it does in Chapter 28. [LB59]

SENATOR MURANTE: Thank you, Senator Chambers. Members, this is going to be a fundamental disagreement that Senator Chambers and I have. What this bill seeks to amend is Chapter 71, the Healthcare Facility Licensure Act. It does not seek to amend the criminal code. It uses definitions from the criminal code, I'll stipulate that, but it doesn't seek to amend it. And if you look at the bill, as we discussed last week, one of the triggers, one of ways you can find out which committee a bill belongs in is who is being regulated? Who is the person or entity being dictated to? If you look through this bill, I can count numerous instances where the entity being dictated to, for example, line 6, "The Department of Health and Human Services shall"...and it

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continues. Line 10, "The department shall" ...and it continues. Line 15, "The department shall" ...and it continues. The point being, this is a dictate upon the Department of Health and Human Services. And I'll have you go back to your referencing guide. The Department of Health and Human Services, and mandates thereof, are the jurisdiction of the Health and Human Services Committee, which is why I believe that the Executive Board properly referenced this in the first place. And Senator Chambers argued that this bill is unconstitutional. I am not qualified to state whether this bill is or is not constitutional. One thing I will state is a bill's constitutionality has nothing to do with its referencing. Every committee in this Legislature can have bills referenced to it that are plainly unconstitutional. So I'll let the Health and Human Services Committee and its counsel determine before sending this bill to the floor whether or not it violates the Constitution, but I would submit to you that is immaterial to the conversation that we are having today. And the second...or finally, the issue that has been brought up as the single greatest reason why this bill belongs to Judiciary is, all abortion bills go to Judiciary. It's just the way that it is. Just like we heard last week, if you see the word abortion, just send it to Judiciary, stop reading the bill, what the bill actually does is immaterial. I don't think the one word standard is a very good standard. And I can give you a couple of reasons why. First of all, the day that this bill was referenced to the Health and Human Services Committee, the same Referencing Committee... [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR MURANTE: ...referenced a pro-life license plate bill to Transportation. Now what does the pro-life license plate bill...I would submit to you, the pro-life license plate bill has as much to do with abortion as this bill does. Neither regulates abortion, neither promotes or limits a woman's ability to get an abortion, but it references it. And based on the e-mails that I've received from opponents to that pro-life license plate bill, it is clearly the opponents' belief that is an abortion bill. But we're not really arguing that that bill belongs in the Judiciary Committee because it plainly deals with the Transportation and Telecommunications issues. So I believe that this bill properly belongs in the Health and Human Services Committee for the reasons that: (a) we aren't really regulating abortion with this bill. What we are doing is regulating the Department of Health and Human Services, which is plainly the jurisdiction of the Health and Human Services Committee. Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Harr, you're recognized. [LB59]

SENATOR HARR: Thank you, Mr. President. So the intent of the bill is what we're going to talk about and who's dictated to. You know, we did have a bill last week where the person dictated to was the gun owner and what rights did or did not apply to him. We said it didn't matter. So I'm

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not sure it's as convenient as far as who the dictated person party is. So I guess I have some questions for Senator Kintner. Would Senator Kintner yield to a question? [LB59]

PRESIDENT FOLEY: Senator Kintner is excused at the moment. [LB59]

SENATOR HARR: He's not here to defend this? [LB59]

PRESIDENT FOLEY: He's excused. [LB59]

SENATOR HARR: Right, so...I'm shocked. So, this is a reference... [LB59]

PRESIDENT FOLEY: Senator Harr, Senator Kintner is a member of the Appropriations Committee. I think they may be meeting at this time. [LB59]

SENATOR HARR: All right, so we've set our priorities, right? So the question is, this is a referencing. What is more important, is it your bill or is it a committee hearing? I understand that we have to do them both at the same time because we chose to not have a Special Session, but instead address two budgets in one session. And that's fine, but there are consequences. I have absolutely no idea what the intent of Senator Kintner was. I can read the language and I think Senator Murante makes some good points and I think Senator Chambers makes some good points. I'm a little disappointed that I can't talk to the senator whose bill this is, which maybe tells you what his intent is. Maybe this is all political theater and instead he's more concerned about the budget, I don't know. I hate to put intent on anyone, but all I can do is judge by people's actions their intent. Senator Chambers, would you yield to some questions? [LB59]

PRESIDENT FOLEY: Senator Chambers, will you yield, please? [LB59]

SENATOR CHAMBERS: Yes, I will. [LB59]

SENATOR HARR: Thank you, Senator Chambers. You didn't write this bill, did you? [LB59]

SENATOR CHAMBERS: Of course not. [LB59]

SENATOR HARR: Okay. What is it that you believe the intent of this legislation is? [LB59]

SENATOR CHAMBERS: The intent of it? [LB59]

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SENATOR HARR: Yes. [LB59]

SENATOR CHAMBERS: Is to make it as difficult as possible for an abortion to be obtained by burdening that entire complex in every way the Legislature can, if not directly, by restricting the woman by creating a certain stigma or a difficulty in having these procedures carried out. That's my view. [LB59]

SENATOR HARR: So it's your view this legislation, the intent of the legislation is to make abortion more difficult? [LB59]

SENATOR CHAMBERS: Yes. [LB59]

SENATOR HARR: Okay. Senator Murante, would you yield to a question? [LB59]

