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Floor Debate
January 23, 2019

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[RECORDER MALFUNCTION.] [USUAL TEXT:] Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the tenth day of the One Hundred Sixth Legislature, First Session. Our chaplain is Reverend Michelle LaGrave of Omaha, Senator Howard's district. Please rise.

REVEREND LaGRAVE: (Prayer offered.)

FOLEY: [RECORDED] Thank you. I call to order the tenth day of the One Hundred Sixth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

FOLEY: Thank you, sir. Any messages, reports, or announcements?

CLERK: Mr. President, Reference report referring LB406 through LB478, that's signed by Senator Hilgers as Chair of Reference. A hearing notice from the Health and Human Services Committee signed by Senator Howard as Chair. That's all that I have, Mr. President.

FOLEY: Thank you, Mr. Clerk. (Doctor of the day introduced.) We'll now proceed to the first item on the agenda which is the introduction of new bills. Mr. Clerk.

CLERK: Mr. President. (Read LB589-LB606 by title for the first time.) That's all that I have at this time, Mr. President.

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FOLEY: Thank you, Mr. Clerk. Members, we'll now proceed to further discussion of the rules. Senator Crawford, can we ask you to give us an overview of where we are in the discussion of the permanent rules. Senator Crawford.

CRAWFORD: Thank you, Mr. President. Good morning, colleagues. Yesterday we had an opportunity to have a debate on the three proposals that came from the Rules Committee. So yesterday we had debate on the-- excuse me, the Rules Committee last week had a hearing on 15 of the rule proposals that were submitted to the committee through the process. The committee had a hearing on all of those proposals. And out of those, we had three recommendations that came to the floor. And yesterday we had a debate on those three recommendations and adopted two of them to make changes to our rules. And that's where we stand now. We have already had an opportunity to debate all three of the recommendations that came out of the committee process that is established for making changes in the rules. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Mr. Clerk.

CLERK: Mr. President, if I may, just a quick announcement. Urban Affairs will have an Executive Session at 10:30 in Room 2022. Mr. President, Senator Groene would move to amend the permanent rules with a proposal with respect to Rule 3, Section 8. I believe copies were distributed to the members yesterday.

FOLEY: Senator Groene, you're recognized.

GROENE: Thank you, Mr. President. A proposed change to Rule 3, Section 8, that all votes-- all questions on who shall be chairperson of the standing, select, and special committees shall be a public vote. My people expect it. I ran on it that there should be no secrets who you vote for for Chairman, you should be proud of. Who you vote for Speaker, you should be proud of. And you should be able to defend it not only with your colleagues, but with your constituents. I went back and looked. I had a handout. You can see what the language of Norris' original petition in 1934 said. That was all provisions to change the constitution. And I highlighted the one related to this issue. George Norris, the political patron saint of the supporters and proponents of a unicameral form of legislative government thought enough of the importance of transparency in government

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that in 1934, when writing the language of his petition, he included a provision for a public vote on all questions taken by the Legislature. Changing the word of a question in our rules to a vote, it's still a question before the Legislature. Norris' constitutional amendment pertained to much more than just reorganizing our state's legislative branch as a unicameral. All of those provisions are now in state constitution. Let me read you what that original petition said. The object of this petition is to submit to the electors of Nebraska for their approval or rejection a proposed amendment to the Constitution of Nebraska relating to the legislative authority thereof and providing in substance and so far as any changes in the constitution are made that beginning with the regular session of the Legislature in 1937, the legislative authority of the state shall be vested in a legislature consisting of one house of not less than 30 or more-- and not more than 50 members. A petition didn't stop there. It went on to say the members to be nominated and elected in an unpartisan manner for a term of two years. The aggregate salaries of the members will be \$37,500 per year divided equally among them. Each member to receive in addition to this salary an amount equal to his actual expenses in traveling by the usual route once to and returning from each regular or special session of the Legislature. He went on to say the Lieutenant Governor is to act as the presiding officer. We discussed that yesterday. The sessions of the Legislature to be biennial, except as may otherwise be provided by law. The request which pertains to my rule from any one member to be sufficient to secure a roll call on any question. The vote upon the final passage of any bill on any question-- the vote upon the final passage of any bill to be taken until five days-- legislative days after its introduction, nor until it has been on file for Final Reading and passage for at least one legislative day and all provisions in the constitution and laws of the state relating to the Legislature, the Senate, and the House of Representatives, and joint sessions thereof to mean insofar applicable said Legislature of one house. I went down those ten points. All right? We have honored its Legislature in the state, which is all of this petition is now in the constitution. We are a one house legislature unicameral. We honor that. Number two, members are elected in a nonpartisan local election. That's been honored since 1937. No less than 30, no more than 30 members; we have 49. An uneven number, maybe 50 would be better and we wouldn't need a filibuster, we'd have a lot of 25-25 votes. Number four, the citizens voted to alter the constitution, change terms from two years to four years in 1962. Term limits were put into effect in 2000. All constitutional change done by the voters. Number five, salary limit aggregate to \$37,500 has been changed a few times and now with \$12,000 and

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it needs to be changed again, in my opinion. Thanks to Senator Vargas for bringing legislation to do so this year. Number six.

FOLEY: Senator, excuse me. Senator.

GROENE: Could I have a call to order?

FOLEY: Members, please come to order. Senator Groene, please continue.

GROENE: Travel expenses are paid, and thanks to Senator Chambers' 1984 court challenge of expenses that should be included in the outcome of the Douglas v. Beermann lawsuit in 1984, they have been expanded to cover actual expenses. The Lieutenant Governor is the presiding officer and no one senator should be able to remove him from that seat because of a complaint of his religious affiliation. The constitution says he sits in that seat. Number nine, I'm skipping over number eight. Final passage of bills is a five-day waiting period from introduction. You think that's just in our rules? That's in our constitution. Final passage after Select File has a one day waiting period. It's in the constitution, which is then transferred to our rules. The problem is number eight. The only provision in the Norris' constitutional amendment that this body has not fully honored is the provision that all questions with the request from any one member of-- to be sufficient to secure a roll call on any question be a roll call vote. Two years from now I will be calling that question and I hope some other senators do. There is absolutely no reason we do not have a public vote for Chairs and Speaker. I read in the paper from the left-leaning editorial writers that it's bipartisan. No, it is not bipartisan. We all know what happens here. Votes are traded by the minority from those soft in the middle. We need to know who is voting for who. My vote was controversial for Education Chair. Accusations flew around. Who sat, who voted? Thank you, Senator Kolterman for voting for me. But who do I think was my Brutus? By the way, Brutus died. I did not. Anyway, it's not good relationships between senators. All is forgotten, I understand that, as we go forward. But we need to know. I am not going to support a unanimous vote for any senator for any chairmanship, even if they don't have an opponent, we need to know how much support they have in the body. They might be unopposed and only receive 24 votes. We need to know that. We need to know if they are supported. We need to be

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public. We need to be transparent. We need to represent our constituents. I would appreciate your support. How much time do I have, Mr. President?

