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Floor Debate
January 28, 2014

[LB96 LB144 LB150 LB272 LB278 LB382 LB513 LB514 LB588 LB597 LB681 LB687A
LB725A LB739 LB942 LB1085 LR425 LR426]

SENATOR COASH PRESIDING

SENATOR COASH: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the fourteenth day of the One Hundred Third Legislature, Second Session. Our chaplain for today is Pastor Chip Winter from Christ Lutheran Church in Norfolk, Nebraska, Senator Scheer's district. Please rise.

PASTOR WINTER: (Prayer offered.)

SENATOR COASH: Thank you, Pastor Winter. I call to order the fourteenth day of the One Hundred Third Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

SENATOR COASH: Thank you, Mr. Clerk. Any corrections for the Journal?

ASSISTANT CLERK: No corrections this morning.

SENATOR COASH: Thank you. Any messages, reports, or announcements?

ASSISTANT CLERK: Yes, Mr. President. Your Committee on Enrollment and Review reports LB272, LB514, LB597, LB513, LB278, LB588, and LB96 to Select File, some with E&R amendments. Your Committee on Revenue reports LB681 to General File. And I have a notice of committee hearing submitted by the Transportation and Telecommunications Committee. (Legislative Journal pages 373-379.) [LB272 LB514 LB597 LB513 LB278 LB588 LB96 LB681]

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

ASSISTANT CLERK: Mr. President, the first bill this morning is LB144 introduced by Senator Brasch. (Read title.) The bill was considered by the Legislature yesterday. There were no committee amendments pending but there was pending an amendment from Senator Davis. That would have been FA183. (Legislative Journal page 368.) [LB144]

SENATOR COASH: Thank you, Mr. Clerk. Senator Brasch, would you give us a brief recap of LB144? [LB144]

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SENATOR BRASCH: Thank you, Mr. President. And good morning, Mr. President, and good morning, colleagues. I want to thank you for the attention and the debate that we held yesterday, and there were questions asked at that point. To briefly recap, this is a constituent had come to me with a situation where, in a smaller community where there is a smaller pool of voters and candidates, that the tie of 53 to 53 was resolved by a flip of the coin. And in other small elections across the state, they also use drawing straws, pulling out cards out of a hat, also using the drawing of cards. This constituent, Mr. Richards, had said that what he found unfair and not right is that, despite all of the time, all of effort, his volunteers, the expense, that a chance, a chance gamble decided that he could not move forward. When he learned he could not move forward by becoming a write-in candidate, where someone else after the primary--this is only a part of the primary election--that after the primary someone could decide to file as a write-in candidate and move forward to the general election. Now he cannot be a part of the general election as the law stands. This has happened several times across the state as the tiebreaker is decided by chance. And yesterday several questions were asked on why just smaller elections, and questions were asked about when this legislation originated. And in doing quick research overnight, we look at the elections date back to 1879 in law with various statutes, an act, and we do have those for anyone who has questions on that. And then going into 1994, 1975, various statutes do quote and regulate how elections are held. What we're hoping to do at this point, through LB144, is address the communities that have had situations and that is only on elections that occur on county, city, village, or school district offices for the primary. This bill, LB144, will not apply to federal, statewide, legislative, Board of Regents, or State Board of Education races. Our overnight research, again, came with the fact that there are canvassing boards that Nebraska has that tabulate votes, that oversee each polling place, and there are boards that are county canvassing boards for local elections, which are the county, city, village, and school board offices, which this board (sic) addresses and which we had a public hearing for. This public hearing did not include input from the board of state canvassers, and state canvassers work with statewide and federal office elections for President, Senate, and House of Representatives, Public Service Commissioners, State Board of Education, UNL Board of Regents, the Legislature, board of governors for community colleges, Douglas-Sarpy Learning Community Coordinating Council, the NRDs, and public power districts. That's a separate board and I believe that this bill would not be a bill that without their input would be right to move forward on that. That's a different bill, perhaps, with different debate. The tiebreaker,... [LB144]

SENATOR COASH: One minute. [LB144]

SENATOR BRASCH: ...at this point, is done by law and it came about, you know, through, you know, many years. And I'm hoping that senators, if they have questions, will come to me one on one or address them on the floor. But I will not support any amendments to this and I ask for your support for LB144. Thank you. [LB144]

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SENATOR COASH: Thank you, Senator Brasch. Senator Davis, would you give us a brief update on FA183? [LB144]

SENATOR DAVIS: Thank you, Mr. President. The floor amendment that I introduced yesterday, FA183, essentially strikes part of the language in Senator Brasch's bill which specifically delegates elections, in certain specific elections, and just says that we're going to apply this to all the elections in this state. My concern, of course, was that we've got NRDs, community colleges, ESUs, and I could go on and on with a list of elections that are not going to be a part of this bill. So what we're doing is we're targeting a specific set of elections, setting aside another set of elections and saying these are going to be different rules. I think that if we are going to make some changes, whatever we do ought to apply to the entire state rather than just to the specific things that Senator Brasch has delegated out. I understand her concerns and her issues with it. I thought about it last night. I considered whether I should pull the amendment or not. But I think it's important that we try to be uniform, as representatives of the state of Nebraska, and not sort of set off some elements from the election laws and not others. Thank you. [LB144]