PRESIDENT FOLEY: Senator Murante, would you yield, please? [LB59]

SENATOR HARR: Excuse me, sorry, Senator Riepe. It's his committee. [LB59]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB59]

SENATOR RIEPE: Yes. [LB59]

SENATOR HARR: Senator Riepe, what do you see as the intent of this legislation? [LB59]

SENATOR RIEPE: I see the intent of this is to provide information, not to compel information to individuals who are seeking an abortion, if you will. And...okay, I'll quit with that. Go ahead. [LB59]

SENATOR HARR: I'm sorry, I couldn't hear that last part. [LB59]

SENATOR RIEPE: I was going on, but I will yield back to you. [LB59]

SENATOR HARR: Okay. And what is the basis of your assumption? [LB59]

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SENATOR RIEPE: My assumption is based on what was written in the bill and I have subsequently, because it is a short bill, I have now read the bill. It does not make me an expert on the bill, but... [LB59]

SENATOR HARR: Okay. And what language...and I understand, we're in kind of a tough spot because Senator Kintner isn't here. What specific language are you basing that upon? [LB59]

SENATOR RIEPE: Well, there's language in there that says it's mandatory to provide a video... [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR RIEPE: ...of ultrasound images at a two-week gestation increments. That's where I'm coming from and I'm also coming from the perspective we're here today to reference, we're not here today to hear the bill, we're not here today in General File. [LB59]

SENATOR HARR: No, I didn't make that. I'm trying to figure out, what is the purpose of this bill and where is the proper place for it to be referenced. And the fact that it does, as you stated, make references to issues that are abortion would generally lead to Section 28. However, I do understand that there are directives in there for HHS and I'm trying to figure out what the true intent of this bill is. At this point, I have no idea. I, I...I'm not sure. Again, I'm not sure how Referencing made its decision. Maybe I'll hit my light again and try to figure that out and ask some individuals on the Exec Board. Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Schumacher, you're recognized. [LB59]

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. You know, one of the magic things that happens when Senator Chambers begins to raise issues, is it begins to force us to think, and also, maybe, just maybe, to read the bill. Okay? This bill is an easy one. It's only a page and a half long. I didn't even have to use much yellow overliner on it. And I think that probably the Executive Board didn't read the bill. Look at the bill. Take some time out, read the thing. It doesn't talk about Health and Human Services other than they got to have a Web page. What it talks about in great detail is technical items pertaining to telecommunications. What is...and the development of Web pages, none of which the Health and Human Services Committee has a foggiest notion about. Read through it. Its provision say that the department shall ensure that the Web page uses user-friendly search capabilities. That's a technical thing, describing the search capabilities. What are user-friendly? I bet you that Health and Human

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Services Committee hasn't the foggiest. And it goes on to say that that search facility should produce the information required on this Web page, or required in this bill. Well, the only thing it requires in this bill as I see it that's spelled out here, is a video of ultrasound images using the best available ultrasound technology. Does Health and Human Services have the foggiest notion of what the best available ultrasound technology for transmission over an Internet connection is? Maybe we have an expert in video transmission over the Internet in this body, but I understand he's not on the floor. That's technical items. Is accessible without requiring the use of a user name. How do you make a Web page that is that way? That's a technical issue. Gives clear information as to how to print it out. That's a technical issue. Do you realize how much bandwidth would be consumed if you had to transmit a video using something that uses the best ultrasound technology? Holy smokes! Certainly the folks that have slower Internet connections aren't going to get that video. But would Health and Human Services recognize that, or is that-- and Friesen will love me for this, Senator Friesen,--or is that a telecommunications issue? It talks about direct links. Does Health and Human Services have the foggiest notion of what a direct link is, or what a minimum resolution of 70 dots per inch is? That's technical. This is the technical descriptions of what we should require a Department of Health and Human Services Web page to use. And in fact if they knew anything when this bill was written, video screens do not talk in terms of dots per inch, but pixels per inch. So this may...that instruction might be even null and void or have meaninglessness. But certainly, DHHS won't know that. Senator Friesen's committee has jurisdiction over that. And the final thing that this thing deals with...oh, it also deals with how big of fonts to be able to be printable, and again... [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR SCHUMACHER: ...HHS hasn't the foggiest. The other thing this deals with is an issue that Senator Chambers raises about forced business speech. That's not an HHS issue either. That is a constitutional issue of which always the Judiciary Committee has had jurisdiction. So whatever the situation is here as I read this bill, HHS is not the place for it to be. If I had to call it today, I'd put it in Senator Friesen's committee because it's a technical bill about technical aspects of Web pages. We are seeing the efforts of political referencing instead of substance referencing now entering into our system and that's a bad thing. Thank you. [LB59]

PRESIDENT FOLEY: Thank you, Senator Schumacher. There are additional senators in the speaking queue, but at this point we'll move to Mr. Clerk to read some bills into the record. [LB59]

ASSISTANT CLERK: Thank you, Mr. President. (Read LB431-484 by title for the first time, Legislative Journal pages 227-236.) That's all I have at this time, Mr. President. [LB431 LB432 LB433 LB434 LB435 LB436 LB437 LB438 LB439 LB440 LB441 LB442 LB443 LB444