FOLEY: About 1:45.

GROENE: Thank you, sir. We need to be transparent. We are mature. We are expected to be wise. We are expected to be statesmen. Skullduggery, secret votes, trading votes, secretly is not what I would call statesmanly. In our rules, changing the question to another term and then trying to get around the constitution, I had my staff look up the word "question." Every vote taken in this body is a question. There is no court cases defining the word "question" any other way. In the rules, we changed it, this body did. Let's honor the constitution. Let's be mature.

FOLEY: One minute.

GROENE: Let's understand who we vote for. It's not personal, which secret vote allows that. That is on principle. It is on leadership abilities. It is on those who are willing to stand up and defend their committee's decisions. That's how that should be decided and it should be public. Thank you and I look forward to support a vote on this-- well, we don't even need a rule, folks. We just need to honor the constitution. Thank you.

FOLEY: Thank you, Senator Groene. [Visitors introduced.] Debate is now open on Senator Groene's proposed rules change. Senator Crawford.

CRAWFORD: Thank you, Mr. President. I stand in opposition to this rule proposal. Colleagues, we have a process to debate our rule changes and it's important that we follow process. It's one of the things that is a critical dynamic in a legislative body is the deliberation of committees and we have a Rules Committee and we elected someone to be Rules Chair. We elected myself to be Rules Chair. We appointed people to the Rules Committee and the purpose of having a Rules Committee is to have a deliberative process to examine proposed rules and implications of proposed rules on the working of our body. We had 15 rule proposals that were brought before the committee. This was not one of them. Of the 15 rule proposals that were brought before the committee, there was an opportunity to have a public hearing so that members of the body, but

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also members of the public, could come and give their testimony about what they felt would be the implications of these rule changes. Who did not have an opportunity to have a public hearing on this proposed rule change. It was not a rule change that was presented to the committee, so we did not get a chance to hear from the public. We did not get a chance to have a hearing on this rule change. We also did not get a chance to have deliberation of the Rules Committee on this rule change. Colleagues, an important part of being in this deliberative body is recognizing that we appoint committees for a purpose. We appoint committees because we need a few members to dig in to the issues and to do the work of coming up with proposals based on their deliberation, based on their research. And so it's that important reason why we have committees, because we can't all do that work on all of our proposals, on all of our bills. And so it's important that we have committees that dig into the work and provide recommendations based on deliberation. The body may agree to accept or not accept those recommendations, but it is the case that they have gone through that vetting process, and gone through a process of determining what the implications of that change would be. And colleagues, we did not get a chance to do that with this rule change. It was not-- there is a process and this rule change was not put through that process to give us a chance to have that deliberation, to give us a chance to have that public hearing, to give us a chance for the public to also weigh in on what they feel is important or about this possible rule or the potential rule change. Colleagues, this is a rule that the public has expressed an interest in. We have people in the public who have expressed support for it and opposition to it. It is something that has a lot of public interest. So I think it is only fair that if we were to have this rule change, it would be done through the process that would allow the public, those in support or those in opposition, to be present to provide their testimony so that we could hear that testimony and that could be a part of the committee's deliberation. That did not happen in this case and that is a key reason why I stand in opposition to this rule. I stand in opposition to the rule also just because of the implications that it has for our work here. Again, we did not get a chance to have that deliberation of what those implications are as a committee. We did not have a chance to have testimony what those implications are at the hearing because this rule change was not put through the process. And again, it's an important process for us to respect and follow in terms of recommending changes and having changes in the deliberative body. Colleagues, when I visit with other members of legislatures from other states at conferences that I attend, one of the frequent concerns that I hear is that chairmanships are for sale. One of the reasons that--

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FOLEY: One minute.

CRAWFORD: --knowledge of--thank you, Mr. President--knowledge of who votes for which chair matters in some other states is that that allows the parties to then raise money. And you can raise money and enforce deals if the votes are open. When the votes are secret ballot, you cannot enforce deals, you cannot enforce pressures, arm twisting because the vote is a secret ballot. Colleagues, in other states we hear people are directed to raise money for the party, to raise money for the party in order to get a chairmanship. I'm happy to say that that has not been the case in our state. We have instead the races have been more about the qualifications of the candidates and what we think they will bring to the body, not about raising money for the parties. And I fear that would be one of the implications of this rule change were it to pass. I urge opposition to this rule change. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Senator Hunt.

HUNT: Thank you, Mr. Lieutenant Governor; and good morning, colleagues. So we're going to hear a lot of people say that this rule change is about transparency. Transparency is definitely one of my highest values, but another thing that I value probably more is this body and the respect for the work that we do within this nonpartisan unicameral institution. We have just 49 individuals in this body and we aren't beholden to party or caucuses or majority or minority leaders. We just have each other and we just have to talk to each other. I don't think that there was nearly anybody who ran for a committee Chair seat this year who didn't ask me for my vote, both in writing and in person, which is the right way to do it. That's the proper way. That's how it should be done. For my part, I told all of those candidates, everybody who wanted to be a committee Chair how I was planning to vote. And when you're in a body of only 49 people, it's practical and possible for everyone to give those personal asks, we're able to talk to each other about it, to convince each other, and to not expect votes along party lines. I feel like nearly everyone who ran for Chair lobbied me for my vote and I told them how I would vote. That's where the transparency is. It's between us. It's family business. It's not on TV for party leaders to see and party leaders to punish us for or reward us for. There is only one vote in the Legislature that is held secret and that is the vote for committee leadership positions. I urge you to oppose this rule change for many of the great reasons stated by Senator Crawford and protect this

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institution by protecting the secret ballot because voting on these positions publicly will increase partisanship. And it will also have a chilling effect on the work candidates do to earn these leadership position, which are absolutely earned. No matter what party you are, you should want to preserve the safeguards for the institution because I can't think of why you would want to open up the vote publicly, except to bully people into voting a certain way or to let your party be able to do that. This rule change has nothing to do with transparency to our constituents. It has to do with transparency to party bosses. Here is another thing, when I got elected, so many people in this body, in this Legislature came to me and they were like, you must respect the institution. That was the refrain that I heard over and over as I came into this body, institution this, institution that. I think some people said that because they felt I would be too progressive or too partisan, and I'm not religious, but in the Unicameral, that's like the religion, the institution. And I respect the institution and I don't want to corrupt it for any party's gain. If we were a much bigger institution, if we were one of those legislatures that had like 200 people, maybe this would work. Maybe we could do an open ballot. But we have to get along here. And I value that. In most legislatures, committee chairs are appointed by the speaker and so we are already leaps and bounds ahead of them in transparency because we don't do that. In the nonpartisan unicameral there is nowhere to hide. There is time for us all to talk to each other and caucus together on issues and [INAUDIBLE] for votes. And if anybody running for committee Chair doesn't want to do the leg work to earn those votes for leadership positions, then I don't think that person is right for the position. You know how many votes you have, and if the count is off, 99 percent of the time you know why and you can go deal with it later off the floor and have a conversation. And just because you would have integrity, just because you would be honest doesn't mean that everybody always will. So that's something that's important to keep in mind. Transparency is important. It's a very high value. But so is productivity and publicizing the results of these votes for committee chairmanships would cause a spectacle. It would burn bridges. It would cause anger. Keeping this rule allows people to vote their conscience. And if the committee Chair you support is a good fit for the role, then you should support keeping the secret ballot. Thank you, Mr. Chair.