SENATOR COASH: Thank you, Senator Davis. Members, you've heard the reopening of LB144 and the pending amendment. Those wishing to speak: Senators Chambers, Burke Harr, and Brasch. Senator Chambers, you are recognized. [LB144]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I stated forthrightly yesterday that I view this as what I call a peewee bill when I first saw it. But as I listen to various of my colleagues speak, I saw that there was much more involved. And now I'm seeing it, and I touched on it yesterday, as a bill that relates to a principle governing the electoral system itself. Members of the Legislature, let me try to draw a word picture if I can. Let's say we have a dirigible. Let's say it's the Hindenburg. That was very, very large. Take that to be the emblem of the law as it stands now that we're dealing with. There were little bitty fins on the back of the dirigible. One of those fins is out of whack. Should we change the whole dirigible to fit that fin or should we just fix the fin? That's not the best example. Here's what I'm saying. We have a system right now that has been in place and people who are involved in elections understand it or can find it out. One person did not understand the law and we're being asked to change the entire law for that one person, and that person, for all I know, may not run again. So here's what we're looking at. As you proceed on this...let me back up. You all who spoke on this bill made me do some additional thinking last night and I've completed my thinking process and I'm 100 percent opposed to this bill now. I think it throws out of kilter an entire element of the election system in Nebraska. People who are aware of certain entities of government that ought to be included are now offering exceptions to what Senator Brasch is trying to do. Rather than build in all of these exceptions and creating a laundry list, let's leave the law alone. If this one person had not been unaware of the law, then

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Senator Brasch wouldn't be bringing this bill. Sometimes, and this is not just with reference to Senator Brasch, we have to learn how to say no. People come to us, I understand what you're saying, but I'm not going to bring a bill to try to change the whole system for you. That's what I see this bill is doing. And even if it is not precisely the way it should be characterized, it cannot be denied that a system is being changed. Nobody can say right now all of the ripple effects that will be in play if we change the law to do this. I don't blame Senator Davis for offering certain things, Senator Scheer, or anybody else. If we're going to boil this down to each senator who has a particular interest with reference to certain designated political subdivisions, each should be allowed to put his or her interests on the list. Rather than get into the laundry listing, I think this bill ought to be respectfully, but for me not sorrowfully, sent... [LB144]

SENATOR COASH: One minute. [LB144]

SENATOR CHAMBERS: ...to the great beyond, where bills that are well-intentioned ought to go. I do not think Senator Brasch has done anything wrong by bringing the bill, but I think we as a Legislature will be shirking and abdicating our responsibility to change the law because of one incident that took place and we have no idea what all of the ramifications of this will be. So I'm going to put a motion up there and bring it to a head. Thank you, Mr. President. [LB144]

SENATOR COASH: Thank you, Senator Chambers. Senator Brasch, you're recognized. [LB144]

SENATOR BRASCH: Thank you, Mr. President. And I wanted to thank my colleague, Senator Chambers, for his thoughtful and kind words. I do disagree when we say "because of one person." Because of one person who thought the world was not flat but round, we opened a whole new world. I want to encourage one person, one person out there listening today, one of our students who may be in a classroom, listening from a classroom, to know that one voice can be very powerful and one voice can change the perception of a flat world where ships fall off to a vast global world that we all enjoy and appreciate today. This is not one isolated incident. During our hearing, I produced many papers, many articles, many photocopies. And to save time this morning, because we do have constituents who are wanting us to move forward with other bills, I would be more than happy to recite many situations where this has occurred that are beyond the handout that you have before you that I passed out on Friday. There was a card draw that breaks a tie in Mitchell School Board election, you know, that is one that took place. I had mentioned the election for sheriff; that has taken place several times. We have incidents that you see on that list; it's a multitude where individuals did lose to a game of chance, to a draw of the card. And in a smaller community where you have a smaller voting base and a smaller pool of candidates, this could be encouragement for that individual, be it a Republican race, a Democrat race, entering Independents or whichever party moves forward, that it gives that person, in a tie, an equal tie, the same

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opportunity that a write-in candidate, one or more, to move forward with the race. And that is the simplicity of this. The complexity of this enters into these amendments, and the reason I bring that up is without the research in talking with the Secretary of State's Office and talking with those who serve on the canvassing boards, there are separate responsibilities, separate oversight procedures. The polling that we take place today is very, very watchful, thoughtful, deliberate, and the statutes we have in place do cover what procedures are, what the safeguards are, and we need to keep that in mind. And our local elections, we want local power, we encourage local power. We have school boards, we have county boards, and we want this to be a system that is as equitable and fair as possible. And when you have someone where half the population has closely examined and looked at their credentials, spoke with the candidates, and they are stopped at the primary election where someone unknown, without public input has the ability to file as a write-in candidate, can move forward to the election that has the greatest impact, the general election. I want to keep encouraging my constituents that I will listen. It's not always yes, but this is... [LB144]

SENATOR COASH: One minute. [LB144]