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PRESIDENT FOLEY: Thank you, Mr. Clerk. We'll now return to debate on Senator Chambers' motion to rereference LB59. Senator Larson, to be followed by Senators Morfeld, Harr, Pansing Brooks, and Schumacher. Senator Larson, you're recognized. [LB59]

SENATOR LARSON: Thank you, Mr. President. Colleagues, we continue to hear a lot of arguments, on both sides of this. More than once I've heard the argument of precedence. I would like to remind everybody that the first bill of this session that was rereferenced...or went against the prerule recommendation was a bill from Appropriations to Judiciary in which Senator Chambers, Senator Crawford who talked a lot about precedence, Senator Bolz...I think everybody on the committee besides Senator Watermeier voted to go against the prerule and move it to a different committee even though that same bill had been heard in Appropriations before. So to bastardize us for going against the prerule on this issue, but them doing it...them going along on another one, just doesn't make sense. If they don't agree with it, then precedence is what matters. But if they agree with doing it, well, then it's okay. I heard Senator Schumacher talk about how this is a technical bill. And they can't do all these technical things with on-line and things of that nature. Well, he's just pulling the wool over your eyes. Last year, I had a bill pertaining to death certificates, and making them all on-line. Guess where it went, colleagues? It went to Health and Human Services. It came out of the committee unanimously and it was on consent calendar. And you know what? HHS has implemented everything to do with the on-line things that Senator Schumacher just doesn't think HHS can deal with and made an argument that it should go to Transportation. That's ridiculous. And lastly, we hear the state speech argument. Well, colleagues, let me remind you of something that is very near and dear to my heart that I made that argument on, dry beans. That is state speech. And if I remember right, Senator Chambers was okay with that state speech. He can correct me if I'm wrong. I think Senator Schumacher was as well. So let's be mindful of what arguments we continue to use. Is state speech okay in that instance? Because those dry bean producers don't get the opportunity to opt out of the checkoff. And the checkoff is state speech. So Senator Chambers wants to say this is state speech. This is not even close to state speech from a checkoff. But he was okay with that state speech. Senator Schumacher was okay with that state speech. Senator Friesen was okay with that state speech. I wasn't. I think I spent 6 or 7 hours discussing that. So, another 17 new ones. Just be mindful of everything you hear. I was disappointed not to see Senator Morfeld on Exec Board for referencing this morning. [LB59]

PRESIDENT FOLEY: One minute. [LB59]

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SENATOR LARSON: Before you make judgments, understand that just because one person says we're not respecting the institution, that doesn't mean we're not. That is his opinion. We are all full of opinions in here. And one person does not have the authority over all of us, or the authority of what's right and wrong. We are a body of 49 that make up our own rules, our own laws, and none of us, not one of us, has the moral authority over one another, or the authority to decide what is good and bad and preach to us that we're not obeying what he thinks. Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Larson. Mr. Morfeld, you're recognized. This is your third opportunity, Senator. [LB59]

SENATOR MORFELD: Thank you, Mr. President. I yield my time to Senator Chambers. [LB59]

PRESIDENT FOLEY: Senator Chambers, 5:00. [LB59]

SENATOR CHAMBERS: Thank you, Senator Morfeld. Mr. President and members of the Legislature, I'd like to ask Senator Larson a question or two. [LB59]

PRESIDENT FOLEY: Senator Larson, would you yield, please? [LB59]

SENATOR LARSON: Yes. [LB59]

SENATOR CHAMBERS: Senator Larson, where did you take your law degree? [LB59]

SENATOR LARSON: I never studied law. [LB59]

SENATOR CHAMBERS: Senator Larson, you're the one who brought up this same issue about a bill having been rereferred on the first day of... [LB59]

SENATOR LARSON: Not rereferred, we went against the prerference. [LB59]

SENATOR CHAMBERS: All right. Now I ask you, who raised that issue? And at that time Senator Stinner was not on the floor. In the meantime, today, Senator Stinner's committee is meeting. Had you talked to Senator Stinner about that? [LB59]

SENATOR LARSON: I did not. [LB59]

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SENATOR CHAMBERS: You knew that the Appropriations Committee is meeting now, didn't you? [LB59]

SENATOR LARSON: I did know that. [LB59]

SENATOR CHAMBERS: You knew it and you knew Senator Stinner wouldn't be here while his committee is meeting, didn't you? [LB59]

SENATOR LARSON: One can safely assume that. [LB59]

SENATOR CHAMBERS: Now, Senator, did you do any research on that bill? [LB59]

SENATOR LARSON: I didn't think I needed to, Senator Chambers, you didn't ask me to. You were the one raising the question so I figured you would...you would go and check those records. [LB59]

SENATOR CHAMBERS: So I have to ask you to research what you're talking about before you will do it? Is that what you're saying? [LB59]

SENATOR LARSON: I had no reason to research it. [LB59]

SENATOR CHAMBERS: Do you...are you aware of when this bill that you're talking about was first introduced? [LB59]

SENATOR LARSON: LB59, or...are you talking about LB59 right now? [LB59]

SENATOR CHAMBERS: No, the one that you brought up. [LB59]

SENATOR LARSON: The death certificates? [LB59]

SENATOR CHAMBERS: Yes. [LB59]

SENATOR LARSON: I introduced it last year. [LB59]

SENATOR CHAMBERS: When was it first introduced? [LB59]

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SENATOR LARSON: The on-line death certificates? [LB59]