FOLEY: Thank you, Senator Hunt. Senator Erdman.

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ERDMAN: Thank you, Mr. Lieutenant Governor. Good morning. I stand today in support of Senator Groene's amendment. I listened carefully to what Senator Crawford had to say. I would assume then that Senator Crawford is making a statement that this rule, this motion is out of order if it hasn't gone to the Rules Committee. That's not the case. The permanent rules have not been adopted. After the permanent rules are adopted, then the whole process is different. We are now operating under temporary rules. The permanent rules have yet to be voted on. Senator Groene's motion is in order. The public has spoken on this issue several times. Most people in my district would appreciate knowing how people vote. I don't comprehend the comments that Senator Crawford made about raising money for the party and this wouldn't be something that would be beneficial. And Senator Hunt said this would prevent congeniality and getting along or whatever other comments you want to make. In reality, people voted for us and sent us here to vote and then to be able to see how we voted. That's why they did that. They have confidence in us. Once you put your name up there to see who you voted for, then they know exactly where you stood on the issue. There is no reason that I can see that we should continue to do things secretly in a body that people should be able to review what we do. This motion is in order. I appreciate Senator Groene bringing this to our attention. It is a correct way to do it. And I would encourage you to vote yes on the amendment to change the way we vote for committee Chairmen and Speaker. Thank you.

FOLEY: Thank you, Senator Erdman. Senator Morfeld.

MORFELD: Thank you, Mr. President. Colleagues, I rise in opposition to the proposed rule change for a few different reasons. First, I think that our current system is tried and true. I think that we have elected competent committee Chairs, people that have worked hard to connect with their colleagues, people who have spent the time and energy understanding the subject matter of their committee or have vast experience in it and have sat down with their colleagues and garnered the necessary votes in order to become a committee Chair. I think that it improves collegiality in the sense these are leadership votes that are sometimes contentious and tough and allows people to have the opportunity to vote for the best person aside from all of the other political considerations that can come into play. In terms of transparency, the transparency that we have in the Legislature is meant to create laws. So whenever we pass a law or attempt to pass a law, those votes are public. That is the transparency that is necessary and needed for the state

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and the citizens to keep track of where their representative stand and which laws they stand for and which laws, proposed laws, they stand against. So that's the purpose of transparency in our system is transparency in terms of where we stand on the issues and where we stand on voting for or against a proposed law so that our constituents can make the right decision in their mind on who they want to support moving forward in the future. And, you know, Senator Erdman brings up that he doesn't understand the whole political fund raising, the partisan machinations that would happen if we had open votes for leadership, but all he needs to do is look at any of the states around us, any of the other 49 states. In those states, if you don't vote for the person that is favored by the party or the person that fund raises the most for your political campaign in the primary, or whatever the case may be, then you're punished. You're punished for voting against the party and voting against powerful leaders that oftentimes raise the bulk of the money for your political party and your political persuasion in your next election. That's what happens in other states. Go talk to any of our colleagues in other states. They become a caucus system where they fund raise just for the caucus, whether they're Democrat or Republican. The big fundraisers in that caucus often get the best committee chairship or the Speaker position. And if you don't vote for that individual, that person makes sure that you either have a primary opponent or you don't get the necessary funding in your next reelection campaign. It creates bad incentives. Incentives that are not based on who is the best person for the committee, who is the person most likely to build political bonds and consensus, but rather who is the best political fund raiser, who is the best person getting people reelected for their campaign. And that's not the type of leadership and incentives that we want to be incentivizing in the Nebraska Legislature. I want a committee Chair and leadership in the body that is fair minded, open to compromise, and willing to work with others. And that's not always the best political fund raiser. It's not always the best reelection person that's helping you win your campaign. But it's the best person policy-wise, even if I may disagree with a lot of their policy decisions and stances. That's what's at stake here is maintaining a system that incentivizes trust, collegiality, and competence. That's why I oppose the proposed rule change. Thank you.

FOLEY: Thank you, Senator Morfeld. Senator Vargas.

VARGAS: Thank you very much, Mr. President. I rise in opposition to this amendment. I'll try to keep this fairly simple. I said this in many different instances over the last two years. And for the

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new members that are listening or here, I think this body operates off of tradition, collegiality, and civility. The fact that it's a nonpartisan legislature by itself does not mean that it's nonpartisan. The fact it's a nonpartisan legislature is nurtured and is defined by the people that are part of the body. I think that we have rules that support these tenets of civility and integrity and honesty. Now, I understand that some individuals, which are my colleagues and my friends, and we agree on a lot of different issue, believe that this is such an important issue that we need then to have some more transparency. I've been very honest and direct about this. I tend to disagree on this point. I think that one of the hallmarks of being in the Nebraska Legislature is our ability to be judged and assessed for our track record, our accomplishments and who we are. And I think one of the things that enables this to happen is the nonpartisan nature of the ballots being secret. I think changing this would fundamentally change the way that we operate and fundamentally change the way that we view election of leaders and our relationships. And I do worry that there is a lot more that we can do to make sure that there is better relationships with one another, more civility. But creating a rule that would fundamentally alter the way that we elect our leaders, I think, is not the right direction for us to go. I think these last few years has taught me a significant lot about that. We've had some really big debates and we've seen some leaders that have risen to the occasion in the past. We've seen some leaders that have struggled. But ultimately we elected these leaders and they were elected by secret ballot. And every two years we get the opportunity to say we want to keep those leaders or not. Those people have decided and made their decision in private and I want to respect that in any way, shape or form that I can. Ultimately I believe it, and I've gone all over the country, and I know many of my colleagues when they go to conferences, whenever we talk about this tenet of being able to vote by secret ballot, doesn't matter if you come from a predominantly Republican or Democrat or conservative or liberal state, every single legislature I've talked to is just enamored by this rule, this tradition that we have. And they say, how does that work? And they're jealous usually because the idealism that we can elect somebody and in the privacy, just like we elect people in our own privacy when we're electing somebody on election day, it's something that they sort of can't see. Too often things that are happening in our legislatures are mired up with black and white. I know many of the issues we talk about are not completely black and white. I don't think things having to do with party are also that black and white either. I think that we see from other state legislatures that the reason why they're jealous is because they want to then have some more of these traditions and civility that enable people to then choose the best people for the job. They

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want a little bit more fairness and equity in the processes that enable us to elevate leaders, not elevate necessarily a party or ideology or view.