SENATOR BRASCH: ...something that NACO and others during public testimony, have e-mailed, have called, have testified, and have related to this same situation. I want to commend and encourage others like Mr. Richards who had the foresight to step up, contact their representative and ask if I can make this right, not just for him but for others. Again, colleagues, I do ask that you think about what the implications could be, unknown at this point, of moving this broadly. And I do ask for your support on LB144. Thank you. [LB144]

SENATOR COASH: Thank you, Senator Brasch. Mr. Clerk, you have a motion? [LB144]

ASSISTANT CLERK: Mr. President, I do have a priority motion. Senator Chambers would move to bracket the bill until April 17. [LB144]

SENATOR COASH: Senator Chambers, you are recognized to open on your motion. [LB144]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, in all due respect to Senator Brasch, I often have to be the villain, and I really don't mind. My job, as I perceive it, is to look after what I view and deem to be the interests of the public and also the Legislature as an institution. I don't think we enhance our image or properly and effectively carry out our role if we enact a bill such as this into law. Senator Brasch is completely correct when she makes, as a general statement, one person can make a difference. But there was a guy named Bacon, Francis Bacon, and he had Sir put in front of his name. And I think Sir was put in front of his name once they discovered bacon and they said bacon is so good that anybody with that name should be knighted.

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So they knighted him Sir Francis Bacon, and he didn't even know what bacon was at the time. But once he tasted it he said, now, bacon is hard on your heart, bad for your health, but I can't resist it. Now if I cannot resist bacon, which will kill me, how can I be mad at Adam and Eve for eating an apple when they didn't have a reason to resist in the way that I did? So if I cannot resist bacon, I'm going to forgive Adam and Eve. But by the way, people say an apple but it just said fruit from the forbidden tree. Nobody knows what that meant. That brings me back to what one person may say. This is not a situation where we're dealing with the world being deemed flat when in fact it's round. We're dealing with a world that is round. It is a globe, a three-dimensional object, not just a circle. This bill would flatten that globe into a disk and that is not the form our legislating should take. One person brought this to Senator Brasch and she thought it had enough merit to bring it to us. The committee advanced it. I didn't see a problem with it at first, but I began to think and think and meditate, analyze and evaluate, and I concluded that it's not the thing we ought to do. Nobody is harmed, nobody is harmed if we don't pass this bill. The system will be thrown out of whack if we do. Nobody can tell what far-reaching consequences there may be. The little boy who supposedly cried wolf several times when no wolf was coming, cried wolf again and the wolf was actually coming and nobody paid attention. So sometimes we can say a thing a certain way, but that doesn't mean that it is that way. Aesop wrote a fable, and I'm going to do a rhyme on it, about the fox who tried to get the grapes. He jumped and jumped and couldn't get them. He said, well, they're sour anyway, and loped on off. Then there was a raven who laughed at the fox. He said, you said they're sour just because you couldn't get them. Watch what I can do. Sunk his beak into that cluster of grapes and guess what? They were sour. They were sour. Sometimes a person gets it right without realizing it. Senator Karpisek voted no on this bill coming out of committee. He got it right, for whatever reason. My motion is to give us the opportunity to see whether we're going to put an end to this right now. This motion is not a kill motion. It's not a total rejection of the bill, but it has the effect of that by bracketing it until the last day of the session. There's no way that I will support it. And if this amendment is not adopted, I will actively fight in opposition. I think the integrity of our process is implicated in this bill, changing the whole law because one person did not understand the implications of losing an election, and because of that misperception and lack of knowledge he could not run as a write-in. That's obviously not something that ended his life. It didn't make his spouse divorce him; didn't make his children, if he had children, say, you embarrassed me in front of all the kids at school. Nobody even gave it a thought except the one person who was involved. Sometimes when people come to us, we have the obligation to explain why this is not an idea which is suitable for legislative action and I will not offer it. I do this probably more times than everybody in here put together. For some reason, people think all I have to do is offer a bill and it will be passed. They think all I have to do is pick up the telephone and call a newspaper and say, write a story. They even think I can contact 60 Minutes and tell them to come here and do a story. Now that could massage my ego, except that I know that it's preposterous. It's nonsense. So part of my job--not just because I'm a senator, even if I were not--is to explain to people why they are

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mistaken if I believe they're mistaken, and let them know that no matter how strong their conviction is about the rightness of what they're saying or doing, that will not be enough to draw me on their side and put me in a position of being foolish if what they're doing is foolish. If they insist on walking the plank and take a step beyond the end of the plank and wind up in the ocean and the sharks are circling, that's what that person chose to do. And if I have tried to notify that person before he or she met that ignominious end, I have no more responsibility in the matter. What I don't want to see the Legislature do is walk a plank of imprudence. That's what would happen if this bill were enacted into law. I hope you will give it thought. I hope you will vote for this motion and the bill will no longer be before us. Thank you, Mr. President. [LB144]