SENATOR CHAMBERS: This one. [LB59]

SENATOR LARSON: What...I don't understand what this one is, Senator Chambers. What one are you specifically talking about? [LB59]

SENATOR CHAMBERS: All right. The bill that you brought up was introduced by Senator Watermeier. [LB59]

SENATOR LARSON: Oh, okay, that one. It would have been introduced the first...well, this year's would have been introduced the second day of the Legislature. I don't know when it was referenced before. [LB59]

SENATOR CHAMBERS: Are you aware that he introduced that bill in 2015? [LB59]

SENATOR LARSON: I think Ms. Pepperl did tell us that it had been introduced before, yes. [LB59]

SENATOR CHAMBERS: And are you aware that when that bill was introduced it was assigned to the Appropriations Committee? [LB59]

SENATOR LARSON: That is my understanding that it was assigned to the Appropriations Committee. [LB59]

SENATOR CHAMBERS: And are you aware that a couple of days after that it was rereferred to the Government Committee? [LB59]

SENATOR LARSON: I'll take your word for it. [LB59]

SENATOR CHAMBERS: No, you weren't aware of that. That's a fact. You talk about things you don't know. Now, that's all I'll ask you. Members of the Legislature, the bill was not properly referred when it was first introduced by Senator Watermeier. The reference was to the Appropriations Committee, but it never went to the Appropriations Committee. It was rereferred during that same session a couple of days later to the Government Committee. When it showed up on the agenda this year, as being referred to the Appropriations Committee, Senator Stinner, who cannot vote or make motions, indicated that this bill does not belong in the Appropriations

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Committee. He pointed out why it did not. Senator Larson did not make a motion that would accommodate Senator Stinner's concerns, Senator Stinner who is the Chair of the Appropriations Committee. I made the motion and it was accepted. He doesn't tell the whole story. He doesn't study. And before he starts doing all this talking, I read an article about how few times he showed up... [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR CHAMBERS: ...at a committee of which he was a member last year. He and Senator McCoy almost boycotted the committee the whole time. And he wants to point the finger at people when he doesn't even know what he's talking about. And you all let him get away with it. You don't require him to back up anything. I give you the facts. Let him show that what I'm saying is untrue. He would have to do research and he'd see how far off the mark he is. That's who you all put as chair of a committee which, once again, underlines what I said. Qualification has nothing whatsoever to do with obtaining a chairpersonship. Since we're going to play political hardball, I'll play however you want to play. I've said that my dealing with any of you will be based on the way you come to me and show me you want to be dealt with. And that's the way I'll deal with you. He cannot match wits with me. He doesn't read. He doesn't study. [LB59]

PRESIDENT FOLEY: Time, Senator. [LB59]

SENATOR CHAMBERS: Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Harr, you're recognized. [LB59]

SENATOR HARR: Thank you, Mr. President. I would yield my time to Senator Chambers. [LB59]

PRESIDENT FOLEY: Five minutes, Senator Chambers. [LB59]

SENATOR CHAMBERS: Thank you, Senator Harr, and I would like to ask Senator Riepe a question because I saw him taking counsel from Senator Larson who may have helped him answer the questions that he anticipated I was going to ask Senator Riepe. Those are assumptions, but I would ask Senator Riepe if he would yield to a question or two. [LB59]

PRESIDENT FOLEY: Senator Riepe, would you yield, please? [LB59]

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SENATOR RIEPE: Yes, sir. [LB59]

SENATOR CHAMBERS: Did he say he would? [LB59]

PRESIDENT FOLEY: Yes, he did. [LB59]

SENATOR RIEPE: Yes. [LB59]

SENATOR CHAMBERS: Thank you. Senator Riepe, when you first started this morning, you hadn't completely read this bill, had you? [LB59]

SENATOR RIEPE: That's correct. [LB59]

SENATOR CHAMBERS: That we're talking about now. You hadn't, had you? [LB59]

SENATOR RIEPE: That's correct. [LB59]

SENATOR CHAMBERS: But after our discussion, you then read the bill, correct? [LB59]

SENATOR RIEPE: I did because it was a page and a half and you in essence requested that I do that. [LB59]

SENATOR CHAMBERS: So you were persuaded to do that which needed to be done. But you also added the proviso, which I pay close attention to, is that you're not professing that it made you an expert on the bill. Didn't you say that also? [LB59]

SENATOR RIEPE: I am not an expert on the bill. [LB59]

SENATOR CHAMBERS: And that's what you said. I stated it correctly, didn't I? [LB59]

SENATOR RIEPE: That's correct. [LB59]

SENATOR CHAMBERS: I listen to what people say, and I wouldn't profess to say that a person reading a bill for the first time, especially under circumstances like this, would become an expert. I'm not requiring that he be an expert, so my questions don't go to that. Senator Riepe, what did you say, in your opinion, the bill does? [LB59]

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SENATOR RIEPE: The bill provides that individuals seeking an abortion will have the opportunity, not compelled to, but they will have the opportunity to view a video of the gestational periods on a two-week basis. [LB59]

SENATOR CHAMBERS: Now to narrow it and refine the question and your answer, where is a mandate placed based on the language of this bill? [LB59]

SENATOR RIEPE: Well, the mandate is that the service or the information be made available by HHS. [LB59]

SENATOR CHAMBERS: And where else is a mandate placed, other than HHS? [LB59]