FOLEY: One minute.

VARGAS: So I ask you today to think about--and we did this two years ago--to think about the repercussions of changing this rule, that these rules, not in statute, are the things that help us operate and uphold the traditions of this body. They supersede us. If you really believe that that is the most important thing that's been holding us back as a body, then you are free to then vote for this. But if there is this inkling that you're questioning whether or not this is the right pathway to go down, whether or not this is really upholding traditions of people that have been sitting in these seats for decades before us, then I ask you to not change that. Thank you very much.

FOLEY: Thank you, Senator Vargas. Senator Wishart.

WISHART: Thank you, Mr. President. I rise in opposition to the rules change and Rule 3. I have a solution to this issue. I think people should just be honest and up front with-- beforehand to people who are running for office. That's always a point that I have made. I will tell somebody if they come and ask for my vote whether I will support them or whether I will not be supporting them, or I'll tell them if I'm going to make up my mind that day. And I think that's the privilege that we have with the secret ballot. The other concern I have, even as an urban senator where I represent an urban district in Nebraska, I do have concerns for what I see is a growing rural minority of senators. In 2020, we will have a census and I anticipate that there will be at least two rural districts that will be redistributed to urban areas. I find it surprising that somebody like Senator Groene would be working on a rules change that I think in the future could negatively impact rural senators and their rural constituencies. So with that I rise in strong opposition to this rules change.

FOLEY: Thank you, Senator Wishart. Senator Crawford.

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CRAWFORD: Thank you, Mr. President. Colleagues, when we think about what happens in this body, we often pride ourselves in having different processes, different dynamics than we see in other states and in Washington, D.C. We talk about the fact that we are less partisan, more collegial in Nebraska, and we talk about how we have a better politics, a better dynamic, a better discussion, better deliberation because we do things differently. And as Senator Groene pointed out, there are many ways in which our processes are different. We have nonpartisan primaries. Those nonpartisan primaries help us to get, I think, more centrist candidates because everybody gets a chance to vote, to see who the top two vote-getters are. We do not have caucuses. We don't have formal caucuses as we have in D.C. and other states. So we do not have that process that drives discussion to partisanship. Another important part-- another important difference that we have is that we don't have committee leadership driven by those caucuses. We don't have leadership driven by partisanship. One of the ways that we protect that process to keep it from becoming partisan, to keep it from becoming something that is a part of partisan deals is by having this secret ballot vote. Secret ballot vote makes it so that it is not possible to extract favors or extract deals for a committee vote. So someone can offer a deal or make an offer, but there is no way to enforce or know if that person actually voted for you to actually enforce that deal. So I think that's another important part of the secret ballot vote is that it weakens the opportunity for deals to be made, as well as the fact, as I pointed out earlier, it weakens the ability of parties to dominate this process. Colleagues, I think when you look at who has been in favor of this rule change, one of the prominent groups that's been in favor of this rule change has emphasized the importance of this rule change has been the Nebraska Republican Party. I think that says a lot about what the likely consequence of this rule change would be. It would strengthen parties. It would strengthen the ability of party leaders to require members to vote for other party members for these leadership positions. And that goes counter to a strong tradition we have in this body where we have emphasized the importance that chairmanships, chairpersonships in this body go to those who have experience, character, and credibility, and that it not be driven by partisanship. I'm proud of our body that we have, in most years, and most sessions, we have had a mix of chairpersons from both parties that has demonstrated the nonpartisan nature of this process when it is operating with a secret ballot vote. And that secret ballot vote again is a key part of this process that allows that bipartisan leadership to emerge in any other state legislature that had the party makeup that we have here, you would not see that bipartisan chairmanship occur. And that is an important strength of Nebraska Legislature, an important reason why we are able to do

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things differently than other states, an important part of what makes our culture work in terms of being collaborative and having effective dynamics here, effective deliberation, effective work in our committees because we've emphasized the importance of having committee Chairs who will do those jobs well. Colleagues, this becomes all the more important in a term limited environment. We have so few years here and one of the ways that we see the challenge of lack of experience is we don't have very many experienced people to be in those Chair positions because so many of us are here for-- have been here only for a short time. The secret ballot vote--

FOLEY: That's time, Senator.

CRAWFORD: Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Senator Hilgers.

HILGERS: Thank you, Mr. President; good morning, colleagues. I do rise in support of this particular rules change and I'll explain a little bit why. We did talk about this two years ago. I think I was on the record in support two years ago. And I do think that there are valid and good arguments on both sides. And I just sort of want to briefly outline those and maybe address a couple of the points raised by my esteemed colleagues. I think there two points that Senator Groene has raised that I agree with in favor of doing this. One is the constitutional argument, the idea that in our constitution is this baked-in voice vote of the right of a roll call vote, record vote on any question before the body. I've seen some counter arguments to the constitutional issue. I won't say there is a case out there that has definitively decided this question. I certainly think in a close case that the idea of accountability and having our votes on the record when it comes to policy matters is important. So even if it was a close question, I'm not so sure that it is. But even if it was, I think the underlying policy of accountability to our constituents for me that in that underlies this notion of a second house that's in our constitution, the second house being the people of Nebraska. I think for me, the constitutional argument is a very strong one. I also think the policy argument is a strong one. I think that whenever we are impacting policy, we have to be accountable to our constituents. The only way that we can be accountable to our constituents is if they know how we're voting. I think that applies both to the bills that come before us, the amendments that come before us, and absolutely applies to the Chairs and the standing

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committees. The standing committee Chairs have an administrative function, but they have a significant and important policy making function in this body. If you vote for someone based on certain policy preferences that they have or maybe some policy preferences the other person has, if you vote for that person, the people in Nebraska ought to know about that and your constituents ought to know. Now I've heard two counter arguments to that to having open ballots that I think are worth consideration and I think are good ones to discuss on the floor this morning. One is the idea that this is an institutional concern and one that we have done for some time. And I certainly think we ought to respect the history of this institution. And I think in an era of term limits, in fact, I think we are a more at risk of eroding the institutional-- the institutional prerogatives of this body when we don't come in and we don't have enough time to appreciate what we've done in the past. And I certainly think that is something that should give us a yellow light, maybe a blinking yellow light, before we do anything. At the same time, I don't think those institutional concerns override what I think is a broader policy, broader constitutional issue, which is the people of Nebraska ought to be able to hold us accountable for the votes that we take. The other point that I've heard this morning and off the mike is that, well look, this will open us up to pressure, maybe partisan pressure. And I think that may be true. But I would ask my colleagues how is that any different from any bill or any issue that we have before this body? Whether it's the death penalty or taxes or Medicaid expansion or medical marijuana, there are individuals and groups, including political parties, who will put pressure on us. And I think the great virtue of this body, the great value of this body and why I appreciate being in this body so much is that despite those pressures, we all work collaboratively together. And I'm proud of the work that I have done and my colleagues have done, working across any perceived aisle. There is no aisle here. I have worked with my Democratic colleagues, my Republican colleagues; we work together on issues to try to do what's right for Nebraska. We do that every day, all the time on issues that have full public disclosure to the public. So if you think, though, that there is going to be this idea that there is too much partisan pressure on these issues, then I would ask why not have-- why not have secret ballots for repealing the death penalty or on a tax issue? I think the logic, even though we're not talking about a bill, I think the logic would still hold either way. So I would say the great virtue of this body is that we have shown that despite the pressures, we're here to do what's right and ultimately that what we do ought to be out in front of the public. So while I certainly--