SENATOR COASH: Thank you, Senator Chambers. Members, you've heard the opening to the motion to bracket. Senator Murante, you're recognized. [LB144]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I rise in opposition to the bracket motion. I'm still in favor of LB144. I have quite a few concerns about FA183, questions I think need to be answered. I don't see Senator Davis on the floor right now. But what Senator Brasch brought before us is a fairly tempered proposal which takes a class of offices which are all covered under the county canvassing board and applies a rule to them--logical, it makes sense. FA183 applies it to any office in the entire state of Nebraska. This is not something that we've researched, but we know in the Government Committee that there are numerous federal laws which deal with how states can execute elections for the office of United States House of Representatives and the United States Senate. I have two bills, for example, the state...Senator Davis will have a bill later in the Government Committee which deals with who is allowed to vote in partisan primary elections. The state Legislature, in years past, has determined that partisan primary elections should...only members of a political party should vote in them, but Congress doesn't allow us to do that on federal races. The issue of appointments and when the appointees have to run for election is governed by federal law. I have absolutely no idea if what Senator Davis is proposing under FA183 is covered under any federal laws. And I suspect, if Senator Davis were here, he wouldn't have any idea either because nobody has ever researched the subject matter. And while we're talking about federal races, let's talk about races for President of the United States in primaries. If it ends in a tie, what tie? The entire race in all 50 states? Is that the tie we're talking about? Or is it the primary in the state of Nebraska that we're talking about? Of course, the Democratic Party has a caucus. Is that the tie we're talking about? None of this has been discussed, none of this has been researched, and none of these questions can be answered at the present time. FA183 may make perfect sense. I think the logic behind it is sound, but we have to be a lot more careful than this when we're talking about amending a law that applies to every office in the state of Nebraska. I can see yet this year an amendment like FA183 passing, but we need to be far more deliberative about this proposal. So I say let's put down the bracket motion, let's oppose FA183, and let's move on with LB144. And if we want to have research

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about whether to apply this idea, we think Senator Brasch's idea is so good we want to apply it to everybody, that's something we can certainly research. But we don't have to kill Senator Brasch's bill to get to that point. Thank you, Mr. President and members. [LB144]

SENATOR COASH: Thank you, Senator Murante. Senator Burke Harr, you're recognized. [LB144]

SENATOR HARR: Thank you, Mr. President. This is an interesting bill. I still don't know where I stand because Senator Brasch brings up some very good points. I want to clarify the record first of all, and I think Senator Brasch would agree with this. Senator, would you yield to a question? [LB144]

SENATOR COASH: Senator Brasch, will you yield? [LB144]

SENATOR BRASCH: I yield. [LB144]

SENATOR HARR: Okay. This does not apply to Independents, does it? [LB144]

SENATOR BRASCH: It would apply to a candidate and a tiebreaker. [LB144]

SENATOR HARR: In a primary. [LB144]

SENATOR BRASCH: In a primary, absolutely, in a primary, yes. [LB144]

SENATOR HARR: Okay. And are Independents, do they have primaries? [LB144]

SENATOR BRASCH: They do not. [LB144]

SENATOR HARR: Okay. So this wouldn't apply to Independents. [LB144]

SENATOR BRASCH: Correct. [LB144]

SENATOR HARR: Okay. I wanted to clarify the record. So this is for partisan races with Democrats and Republicans. I just wanted to make sure we were clear on that. Then I wanted to say, I like the theory underneath this, the policy of we want to encourage people to run for office. I think that's right. And what else do we want to do? We want to encourage people to vote. That's great. We're going to be looking at a bill here very shortly that probably discourages people from voting if there is a belief their vote doesn't count. So we want to encourage people to vote and we want to make sure that an individual who wins within a certain community or at least ties has the ability to move forward. I think that's a great idea. And so I like that part of the bill. I like Senator Davis' amendment. If we're going to do this, as I always like to say, what's good for the goose

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is good for the gander. I'm not sure if it really matters the size of the electoral pool. If the underlying...and I've listened to Senator Brasch and I believe her to be true to her cause and I believe her to be...believe what she says, is we don't want to have...we want to make sure that someone who ties has the chance to go on, because the people have spoken and it shouldn't come down to chance of one person voting or not voting or a flip of the coin. I agree with that. So I agree that it shouldn't come down to a flip of the coin. Excuse me. So the chances are more likely in a small race, but there's still a chance. And so I'm a little disappointed that she has not accepted FA183. I will have a conversation with her. Well, actually, Senator Brasch, would you yield to a question? [LB144]

SENATOR COASH: Senator Brasch. [LB144]

SENATOR BRASCH: I will yield. [LB144]

SENATOR HARR: Okay. Thank you. If the underlying logic is we want to make sure that if there's a tie, people get to vote, why is Senator Davis' amendment an unfriendly amendment to you and your bill and your belief? [LB144]

SENATOR BRASCH: And I do understand that and I tried to explain it earlier in the sense that there are...and I have a listing, we have two separate canvassing boards that oversee two separate types of elections. What he is addressing falls under state canvassing board and what I am addressing falls under county canvassing board. My hearing was held in 2012 and the Secretary of State was made aware of this. We talked with the counties, election commissioner. You know, we did a lot of work before introducing this bill, and it was one that was in "agreement" and without complications on the county level, the county elections, county, city, village, and school board offices. The board of state canvassers, different board, they are who overlook the NRDs, public power districts, and the entities that Senator Davis is directing towards. To change that on the floor during... [LB144]

SENATOR COASH: One minute. [LB144]

SENATOR BRASCH: ...General File may create unforeseen legal problems, as Senator Murante indicated. They have not had an opportunity to give me feedback on that. [LB144]