SENATOR RIEPE: That...my understanding is that it's limited to the Department of Health and Human Services. [LB59]

SENATOR CHAMBERS: I would invite your attention...do you have a copy of the bill? [LB59]

SENATOR RIEPE: Yes, I do. [LB59]

SENATOR CHAMBERS: Would you turn to page 2 of the bill? And when you have it, would you let me know? Do you have that? [LB59]

SENATOR RIEPE: I'm trying to find one of the pages here. [LB59]

SENATOR CHAMBERS: Well, if you'll take my word for it, I'm going to read. [LB59]

SENATOR RIEPE: You're an honest man, I will. [LB59]

SENATOR CHAMBERS: On page 2, line 31, "If a health care facility which provides abortions as defined in Section 28-326 has a web site, the health care facility shall place on the home page of the web site." Isn't that a mandate being placed on a healthcare facility? [LB59]

SENATOR RIEPE: Yes, sir, I do have it in front of me, sir, and I appreciate that, your patience. And yes, it is, and it's a link. [LB59]

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SENATOR CHAMBERS: That's all I'm going to ask you. Members of the Legislature, people don't read the bills. I read them. You know why I suffer for it. Because I have to deal with people like Senator Larson who doesn't read. A chairman, occasionally, who hasn't read the bill. But they want to justify the bill having been referred and here I am taking these white people seriously whose Legislature it is, that they're going to abide by their rules and regulations in referencing bills, so I read the bills. [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR CHAMBERS: Then I'm foolish enough, naive enough, deluded enough, to believe that they mean what they say publicly is what they mean. So their conduct does not comport with what they said they mean and the way it would be done. So I raise these questions. Then when the questions are raised, they are not on the same page when it comes to what's in the bill itself. Whom are you going to believe? You know I'm telling the truth, but you're not going to vote this way because you've got your orders. Nobody can dictate to me and make me act like a fool. People don't even know what's in this bill who are saying it was sent where it belongs. I have dealt specifically with what's in the bill, and those things do not go before Health and Human Services, but you can vote the way you want to. You can pass a resolution saying the Legislature declares that the earth is flat. You can pass that... [LB59]

PRESIDENT FOLEY: Time, Senator. [LB59]

SENATOR CHAMBERS: ...and be a laughing stock. Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Pansing Brooks, you're recognized. [LB59]

SENATOR PANSING BROOKS: Thank you, Mr. President. I give my time to Senator Chambers. [LB59]

PRESIDENT FOLEY: Five minutes, Senator Chambers. [LB59]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Pansing Brooks. And I'll take all the time I can get, and like John Paul Jones, I have not yet begun to fight. I'm not fighting this morning. I am trying to carry out the scriptures. Oh, how wonderful it is when brethren--but since I'm not misogynistic like the "Bibble"--and "sistering" reason together, dwell in peace. Come let us reason together and how better can I reason than to read the material that we're discussing and apparently I'm the only one who's going to read it. You all are anti-

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intellectual. You think if somebody reads, then something is wrong with that person. But I'm going to read from a paper that was put out by Chairperson of the Exec Board, Senator Watermeier. Rule 3, Section 4, provides that the Executive Board shall constitute the Reference Committee. The same section of the Rules defines the appropriate committee as that which has subject matter jurisdiction over the issue or which has traditionally handled the issue...subject matter or traditionally handled. This particular section of the Rules provides the only two criteria for the reference of bills and resolutions. Rule 6, Section 2(a) provides that any member may object to the reference of any bill or other proposition, and such reference may then be changed by a unanimous consent of the Legislature, or by the vote of a majority of the elected members. This provision is rarely invoked. However, in some cases, the Reference Committee will take up a request to rerefer an initial reference if compelling information supporting such request is offered. 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 in referencing. Referring decisions should not be made because of a key word or two within the bill or its title. The chapter number in the title of a proposed amendatory bill is a guide to the reference recommendation, but it is not the final or even a certain determinant. The role of the Revisor is to assist the Reference Committee in referencing. The Revisor provides a recommendation that is intended to be grounded on the staff's best judgment, which, in turn, must reflect only the standards contained in the rule. That is subject matter or traditionally handled by a given committee. The willingness of one committee chairperson to have bills ordinarily under his or her committee's jurisdiction referred to another committee should not have a bearing on the reference. The workloads of the committees or the imbalance of the workloads based on the number of bills referred to them are irrelevant to referencing. The referencing of a bill is not determined by who introduces it whether the bill is a senator's bill or a committee's bill. If more than one subject is contained in a bill, primary consideration should be given to the principal purpose of the bill and the two main points are predictability... [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR CHAMBERS: You said time? [LB59]

PRESIDENT FOLEY: One minute, Senator. [LB59]

SENATOR CHAMBERS: Oh, well, I read it. I won't repeat it. I read what the chair of the committee put out. Unfortunately, the Revisor of the Statutes and I were deluded enough to think that he meant what he said, that this document should be adhered to. But you are showing that's only so much hogwash. But I'm going to try to bring a clean thing out of an unclean thing. I'm