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FOLEY: One minute.

HILGERS: Thank you, Mr. President, --while I certainly understand and appreciate the concerns of my colleagues, at the end of the day, would overrides this discussion for me is accountability to our constituents. I think votes of a policy nature ought to be public. I think it's a constitutional and policy concern. And I would ask that you vote green on this particular amendment. Thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Senator Pansing Brooks.

PANSING BROOKS: Thank you, Mr. President. I rise in opposition to the amendment to the permanent rules. I appreciate some of the comments that have been made so far. I have received a very comprehensive letter and a historical summary from Mr. Nathan Leach, who has really researched our whole Legislature and what's going on. One of the things that he did was create a graph showing what our history is. If you look at the graph that I passed out to each of you, you can see that since day one in our Unicameral, day one, the experiment for Nebraska in the Unicameral was to have a ballot vote when electing from the floor. Senator Hilgers brought up a constitutional argument and I would like to politely argue with his understanding because what he did was mention Article III, Section 11, which does require a recorded vote on any question, any question at the request of any member. But if you look at the section immediately prior to Section 11, so it's Article III, Section 10, it provides that the Legislature has a distinctly separate constitutional right from its law making one, which deals with questions before the body. And that is, (A), the power to determine its own rules of procedure, and (B), the ability and power to choose its own officers. I believe that in using that right to determine procedure and to select officers, we're not deciding a question before the body. So as it is meant, Section 11 does not apply or they would not have created it separately. They would have put the ballot question within the Section 11, which does require a recorded vote at the request of any member. It's pretty clear that from the beginning, George Norris gave a speech to the Legislature minutes before the first ballot votes were cast. And in that, he made the-- he called on the legislators and the lawmakers to resist any form of partisanship. And I'll tell you, we have worked hard to continue to be nonpartisan. And I've said many times before when we've argued this issue that these are procedural matters. These are matters of procedure that deal with the work of our body.

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This is not something that is necessary for our constituents and for the people of Nebraska to understand where we're deciding things, how we're going to vote. Yes, on the death penalty, it should be public, it should be public and transparent. But that is what is special about our Unicameral and about our wonderful form of the Legislature in this state. We are different from other states. We are different from Congress who often decides these leadership positions behind closed doors and then they come out and they make a big show that it's all transparent and everyone is deciding this in the open. When in actuality, most states and Congress decide it behind closed doors. In the effort and the desire to continue to maintain our nonpartisan Legislature, we have fought--

FOLEY: One minute.

PANSING BROOKS: --to make sure that we are not caucusing. And I'll tell you what, if we start to vote publicly on who is going to lead, we're not going to be choosing who is the best, we're not going to be choosing who has the most ability in a certain area, who knows banking better than another, who knows laws better than another, who knows ag better than another. Instead, we'll be listening to the voices of the parties, the parties want this person to be the leader because they're going to move them on to the next office. I think this is a terrible idea. I think it is-- we have to take a lot of pause to think about changing something that has been in place since the beginning of our Unicameral. Thank you, Mr. President.

FOLEY: Thank you, Senator Pansing Brooks. Senator La Grone.

La GRONE: Thank you, Mr. President. I stand in support of the Groene rule. Couple things I want to touch on. Number one is Senator Pansing Brooks rebuttal to Senator Hilgers is I think she makes a very good point with her point about different sections in the rules. I think to shed a little light on this discussion, when we're interpreting legal text, there is a few agreed upon canons of interpretation. And what we really have here is a conflict between the whole text canon, we're looking at different sections that need to be read together and then the plain meaning canon. I would point out that Nebraska Supreme Court has made clear, very clear, that we're a very strong plain and meaning state. And so if the words in a legal text are clear and plain, we don't look to the history behind them. We don't look to what a body has been doing

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because that canon, our Supreme Court has said is one of the most important when we are looking at our legal texts. But beyond the legal argument, I did want to touch on the policy argument of transparency. I do think this is about transparency because there are many questions that come before this body where we will hear that transparency is the most important thing in our Nebraska state government, whether that be university hiring that we've touched on in the past, or local political subdivision budgets, we always tend towards side of transparency in this state. And so to quote former Senator Burke Harr, who I know was on the other side of this issue, but he would always say what's good for the goose is good for the gander. So if we in this body are going to impose transparency on local political subdivisions, on university and public entity hiring in this state, then I see no reason that we should not set that same standard for ourself, to be transparent with our constituents and who we want to lead this body. So I stand in support of the Groene rule. I just wanted to add those few comments to that. So thank you, Mr. President.

FOLEY: Thank you, Senator La Grone. Senator Chambers.

CHAMBERS: Mr. President, I doubt that this proposition will go anywhere, so I'm going to use my time to talk about something else that I think is a far graver significance than anything we do here. The arc of history is very long. The perception of politicians is usually very shortsighted. I said yesterday about your President having executed a coup. There are people on this floor who love him. I am listening to news channels and they're having more and more people from TSA, the FBI, Homeland Security, even Border Patrol, and many other-- oh, pilots, who are having to look for other work. Air traffic controllers resigning so that they can take another job. Well, your President had been talking about the danger that immigrants are to this country. None of these people who now may not be able to get food stamps because the government is shut down, I'm talking about federal employees. That wasn't caused by immigrants taking up all these benefits. The fact that they cannot pay their mortgage and have received a notice 30 days, you've got to pay this or you have to move, that was not the immigrants. That's your President. The loss of jobs, the loss of employment, the loss of income has been caused by your President. He said that you need a wall to keep immigrants out. You need a thicker wall comprising a small cell to put a lunatic within. I think the President is certifiably mentally ill. He has no concept of time, place, or propriety. He would as soon bring this entire country down because he is offended as he would to go play golf, as he has done more of in the few days he has been, relatively speaking, in

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office than President Obama had been the whole time, yet he criticized President Obama. When his wife got-- when the President's wife walked off a plane in a mini skirt, nobody said anything. But there were a lot of criticisms of Michelle Obama and even President Obama's daughters by white people. Something is drastically wrong with and in this country. Trump will be gone shortly, whether he goes after this term of office or stays four more years. I mentioned the arc of history. Weighed against the arc of history, that's a very short time. But the damage he is doing will be long-lasting and some of it irremedial. Yet, these white Americans love him. Has he offered to open his doors to those who are about to become homeless as a result of what he is doing, not the immigrants? Has he offered to make a sizable contribution to the food banks and soup kitchens which federal employees are now having to turn to for food? Not once. You know he has not opened the doors to the White House for them to come in and get a meal. Not once. This is a pathetic place and it's not necessary to have an armed revolution,--

FOLEY: One minute.