SENATOR HARR: Okay. Thank you very much. Well, I guess then I might have to go for the bracket motion, because here's the problem. What's good for the goose is good for the gander. We've got to do our homework, folks. We've got to do our homework. If we're going to bring a bill to the floor, we've got to have it ready and we have to be prepared. It's very obvious, if my logic underlying a bill is I want to make sure we have fair elections and we allow people to write in when there's a tie, you have to anticipate

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that we're going to say, why not have it apply across the board. That's not an unintended consequence and that's very foreseeable. And if we're going to do that, we have to have conversations. And maybe we bracket it, and if it's a great bill we'll bring it back again next year and it can see the light of day and we can make that change at that time. I do agree, I wholeheartedly agree... [LB144]

SENATOR COASH: Time, Senator. [LB144]

SENATOR HARR: Thank you. [LB144]

SENATOR COASH: Thank you, Senator Harr. Senator Carlson, you're recognized. [LB144]

SENATOR CARLSON: Thank you, Mr. President and members of the Legislature. And I understand why Senator Brasch has brought this bill. And I was thinking, if I'd had a constituent or constituents talk to me about this, would I have been willing to bring such a bill, and I think I would have. But I do have...I have something that makes me a little bit uneasy and I'd like to address Senator Brasch, if she would yield. [LB144]

SENATOR COASH: Senator Brasch. [LB144]

SENATOR BRASCH: I yield. [LB144]

SENATOR CARLSON: Senator Brasch, you've got...I appreciate the sheet that you gave us because there are a lot of instances of this kind of thing occurring. Would you take that sheet and let's look at the very top one on there, which was the Mitchell School Board in 2010. [LB144]

SENATOR BRASCH: Yes. [LB144]

SENATOR CARLSON: And the vote was 459 to 459. [LB144]

SENATOR BRASCH: Yes. [LB144]

SENATOR CARLSON: So under present law, there was a card draw and there was a winner and a loser. Now let me ask this. When we have that many votes, 459 to 459, and if you look at the order, because I don't want to name names here,... [LB144]

SENATOR BRASCH: Uh-huh. [LB144]

SENATOR CARLSON: ...but what would have happened had the vote been 459 to 458? [LB144]

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SENATOR BRASCH: There would be no need for a tiebreaker. It is not a tie. [LB144]

SENATOR CARLSON: That's right. And there would have been a winner and the loser, even with that many votes and that close, would not have had the prerogative of a write-in on the general election, would they? [LB144]

SENATOR BRASCH: That's correct. [LB144]

SENATOR CARLSON: And you would have been okay with that. [LB144]

SENATOR BRASCH: That's correct. [LB144]

SENATOR CARLSON: Okay, and I would have too. But in actuality, I don't know what the difference is between 459 and 458. Because you're in a community and let's suppose that the one that got 458 votes, it was their spouse who was home with the flu that day and was unable to vote. So the principle of having election results that are so close I think muddies it a little bit for me. And I don't particularly like the card draw or the coin flip, but historically that's the way we've done things. And in most cases, the loser of that accepted the results even though they would have been very, very painful. Now I'm talking and not asking you, but what's the difference between the tie and the vote being 459 to 458 in terms of a really split vote on this particular office? [LB144]

SENATOR BRASCH: I thought you said you're not asking me. You look like you're...are you asking me to yield? [LB144]

SENATOR CARLSON: Oh,... [LB144]

SENATOR BRASCH: Or we're continuing our...? [LB144]

SENATOR CARLSON: ...I thought I did. [LB144]

SENATOR BRASCH: Okay. [LB144]

SENATOR CARLSON: We're continuing. [LB144]

SENATOR BRASCH: I thought...all right. [LB144]

SENATOR CARLSON: Okay. [LB144]

SENATOR BRASCH: We are talking about a tie, and the tiebreaker methodology plus...and plus is not being able to become a write-in. That is what we are addressing. And we're not questioning the...at this time, except for your question, that one vote. One vote does count, just like one constituent does count. And what was expressed not by

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this one constituent but the whole community, a small town, news travels fast: Do you know that a write-in can just wake up that next morning and put his name in where good old, in this case, Paul, who served his country, who got the courage to step forward, who is the biggest volunteer in the community now has to sit and, in his seat of the...his tractor, of his semi or his combine or whatever it may be, and watch the race go on without him because of a flip of a coin? One vote counts. [LB144]

SENATOR COASH: One minute. [LB144]

SENATOR BRASCH: One constituent counts. [LB144]

SENATOR CARLSON: All right. Thank you, Senator Brasch. And that still doesn't really answer, in my mind. I understand the process and this would be a new process. It would enable the campaign to go on. However, if the vote had been 459 to 458, the 458 individual is done, the 459 has won the election and doesn't have to face that same person through the general election. But it's when it's a tie, I don't see any difference between 459 and 458. You do, and I understand what you would be saying. But we're causing somebody who actually won the election by our rules to continue to face opposition in the general election, and that bothers me. And another thing it sets up is the potential... [LB144]

SENATOR COASH: Time, Senators. [LB144]

SENATOR CARLSON: Thank you. [LB144]

SENATOR COASH: Thank you, Senator Carlson. Senator Brasch, you're recognized. [LB144]