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going to try to convert a sow's ear into a silk purse. The purse is in there somewhere. I've just got to dig until I can find it. Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Schumacher, you're recognized. [LB59]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. As you might have heard, I was doing research and I had a video with sound come up on my iPhone. I'm sorry, Patrick. What I was searching was human gestational video. You know, I got a whole screen of different videos at every stage of gestation. And if I were interested in that particular knowledge, it's available without spending one nickel of DHHS time. There's no requirement in this bill that anybody watch these videos. And anybody who wants it, search it yourself, you can find it taxpayer free on the Internet today. Now that maybe gets to the underlying discussion in this bill, but it's something to think about. That page and a half, that one has got to realistically ask, does it accomplish anything? It's going to consume probably 14 hours of your life and 14 hours of the time on this floor that we really could use to try to figure out how we're going to come up with \$900 million; how we're going to maintain probation; how we're going to fully fund, not just partially fund, the Department of Corrections; how we're going to deal with education and property taxes and income taxes and all those things. In the back of your mind, think about those things because all of these actions, even at this stage, have consequences and require the exercise of wisdom. I would yield the balance of my time to Senator Chambers. [LB59]

PRESIDENT FOLEY: Senator Chambers, 3:00. [LB59]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, "Professor" Schumacher. Members of the Legislature, especially all you conservatives, whether you call yourself a Libertarian, a "Repelican", a Democrat, and I'm the only Independent. They put that term on me. I'm Independent based on my conduct, not a label. Are you a Libertarian based on your conduct? Are you a "Repelican" based on your conduct? What am I talking about? Let me tell you. I've got to break it down so that it's elemental. If I was talking to high school kids, they would have understood me by now. I won't make assumptions because you know what they say about people who make assumptions. Maybe you do, maybe you don't. All these hypocritical conservatives from the Governor on down talk about protecting the taxpayers' money. Don't waste the taxpayers' money. That's all I hear, incessantly, over and over and over and over. And Senator Schumacher showed you how you're requiring taxpayer money to be spent, time of employees of HHS to be wasted to put on a Web site of the state which is already out there for free. Anything you want to get is out there. Not a user of the gadget, I couldn't tell you this. But you know where I'm different from the rest of you? I listen to people who know something and I learn from them. I just learned this morning how much of this information is already out there. So you're

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going to make the state taxpayers pay money to put it out there based on a piece of ideological nonsense? [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR CHAMBERS: A certain turn of religion and you're going to bring a bill like this and then not even refer it properly? I can't wait for us to get on these tax bills. You think I can take some time here. Wait until I get on that and rub in your face what you do on these nonsensical bills like this where you waste taxpayers' money because of the position of your church or your ideology, or idiocy, or some organization. I'm not the one who always talks about protecting the taxpayers' money in terms of, I'm the savior of them. Taxpayers are taxpayers because they pay taxes and they know that government derives money from taxes in order to carry out the necessary functions of government and politicians lie all the time when they pretend that the things that government ought to do can be done without it costing anybody anything, and certainly not the wealthy people paying their share of it. [LB59]

PRESIDENT FOLEY: Time, Senator. [LB59]

SENATOR CHAMBERS: Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hansen, you're recognized. [LB59]

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I rise today. I've been absorbing this debate and I'm sure like many of you, I've been running around trying to get last drafts of bills and getting prepped for committee hearings this afternoon and I've only been getting pieces and parts of this debate. But there's kind of a few things that have jumped out at me and I wanted to make sure I address. One thing I just...really...in fact I caught it walking back into the Chamber where we're talking about how there were some people who feel and use tradition and precedence when it suits them and abandons it when it doesn't. And it was implied that anybody who wanted to support the motion to rereference wouldn't support tradition and wouldn't support precedence because, in fact, we've had these motions to rereference so rarely or rarely at all. I mean, that's something we're going to have to take a long look in the mirror on as a body. There's been times to me where I've been on the side of arguing for tradition or precedence and gotten overruled already this session, you know? At our committee caucuses and the committee caucuses, our congressional district caucuses, we talked about how the importance of seniority and how we have to respect tradition of seniority and statesmanship. And then we, as a body, didn't necessarily decide we wanted to do that when it came to, say, committee and committee assignments and that's fine. We are not bound by our prior Legislature. We are not having the

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opportunity to...we always have the opportunity to address and change things how we'd like. I think that's great. I think that's actually a wonderful opportunity, and that's a reason I have been, say, proposing rules changes this year and why I ran for Rules Chair earlier in the year because I knew this is an ongoing living, breathing process as a body that we get to control. That being said, I do think expertise, tradition, and preference...not preference, precedence. I believe, Senator Crawford had a tongue twister earlier about preference and precedence and she got that stuck in my mind, so I'll try and power through. But I do think those things are important. You know, if this is a bill that has been heard in a prior committee before, a prior year, you know, that's something that strikes out strongly to me for the same reasons I spoke on...I believe it was LB68's motion to rereference. If there's a committee that has an issue in an area that they have expertise on that they've heard individuals from year-to-year of proponents and opponents, similar people, you get to understand the relationship and you get to understand who feels strongly about an issue, who feels strongly against an issue and so on and so on. That's why I think it's really important to continue to maintain some consistency in terms of where bills go. You know, if this is an opportunity and we decide as a body that these issues like LB59 are now subject to the HHS Committee, I think that's fine. I think that's a decision we could make, but I think we'll then need to be consistent in the future and perhaps that bill scheduling and bill tracking and bill referencing cheat sheet we have needs to be updated. So those are just some issues that have been on my mind this morning. I was trying to get in before the buzzer. I'm glad I did. And Mr. President, if I have remaining time, I'll yield it to Senator Chambers. [LB59]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Chambers, 1:40. Senator Chambers, one and a half minutes...one and a half minutes. [LB59]