CHAMBERS: --an armed coup, because Americans are so supine, Congress is so gutless that the coup has been successful already. And I love what Speaker Pelosi is doing in standing up to this man who has bullied milquetoast men and taken advantage of what they call loose women. You know what her theme song could be? [SINGING] You don't own me, I'm not just one of your little toys, you don't own me. And she's showing him what a strong woman will do. He can go to the top of the Washington Monument and deliver his State of the Union message, if he wants to. But what people ought to be looking at is his mental state. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. (Visitor introduced.) Debate continues. Senator Moser.

MOSER: Thank you very much. I stand in support of Senator Groene's motion. I have never had a Republican Party official approach me and try to influence how I voted. I don't even know who the Republican Party officials are, so. Some of these leadership votes did surprise me, though. I was handicapping how I thought they might go and some of them really surprised me. And I think that there were deals made. I can't say that for sure. It's just my opinion. But I think there was vote trading involved. I think it's a way for people who are not in the majority to try to

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influence the votes on chairmanships and I think open voting would show everybody who we're voting for. So, that's why I support Senator Groene's motion. Thank you very much.

FOLEY: Thank you, Senator Moser. Speaker Scheer.

SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, just a friendly reminder, today is the tenth day. We will be adjourning at noon. So if you still have a bill that you are wanting to enter, you need to make sure that that is done in a timely manner. I'm not sure how many more there might be, but I just wanted to make sure that everybody had fair notice that we will be closing down at noon. So anyone that still has a bill out there, please try to wrap it up, even if you don't have all the signatures. Remember, those can always be added electronically or at a later date. So it's not that important to have all the signatures that you want at this point in time. Thank you.

FOLEY: Thank you, Mr. Speaker. We do have a very large stack of bills at the desk, members, so we're going to take a pause from the debate and allow the Clerk to get caught up in reading bills into the record and then we'll come back to the debate. Mr. Clerk.

CLERK: Thank you, Mr. President. (Read LB607-LB648 by title for the first time.) That's all that I have at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. We'll continue the debate now on Senator Groene's proposed rules change. Senator Clements, you're recognized.

CLEMENTS: Thank you, Mr. President. I rise in support of the proposal and especially I believe that as I was campaigning for election last year, my constituents wanted to know my principles and my policies, how I was going to vote on issues. I understand, we all understand that committee Chairs have great influence on legislative policy, which bills are going to be moving forward, in what order, and which bills are prioritized by the committee. And so I think my district citizens deserve to see who I support, how I vote to see if it matches my campaign claims like they also want to see my votes on bills. And I don't think this provision prevents bipartisan voting. It doesn't mandate partisan voting. You can still vote for who you like. And I'd like to see

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this change in our rules and I support it. Rest of my time, I'd like to yield to Senator Hilgers, if he'd like it.

FOLEY: Thank you, Senator Clements. Senator Hilgers, 3:45.

HILGERS: Thank you, Mr. President. Thank you, Senator Clements for the time. Good morning, again, colleagues. I just want to-- I rise very briefly to continue the conversation that Senator Pansing Brooks thoughtfully started regarding the constitutionality of this particular rule. And I think it's valuable both for the people watching at home, I think for what we're doing this morning and for the record for us to actually put onto the record what the provisions are that we are talking about in order to ensure that the people know and that future Nebraskans who view this debate understand what it is that we are talking about. And so the particular provisions that I'm talking-- that Senator Groene referenced that I was referencing, the first time at the mike, are in Article III, Section 11. Those are the ones that require all votes be entered on the Journal and essentially give the members a right to have a public vote. What has been suggested to the contrary is to say, well, wait a second, there's a previous provision, and that's Section 10, that says the Legislature has the power to create its rules, and that therefore that provision would supersede the requirement that-- or the right that we would have to have a public vote on any question before the body.

FOLEY: One minute.

HILGERS: And I think that doesn't quite do what the proponents would say that it-- or suggests that it does. I think you might have-- if you had a provision that said, you know, notwithstanding this later section, votes for officers are not questions, for instance, because the language in Section 11 says that any question would be a recorded vote. So I think if you had something that might suggest that it was superseding, overriding, conflicting with Section 11, then maybe you would have an argument that well wait a second, the broad rule is that any question would be open, but when we're talking about committee Chairs or the organization of this body, that is not something that would fall under Section 11. I don't think that Section 10 could be read that way. And there is-- and Senator La Grone talked about this idea that we try to read constitutional provisions in harmony with one another where we can; certainly that's not always the case. I

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think you can very easily read Section 10 and Section 11 harmoniously together and not in conflict by saying, of course, the Legislature has the right to have rules that organize itself and elect members and officers, but that to the extent it does so and there's a question before the body as to who those officers are, that would have to be public, that's a question.

FOLEY: Time, Senator. That's time, Senator.

HILGERS: OK, thank you.

FOLEY: Thank you, Senator Hilgers. Senator Bolz.

BOLZ: Thank you, Mr. President. Senator Hilgers, since you were just on the mike, I'll ask you. Will you yield to a question?

FOLEY: Senator Hilgers, will you yield, please?

HILGERS: Yeah, absolutely.

BOLZ: Senator, Hilgers, I have a bill that is coming to the Executive Board related to the children's commission. And you are, in fact, the Chair of the Executive Board. As Chair, will you work with me to make sure that we get a full and fair hearing on the issue of the children's commission?

HILGERS: Absolutely.

BOLZ: Yes. If issues come up related to the children's commission, can we talk about them?

HILGERS: Absolutely.

BOLZ: Good. If I have stakeholders that have questions or comments or concerns that they want to talk to you about the statutory language, can they talk to you about the children's commission?

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HILGERS: Absolutely.

BOLZ: Very good. Senator Lathrop, will you yield to a question?

FOLEY: Senator Lathrop, will you yield, please?

LATHROP: Be happy to.

BOLZ: Thank you, Senator Lathrop. Senator Lathrop, you are the Chair of the Judiciary Committee. I have a bill related to county jails. Senator Lathrop, will we have a full and fair debate on my county jails bill?