SENATOR BRASCH: Thank you, Mr. President. And thank you to all my colleagues this morning on your attention to this matter. And I also thank Senator Chambers, but I do oppose the motion to bracket here. The reason I do oppose is that we are looking at two things. We're looking at specifically the method of the tiebreaker and not being able to move forward. I imagine if we take this bracket to a vote and there's a tie vote, our rules will allow the Speaker, someone to come in and break the tie. I don't believe Senator Chambers and I will participate in drawing a card or drawing straws or flipping of a coin. Unless he would like to do so, then, you know, we could visit off the floor about this, but I imagine he would not as I would not. Back to the principle here is we are looking at making a change. Perhaps the change will become broad. It should have a public hearing. We should at that point look at runoff elections. Those are expensive. Our counties and our villages, they are...and our cities are cash strapped. We're looking at ways to grow our population in our rural communities. We're looking at ways to encourage repopulation and economic development and growth, and not by having them look at our system, scratch their head, and say a coin flip and now I can't write in.

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That seems wrong. And to that whole community of Decatur, half the community, the other half were happy with the results, I'm confident, but we would like to improve. You know, every day is an opportunity to improve the system. Is it broken? We don't know. You know, this law has gone on for, you know, decades now. Can we improve on it? Perhaps. I think we need to look at ways to get more citizens willing to vote. Election turnouts are getting smaller and smaller. That is very discerning. That is very concerning as well. We need to encourage those to have faith in their Legislature, faith in those elections, and confidence that when they vote that they can have an opportunity to move forward should they, themselves, be a person who is affected by a tie and a tiebreaker. What we're looking to is to improve. I did have for the record, Senator Karpisek, he on the floor said if he could change his vote to present, nonvoting, many people have talked to him about this and he does see the value. He said that on floor, and that is so rare for our good Senator Karpisek to do so and I appreciate his thinking this through. I have also had on the floor on record longtime government professor of the university, Senator Avery. Our colleague was once Professor Avery who has studied this. He is chairing Government. He has seen many hearings. He sees the value in LB144 and also stood up. I know Senator Chambers sees value in this and I know he has looked at the bill, but at this point has decided not to bracket because of one man, one vote, one voice. And that's where I believe we can empower an individual. And knowing that... [LB144]

SENATOR COASH: One minute. [LB144]

SENATOR BRASCH: ...they can bring a bill, regardless of their occupation, regardless of their position, you know, in life and their financial status, but they should have that obligation, that duty, and that insight to step up and have their representative also speak for them. I do thank you, colleagues. I would wish everyone would vote no on the bracket. And thank you. [LB144]

SENATOR COASH: Thank you, Senator Brasch. Senator Lautenbaugh, you're recognized. [LB144]

SENATOR LAUTENBAUGH: Thank you, Mr. President and members of the body. And I do rise in opposition to the motion to bracket and in opposition to the underlying floor amendment as well, unfortunately. And there was a question earlier as to whether or not these just applied to partisan offices and partisan races, and by its terms that's not the case. We're talking about again a candidate for a county, city, village, or school district office. The county offices would probably be partisan. We're talking supervisors or commissioners, clerks, treasurers, assessors, that kind of thing. But when you get down to city, village, or school district office, those are generally nonpartisan. So we're talking about those primaries and non...or those primaries, partisan and nonpartisan, depending on whether or not we're talking about the city, village, or school district ones, or the countywide offices. And all this bill does is says that if one of those primaries is

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settled by a coin toss or otherwise, because it was a tie, you can write in, be a write-in candidate in the general. That's it. You're not otherwise excluded from being a candidate in the general as other unsuccessful candidates are. And for the life of me, Senator Harr, I don't understand your comments about how this bill isn't ready or we didn't consider all options or Senator Brasch had not considered all options. We're familiar with the bill that we put out of committee and it goes as far as it goes. And that dovetails with the reason why, unfortunately, I have to oppose the floor amendment at this point because it does bring in other offices and we do treat other offices differently throughout the statute. And to say on the fly, well, why don't we add NRDs or why doesn't this cover Congressional races or whatever it is we're talking about, well, those offices are different and we didn't have a hearing on changing the method for those offices. Now admittedly, this is just a tweak as far as what happens if you are otherwise excluded from running as a write-in candidate, but that's not what we contemplated in that there was no committee amendment to that effect, there was no testimony to that effect, the original bill wasn't drafted to that effect. So I think it's entirely reasonable for Senator Brasch to stand here and say we did not contemplate the effect of that. And that doesn't mean that the committee or the introducer didn't do the proper legwork or prep work to get this bill ready. The bill does what it does by its very clear terms, and it is a very simple bill. And I don't...I understand, I should say, the point of the floor amendment, but I think we need to tread lightly. I'm not going to use the phraseology that I gave Senator Avery a hard time for yesterday, we should just pass it and see how it works, because that sounds much too much like we need to pass it to see what's in it. And I don't want to do that and I don't want to say that. That's an unfortunate...an unfortunate history comes with that phrase. But we don't have to pass this to see what's in it because it's a very simple bill on its face, as not amended by the committee. It simply states, for the offices listed, county offices, again, county offices, city, village, and school offices, if you were an unsuccessful candidate because you tied and it was decided by a coin toss or otherwise by chance, you can be a write-in. Otherwise, you can't be if you're an unsuccessful primary candidate. That's it. That's all it does. And the amendment isn't brought with malice and the amendment might be great on its face. [LB144]