PRESIDENT FOLEY: Thank you, Mr. President. Thank you, Senator Hansen. How long did you say? [LB59]

PRESIDENT FOLEY: 1:28. [LB59]

SENATOR CHAMBERS: Thank you. Members of the Legislature, as I started the other day, I am basing what I say on what your legislative leader wrote. Should I disregard it? Will you people kindly give me a list of caveats so that I as a black man know what you as white people mean and the ones you don't mean? If you don't mean it, have the decency... [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR CHAMBERS: ...since you're my betters, to let me know what you don't mean. Then I can better deal with you. Do you get pleasure out of tricking me? Does it give you entertainment? And the friends you may have watching to say, watch us fool him again. He

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thinks we meant that. We don't mean that, but we're not going to tell him. That's the way this body is functioning. But when I came here, I said that I would abide by your rules, which I do, and I will beat you at your own game. So if we're going to play fast and loose, I can do that too. But what I've done this morning in taking this time is to stay on point. I've talked about how courts operate. I pointed out what I think is unconstitutional and why. [LB59]

PRESIDENT FOLEY: Time, Senator. [LB59]

SENATOR CHAMBERS: Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Kolowski, you're recognized. [LB59]

SENATOR KOLOWSKI: Thank you, Mr. President, and I yield my time to Senator Chambers as well. [LB59]

PRESIDENT FOLEY: Senator Chambers, 5:00. [LB59]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Kolowski. And you all are going to have a chance to see if this old man is going to run out of stamina. I'm doing this as much for the old people as I'm doing it for what this Legislature is supposed to be about. Old people are assigned to positions that dehumanize them. They are to stay out of the way. They are humored. They can be discussed while in a room as though they are not there. And they dare not object because due to some infirmities that come with age, they might, if they want to survive, have to remain in those circumstances so they have to swallow spit and act like they don't hear it. Or if they hear it, it doesn't matter. But everybody treating old people that way know very well it does matter because they, themselves, would not want to be treated that way and that's why the Jesus you lie about and say you believe told you hypocrites, yeah, you're going to have old people. You're going to have poor people. You're going to have sick people. You're going to have people who must holler, "I am unclean," but here's what I, who profess to be the son of God will tell those of you who profess to follow me--don't mistreat those people as you see others mistreating them. You treat them the way you would want to be treated if you were in that situation. That's the standard I want you to live up to. You treat others the way you want to be treated. And that's what I'm going to presume that you all are doing toward me, that you're playing with me. You're toying with me. That I should have sense enough to know that all these rules you write don't mean anything. And what you're spending your time doing is trying to put me in a cage from which I cannot escape. Let me tell you the fun this inferior black man had with the master race a few sessions ago. They were passing what they call the nuclear provision in the rules to trap me. So I read what they wrote and I stood up. I said what you're trying to do,

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you can't do it with those words. Here are the words you need to do what you're trying to do. And they looked up, they said, oh, my God. Slapped themselves on the forehead and moved by a motion to amend their provision with the words that I gave them. I had to correct it for them. Then one of my colleagues said, Ernie, why would you do that? I said, do what? Give them a way to stop you. I said I didn't tell them how to stop me. I told them how to do what they said they wanted to do. Do you think I'm so foolish? I'm a black panther on the loose and I'm going to teach somebody and give them the wherewithal to build a cage from which I cannot escape? I took them at their word. I wanted to show them they don't even know how to do with what words are available in the English language, what it is they profess to want to do. I've shown that I'm superior to a lot of people in this Legislature down through the years. And you know what it's based on? Not genetics. Maybe some of it is that, but because I study and they don't. I can think and they won't. You can lead a horse to water, you can't make them drink. You can lead a fool to school, but you can't make him think. You've seen some things on the floor this morning where people arguing with me when they don't know anything. [LB59]

PRESIDENT FOLEY: One minute. [LB59]

SENATOR CHAMBERS: The Bible says: Answer not a fool according to his folly, lest thou be like unto him. But when we're in a legislative session and the public is watching, I have to do what I can to underscore the foolishness that goes on, on this floor. The lack of knowledge and information on which decisions are based. The hypocrisy of these conservatives who talk about wanting to look out for the taxpayers' money, then to make a statement about abortion for those who are anti-abortion, spend taxpayer money to put a mandate on the Department of Health and Human Services to put stuff on a Web page which they can get right now for free. Taxpayers don't have to pay anything. Look at this Legislature. Look what it composed...is composed of. All you "Repelicans." You're supposed to be fiscal conservatives and you're wasting money like this. There sits a young lawyer. He's not concerned about forced, compelled government speech on small business operators because they happen to run health clinics. [LB59]

PRESIDENT FOLEY: Time, Senator. [LB59]

SENATOR CHAMBERS: Thank you, Mr. President. [LB59]

PRESIDENT FOLEY: Senator Chambers, you are recognized to close on your motion. [LB59]

SENATOR CHAMBERS: You mean this...we've reached the end of the line? [LB59]

PRESIDENT FOLEY: Yes, sir. [LB59]