LATHROP: Yes, you will.

BOLZ: Thank you. If issues come up about my county jail bill, can you and I discuss them?

LATHROP: Any time.

BOLZ: Fantastic. If there are constituents and other stakeholders that have questions, comments, concerns that they want to talk about the bill language, will you sit down and talk to them?

LATHROP: Yes.

BOLZ: Fantastic. Colleagues, we have done a good job. We have elected Chairs that are going to do their job. They are going to make sure that bill hearings go smoothly; they're going to work with colleagues regardless of their position or philosophy or stripe or point of view. They are going to respect the rules of this body and the intent of democracy that is happening in this building and through these committee hearings. Colleagues, in an era where there's so much partisanship and where Washington, D.C., is so dysfunctional, why wouldn't we embrace a system that is working for Nebraska? And to use one of the most overused phrases in this building, why not do this the Nebraska way? This is a way that protects our relationships, it protects the way of doing business, and it keeps our eyes on the prize of making sure that people

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with effective skill sets and a commitment to this body and a commitment to doing hearings appropriately, working with stakeholders appropriately, and working with colleagues appropriately are put into leadership position. So I see no need to change these rules. I think that the way in which we elect folks is a way that works for us. And clearly given the commitments and hard work of the leadership in this body, will continue to work for us. So that's my two cents on this bill change. I don't think it's necessary. I do think we have effective leadership and I appreciate those willing to serve. Thank you, Mr. President.

FOLEY: Thank you, Senator Bolz. Senator Lathrop.

LATHROP: Thank you, Mr. President and colleagues. I am opposed to this proposed rule change. And maybe I'd like to give some perspective to this. I look at the rules as sort of the collective wisdom of the people who have gone and served in this institution before us. And when I came in in 2006, half the body were what I would refer to as seasoned veterans, as opposed to old-timers. They had a different approach to legislating. There were a lot of traditions that were the rules, there are statutes, there's the constitution, and then there are unwritten traditions of this body. These rules as they are currently composed represent the collective wisdom of those people who have gone before us. We ought to be hesitant to change the rules without a significant reason. People that operated under these rules, some of those people had 18 years of service, some of them served here over 20 years. They represent the collective wisdom of the people who have gone before us, and are we entitled to change them? Yes, we are. But the standard shouldn't be, I like this idea better than the other one because, by the way, people that did this job a lot longer than we have, thought this system worked. In fact, this system has worked for decades, for decades. This system of collecting or choosing Chairmen by secret ballot has worked for this institution for decades. Now, with the advent of term limits, we have seen partisanship come into this body at different times. I think we'd be naive to deny that's that happened. It has. I think that this is a perfect example. And I can tell you that I have been around, when I served previously, there was pressure on primarily Republicans, mostly because Democrats can't get that organized, primarily Republicans at their luncheons, at their meetings. We have had Republican leadership sit in the balcony and oversee elections of Chairmen. The reality is, these rules have worked in the past. Here's the thing, the thing that will contaminate this unique body is partisanship. Secret-- or open ballots, requiring people to disclose who they

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are choosing allows for a certain measure of partisanship to take the place of skill and talent. At different times I have had friends of mine who wanted to-- people that I was close to in this body wanted to run for Chairman. Right? They might be people who I knew through the campaign or who came in the same class. As you know, you might get to know and be close to some of those folks. Some people aren't well-suited to be Chairmen, right? They are not-- not everybody has got that skill set, not everybody is someone who should chair a committee. This process should be about who is the most qualified. And the likelihood of having the most qualified person serve as Chairman or be selected as Chairman happens in the secret ballot. It is more likely to become a partisan issue if the thing happens out in the open. I'll offer another way to look at this. You know who should be Chairman in these committees. You can tell who has the skill set. You can tell who does the work, who stays here late at night, who reads the bills, who brings people together, who draws up the amendments,--

FOLEY: One minute.

LATHROP: --and puts something on the floor that's worthy of our time. You don't need to get cross-wise with your friends and with your party because you chose the person who is more qualified versus the person who you have been encouraged or pressured to support because they happen to have the same letter after their name that you do at the election commissioner's office. The bills-- the rules represent our collective wisdom. Let's leave it the way it is. We haven't heard a compelling reason for changing it. In reality, the reasons that we have heard are talk of transparency, which is of course what people are going to say when they want to introduce partisanship to the Chairman races. With that, I would encourage you to oppose this proposed rule. Thank you.

FOLEY: Thank you, Senator Lathrop. Senator Halloran.

HALLORAN: Thank you, Mr. President. I appreciate everyone's comments on this issue. I'm standing in support of Senator Groene's rule proposal. I have heard a lot said today about tradition and how important it is and indeed it is important. But oftentimes traditions should be broken. From the advent of the founding of this country until the Civil War, the tradition was slavery. There were people that would stand and defend slavery because it was the tradition and

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it worked for them. And so I stand saying tradition is not always a valuable thing to defend. When I was raising my children, there was a lot of things, at least I hope there were a lot of things, I taught them. There were two things that stand out in my mind. One is, nothing good happens after midnight. The other one is, nothing good happens in secret. This whole idea that there would be more or less partisanship if it was an open vote versus a secret vote is at some level fallacious. Nothing grows in the dark very well except mushrooms. And mushrooms-- mushrooms-- mushroom farmers put manure on the mushrooms to help them grow in the dark. We have people out here watching us from the state of Nebraska, and God bless them, they have to be sitting at home saying, oh, my. They want to be secret about something? That's not why we elected them to go to the Unicameral to be secret. We want to know what's going on. Just for the record, I had no one, no one from the Republican Party influence me on voting for any Chair. I had no lobbyist influence me on who to vote for a Chair. I chose the Chair for each of the respected committees based upon my knowledge, however limited it might be in some cases, based upon my knowledge of who they were, the character they were, what kind of experiences they had had in their past. And no one told me how to vote. So what's the secret? There should be none in this state. I know it sounds bad to people and redundant to say we should be transparent. But Nebraskans expect us to be transparent. It's a form of honesty. It's a force of being straightforward, and that's what Nebraskans are. If you want to play games and have a secret ballot, that's your choice. I stand in support of Senator Groene's rule proposal.

FOLEY: Thank you, Senator Halloran. Senator Groene.