SENATOR COASH: One minute. [LB144]

SENATOR LAUTENBAUGH: Thank you, Mr. President. But I'm not comfortable doing it on the fly. The bill we considered is the bill we considered, and I worry when we look at the additional offices we're bringing in, and I think we're making a simple thing more difficult, again, not with malice or not with any sort of ill intent, but it's a problem. So I think Senator Brasch has done a good job and brought a good concept forward, and it's just a policy decision, not the most serious one we'll make, but it's certainly a policy decision that we are empowered to make. I would urge you to vote against the bracket motion and the underlying floor amendment, and support the underlying bill. Thank you, Mr. President. [LB144]

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SENATOR COASH: Thank you, Senator Lautenbaugh. Those still in the queue to speak: Senators Scheer, Murante, Chambers, Bloomfield, and others. Senator Scheer, you're recognized. [LB144]

SENATOR SCHEER: Thank you, Mr. President. I'll be somewhat brief. First, I rise in opposition to the bracket. I think the bill is a legitimate bill. I think it does a good job in as far as it reaches. I am supportive of FA183 because I do believe it does a better job, it improves the bill that is on the floor. For us to assume that we can't add the other offices in this bill I think is somewhat underscoring the lack of initiative of this body sometimes to undertake what we know needs to be undertaken. If there is a problem that exists in other races, I see no reason why we would not try to address that all in one legislative bill, regardless if it's from an amendment standpoint or if it's from its original concept. You know, yes, there are county canvasses, but there are a lot of races that are more than just simply a county race or a local race. I'm specifically from Norfolk. Our school district, when we have an election, has votes that have to be tabulated in Pierce County, Wayne County, Stanton County, and Madison County. Now I would venture to say that there are NRDs or community colleges that those districts would not even span two counties or three counties. Some of them may span 10-12 counties. But we know the problem exists. So although I do not support the bracket, I do support FA183 because I do believe that it improves the bill. I don't want to turn my back when I know that a tie is a tie. If we are going to change it for some, we should change it for all. It makes no logic, no sense to know that the same problem exists in multiple races, and unilaterally select half or a third or 80 percent of those races and try to address it legislatively via statute and not try to incorporate the rest of those. I think we're not doing our job if we walk away from that. I don't want to have to look somebody in the face eight, ten, two years from now that is in one of those other type of races that may very well end up in a tie and say, how come you didn't stick up for us. Well, we should. We're Nebraska senators. We should stick up for the state of Nebraska, not a county, not a school district, not a county office, not a city office, any Nebraska office. Thank you, Mr. President. [LB144]

SENATOR COASH: Thank you, Senator Scheer. Senator Murante, you're recognized. [LB144]

SENATOR MURANTE: Thank you, Mr. President, members. Good morning once again. I thought I'd take just a few minutes to respond to some of the comments that were made. I think Senator Carlson offered a few very thoughtful comments and he asked, what's the question? A person gets...a person ties a primary; a person loses by a primary by one vote. What's fundamentally the difference? And I would say to Senator Carlson, in one instance, a person lost a primary election because more people went to the polls and voted for the other candidate. In the other instance, a person lost a primary election because they picked a card out of a deck that had a lower number than

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their opponent did. And whether the candidate receiving fewer votes lost by 1 vote or lost by 100,000 votes, the principle remains the same: More people voted for the other person. And so we're not really comparing apples to apples. Senator Lautenbaugh covered the nonpartisan issue. This bill does apply to nonpartisans. There's no doubt about that. And LB144 is ready for prime time; FA183 may not be. It may be appropriate, if FA183 gets adopted, to recommit this to the Government Committee and have public hearing on the subject matter because it is...it does cover what was not previously considered or contemplated by the committee. But LB144, there are two types of canvassing boards in the state. There are county canvassing boards and there's the state canvassing board. Senator Brasch simply is dealing with the political subdivisions which fall under the county canvassing board, and that is why her proposal makes so much sense. It's been contemplated and I don't see any drawbacks. And it's been brought up that what's good for the goose is good for the gander. If it's a race for Governor, what's the difference if it's a race for an SID board? The problem with that is our Election Act is riddled with inconsistencies because races for Governor are fundamentally different from races for SIDs: terms, qualifications, vacancy provisions, how many signatures it takes to get on the ballot. We don't say there's one amount of signatures that it takes to run for Governor and the same amount of signatures that it takes to run to be on the NRD board, because the races aren't anything like each other. So there are numerous instances in the Election Act where we treat different offices in different ways, because the offices are fundamentally different. It makes sense to do that. But what I really don't understand about FA183 is the urgency. There is not going to be a primary election between General and Select File, folks. I don't understand the need to do this right now. There are no elections upcoming that we need to get...either LB144 is going to pass or it's not. But by the time we get to Final Reading, we are going to fully contemplate and research the contents of FA183 and figure out whether it's workable. But as I brought up in my previous comments, I haven't heard anyone argue any of them. What about federal law? Have we bothered to research it? I've taken a little bit of time on my computer here or my gadget, whatever we're calling it, but I can't find anything on the subject. I think we ought to have a little bit more deliberation than just me spending 30 minutes researching what NCSL has on their election law page. And there's no harm in waiting and researching. I guarantee you committee counsel, who's sitting under the balcony right now, could figure this out if we give her a week. [LB144]