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SENATOR CHAMBERS: Ah, parting is such sweet sorrow--sorrow for me, sweet for thee. But all things in this existential universe will come to an end. But if you have a complete circle and you don't mark the spot where it ends and let's say, it's a ring made of metal and you throw it up in the air. You don't know at what point it begins, at what point it ends, so maybe it has no beginning and maybe it has no end. Well, now we're coming to the point where we will vote. In the bull fights, they call it the movement of truth when the animal is to be slaughtered, after they've stuck lances in the muscles of his shoulders and neck so it cannot raise its head very well. Cruel human mistreatment of fellow creatures. The Pope who calls himself Francis, named himself after St. Francis who loved animals, who preached to animals, who said the ass is his brother. And he meant the four-legged one and how he had mistreated him. So you vote...I'm not going to bet, Senator Briese, how you'll vote although I know the way you're going to vote, and I'll keep making my motions. You'll continue to vote against them, but I have a job to do and I'm going to do it. I will do it for 90 legislative days and you can watch to see whether I do it or not, and if I don't, call me on it. This bill belongs in the Judiciary Committee. It's not a fun bill to listen to. There are a lot of things the Judiciary Committee handles which are not fun but somebody has to do it. And we should not forsake our responsibility because there are unpleasantnesses connected with it. Most of what I do in the Legislature is unpleasant to me, but I do it more seriously, more vigorously, more determinately, and relentlessly than anybody in this place, bar none, bar none. And I'll keep doing it, not to impress you, but to satisfy something in me that I must satisfy in order to have the self-respect that I want to have. If I went along with what you all are doing, I couldn't respect myself at the end of the day. Some of you at some point are going to realize that your self-respect does mean something to you, but you're allowing it to be sheared away, layer by layer, squeezed out of you, drop by relentless drop. And when it's over, you're not going to have anything. The lobbyists don't respect you. The Governor doesn't respect you. Oh, they like to be able to control you, but they don't respect you. They own you. They know what you are. They know what you're not. They know when you're talking and only talking. When you're speaking your truth...the reason I say your truth because your truth may not be mine. But you set the standard as to what your truth is and when you deviate from that, they can call you a hypocrite and they're right. But they don't have to call you that, you know inside first. But you don't have what it takes to stand up and be what you know you ought to be. But I'm going to make some of you...I'm going to make some of you rise into a star of manhood and womanhood, if it's possible. And I won't quit for 90 days. And I won't abandon the struggle. But for me, it's not a struggle. It's what I'm paid to do it. I'm not paid well, but I am paid to do what I'm doing. There's no nobility associated with it. Nothing extra. It's not heroic. It's a person who believes in providing what is agreed to in exchange for the money that I receive. If they paid me one penny, I'd work just as hard because that's what I agreed to as a salary or pay for doing the best that I can. And I know when I'm doing my best if nobody else does, and you know when you're doing your best and you know you're not doing that. [LB59]

PRESIDENT FOLEY: One minute. [LB59]

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SENATOR CHAMBERS: You all are worthy of something better than what has been going on. You're capable of doing something better than what's been going on and it's never too late to stop, turnaround, retrace your steps and do the right thing. I'm going to stir you into stars of manhood and womanhood, if it's the last thing I do during this 90-day session. Mr. President, I'm going to ask for a call of the house and a roll call vote. [LB59]

PRESIDENT FOLEY: Thank you, Senator Chambers. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please, Mr. Clerk. [LB59]

ASSISTANT CLERK: 27 ayes, 0 nays to go under call, Mr. President. [LB59]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Looking for Senators Kolowski, Smith, Brasch, Harr, Pansing Brooks and Larson, please. All unexcused senators are present. Mr. Clerk, please call the roll. The question before the body is the adoption of Senator Chambers' motion to rereference LB59 to the Judiciary Committee. [LB59]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 236-237.) The vote is 11 ayes, 23 nays, Mr. President, on the motion. [LB59]

PRESIDENT FOLEY: Thank you, Mr. Clerk. The motion is not adopted. I would raise the call. Mr. Clerk, you may read bills or other items for the record. [LB59]

CLERK: Mr. President, more new bills. (Read LB485-494 by title for the first time.) That, Mr. President, is all the new bills that I have. (Legislative Journal pages 237-238.) [LB485 LB486 LB487 LB488 LB489 LB490 LB491 LB492 LB493 LB494]

PRESIDENT FOLEY: Items for the record, Mr. Clerk.

ASSISTANT CLERK: Mr. President, a motion from Senator Chambers to rerefer LB353 to the Government Committee. Notice of committee hearing from the Urban Affairs Committee, the Judiciary Committee, and the Education Committee. Series of name adds, Mr. President: (re LB118, LB174, LB68, LB289, LB307, LB280 and LB222.) An announcement that the Rules Committee will hold an Executive Session at 1:00 p.m. in room 2022. Executive Board will meet ten minutes following the adjournment. (Legislative Journal pages 238-240.) [LB353 LB118 LB174 LB68 LB289 LB307 LB280 LB222]

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And finally, a priority motion. Senator McCollister would move to adjourn until Wednesday, January 18, 2017, at 9:00 a.m.

PRESIDENT FOLEY: Members, you've heard the motion to adjourn until tomorrow morning at 9:00 a.m. All those in favor say aye. Those opposed say nay. The ayes have it. We are adjourned.