GROENE: Thank you, Mr. President. Some of the comments been made-- as to Senator Crawford, Chairman of the Rules Committee, this is part of the process. It was overlooked by many that this rule change was presented to the committee. So I brought it. If it would have been brought to the committee and rejected, I might not be standing here. This is part of the process in all bills, a senator being able to stand up and offer an amendment to what's on the floor. I followed the process. This debate is part of the process. When we finally vote on this-- I'm ready to vote, let's vote on it. Let's show the public what each senator stands on transparency. It's a public vote, follows our constitution, it's a question and it will be public. By the way, it's a question and it will be public, just like the vote on chairmanships is a question. Early on in the history of this body, Chairmen were selected by the Lieutenant Governor, the Speaker, and had--

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the most powerful committee was Committee on Committees. That is why in our statutes, Senator Crawford, if the Lieutenant Governor and the senator-- and the Governor leaves the state, she is third in command. I believe that's correct that she sits in the Governor's seat. Early on, the Committee on Committees was very powerful. They selected the Chairman secretly. That's fine, folks. That was fine. That was not a question on this floor. If we want to go back and do it right-- not do it right, but go back to the secret days, really secret, with the Committee on Committees selected Chairman, that would be constitutional. As far as Senator Bolz's comment about we all get along. I know for a fact, I don't even have to guess, that Senator Crawford and Senator Blood did not vote for me for Chair. Guess whose bills I brought the first day of hearings to our committee? They were good bills. They fit the description by the Speaker, a bill that should be on the floor without a priority and then we could vote on it. I held no animosity. I do hold animosity to those who tell me they will vote for me and then don't. This is not a partisan vote at all. This is not partisan at all. This is transparency. If you vote against me, I work harder to prove you wrong. I do not take revenge, as some do in their votes for Chairs. That is petty. It is beneath the office we hold. Let's vote on it. Let's vote on this. Let's get this over with, just take a vote. As far as the tradition, Senator Lathrop, the two-house system before the Norris amendment worked fine. It functioned just like 49 other states. But the people wanted change. As far as the old senators, I have met a lot of them. They were common people like I am. Nothing great about them, just common individuals who held this office. They knew no more than we do. I don't care if they were here 30 years, or 44. They know no more than we do, than what's right and wrong. Secrecy in government is wrong.

FOLEY: One minute.

GROENE: --is wrong. Let's vote on this. Let's put it on the record who's for transparency and who isn't. I know pretty well who didn't vote for me and voted for me. I treat you no differently in the committee. Just be up-front about it, just be honest about it. And as partisanship, what letter beside you-- we know that a block exists and it has exist for a lot of years and it's not the "Rs". If the "Rs" would have been a block, no Democrat would have ever held a chairmanship in this body over the last 30, 40, 50 years. It is not the "Rs" that vote party lines, partisan lines. Let's make that clear. Thank you. And let's take a vote on this and get it done. Thank you.

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FOLEY: Thank you, Senator Groene. Because today is the tenth day, we must get all the new bills read into the record so we need to pause the debate yet again so the clerk can get caught up with reading bills into the record. Mr. Clerk.

ASSISTANT CLERK: New bills, Mr. President: (Read LB649-LB705 by title for the first time.)

ASSISTANT CLERK: (Read LB706-LB720 by title for the first time.) That's all that I have at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. Seeing no other members wishing to speak to this proposal, Senator Groene, you're recognized to close on your proposed rules change.

GROENE: Thank you, Mr. President. I appreciate the debate. It's good for Nebraska, it's good for democracy. And it's an issue very dear to democracy, it's dear to its heart. It's transparency of their elected officials. I won't drag on. I got a sense where the vote will go. But this is part of transparency. The people in Nebraska need to know where their elected officials stand on it. Many will vote who never stood and told their position and they will vote one way or the other. But I think we have heard enough debate to have a vote. And I think this time I can have a call of the house and a recorded vote. Thank you.

FOLEY: Was that a roll call vote request, Senator Groene, or a machine vote?

GROENE: I want-- well, call of the house and a roll call vote-- A through W.

FOLEY: Thank you, Senator Groene. 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.

CLERK: 35 ayes, 0 nays to place the house under call.

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

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unauthorized personnel please leave the floor. The house is under call. Would all senators return to the Chamber and record your presence. The house is under call. Senator Howard, Senator Stinner, if you could please return to the Chamber and record your presence. Senator Groene, at this point we're lacking Senator Stinner. We can either proceed or wait, it's your call.

GROENE: I would like-- let's give him a couple of minutes.

FOLEY: I see that he's now present. All unexcused members are now present. The question before the body is the adoption of Senator Groene's proposed rules change. He has requested a roll call vote in regular order. Mr. Clerk.

CLERK: (Roll call vote taken.) 22 ayes, 25 nays on the rule change.

FOLEY: The proposed rules change is not adopted. I raise the call. Senator Crawford, there are no other pending rules or proposals. You're recognized to close on the adoption of permanent rules.

CRAWFORD: Thank you, colleagues. I appreciate the debate on our rule proposals and I appreciate your support for two of the proposals that came out of the Rules Committee, and our debate and discussion of the other proposed rules. And I would urge for your adoption of the permanent rules at this point. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. The question for the body, is the adoption of permanent rules. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 36 ayes, 9 nays on the adoption of permanent rules.

FOLEY: Permanent rules have been adopted. Speaker Scheer, you're recognized.

SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, as we have finished with the rules, tomorrow we will start at 10:00 rather than 9:00. The only thing that we will do other than a

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check-in, we do have three Revisor Bills that we will accomplish tomorrow. And then Friday, I believe, there were some bills that were brought out of committee yesterday and we will actually have some floor debate that will be available to us Friday morning. So just a heads-up as far as tomorrow. More of a check-in, but we will work on the three Revisor Bills, and Friday we will start on some legislation. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Mr. Clerk.

CLERK: Mr. President, new bills: (Read LB721-LB739 by title for the first time.) Mr. President, in addition to those items, a series of resolutions: LR4-- excuse me, LR13 offered by Senator Murman. It asks the Legislature to urge appropriate federal agencies of the United States responsible for food labeling to enforce standards. Pursuant to that introduction, the communication Speaker directing that LR13 be referred to standing committee for purposes of conducting a public hearing. LR14CA is a resolution by Senator Wayne asking-- or proposing an amendment to Article VIII, Section 12 of the Nebraska Constitution. LR15 is a resolution introduced by Senator Pansing Brooks. It asks the Executive Board of Legislative Council to appoint a special committee to be known as the Workforce Development Committee. Pursuant to its introduction, the Speaker has directed that LR15 be directed to Reference for purposes of referring to standing committee for purposes of conducting a public hearing. Mr. President, Banking Committee, chaired by Senator Williams, reports LB12, LB26, LB77 to General File, and LB49 to General file with amendments. Hearing notices from the Revenue Committee, Natural Resources Committee, and the Judiciary Committee, and the Government, Military and Veterans Affairs Committee. Mr. President, Reference Committee will meet upon adjournment in Room 1003. I have a motion from Senator Brewer to withdraw LB573; that will be laid over at this time.

Mr. President, Senator Briese would move to adjourn the body until Thursday morning at 10:00 a.m.

FOLEY: Members, you heard the motion to adjourn until 10:00 a.m. tomorrow morning. Those in favor say aye. Those opposed say nay. We are adjourned.