SENATOR COASH: One minute. [LB144]

SENATOR MURANTE: So that's where we're at. I do not support the bracket motion. LB144 is fine as it is. FA183 may make some good sense, but I do want to bring up also that we're not just dealing with Republicans, Democrats, and Independents here. We have third parties in the state that come and go. Libertarians are currently on the ballot who have a substantially fewer number of registered voters. And this bill will apply to them as well in races all the way up now, if FA183 is adopted, to include the race for President of the United States. And in those races, you are talking about dozens of

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votes where the odds of ties are fairly likely. And I don't think we've spent any time contemplating what happens if a Libertarian candidate...if two Libertarian candidates for President get the exact same number of votes and what that means for the general election ballot and for the candidates who tie. I don't even think that our... [LB144]

SENATOR COASH: Time, Senator. [LB144]

SENATOR MURANTE: ...tiebreaker scenarios contemplate that. But thank you, Mr. President. [LB144]

SENATOR COASH: Thank you, Senator. Senator Chambers, you're recognized. [LB144]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I don't think I'm the only one with Teflon brain cells from which things slide off. And I don't think, when it comes to Teflon-coated brain cells, age is necessarily a qualification. I listen to my young friend who sits behind me. He said the time he spoke before, that was less than a half-hour ago, maybe less than 15 minutes ago, that you have to proceed with caution, that there are things that may not be like they need to be, and they need to be worked out. He just said, the last time he spoke, everything is fine with LB144. That's what he said. And again, I invite him to get the transcript. And he's saying the issues that he's raising, or he's implying this, need not be reserved now...resolved now. He acknowledges additional research is called for. But don't do it now. Move a bill that requires the research, which has issues that have been raised, but don't worry about them. Send it forward. And he did not say that the legislators should assume our responsibilities and come to conclusions, but that counsel, if given time, will resolve these issues. Members of the Legislature, that is not the way we ought to legislate. It's sloppy, it's slapdash, and I think now things such as personalities are entering into what we're dealing with on this bill. I cannot understand a former election commissioner saying that we should change all of this law for one person who did not understand the implications of losing an election, then trying to run as a write-in. There are any number of issues...I should be grammatically correct. There is any number of issues, no matter how scatterbrained, which could be brought in the form of a piece of legislation. And if a hearing date were publicized, there would be people coming to speak for that proposition. One was an item called Agenda 21 of the United Nations. And because people came from other places around the state, didn't even know what it was but they were fearful of big government and the United Nations taking over, speaking in favor of something they did not even understand and could not articulate what it was at the committee hearing. Even those who are members of the Legislature could not articulate what they were saying the Legislature should support. So when people can stand on this floor and a bill is before us and those who support it can acknowledge and admit the problematic nature of the bill and the problems that are inherent in the bill the way it's drafted and, nevertheless, say pass it on and some time, someday everything is

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going to be worked out all right... [LB144]

SENATOR COASH: One minute. [LB144]

SENATOR CHAMBERS: I'd like to ask Senator Murante a question. [LB144]

SENATOR COASH: Senator Murante, will you yield? [LB144]

SENATOR MURANTE: I would love to. [LB144]

SENATOR CHAMBERS: Senator Murante, are you working on any amendments to address some of the issues you raised, or do you think that the bill need not be amended in any fashion? [LB144]

SENATOR MURANTE: The issues that I raised dealt with the amendment that we haven't adopted yet. So if we adopt FA183, then I think...well, quite frankly, I don't know if amendments to FA183 are necessary because... [LB144]

SENATOR CHAMBERS: Well, let's forget that before my time runs out. If that amendment is not adopted, do you feel that LB144, in the form it's in right now, needs no additional amending? [LB144]

SENATOR MURANTE: Amendments aren't necessary, no. [LB144]

SENATOR CHAMBERS: Do you think the bill can be improved by way of amending? Could it be made more precise and exact, or you haven't looked at it that deeply yet? [LB144]

SENATOR MURANTE: I don't know how you can make it more precise. The question that I think Senator Davis is offering and I think it's a good one... [LB144]

SENATOR COASH: Time, Senators. [LB144]

SENATOR MURANTE: Thank you. [LB144]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Murante. [LB144]

SENATOR COASH: Thank you, Senators. Senator Bloomfield, you're recognized. [LB144]

SENATOR BLOOMFIELD: Thank you, Mr. President. Colleagues, I have to rise in opposition to the bracket motion and also, as I stated yesterday, to the floor

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amendment. LB144, as introduced, pertains to a very localized area where people very well may know one another and can logically decide whether or not they want to write somebody in that may have run already. But I don't think we want to bracket this now. I think we've had enough debate on it that we need to get down to a vote on it. I think if we put the floor amendment on, it then opens up basically a whole new can of worms. And at that point, I would probably have to support a bracket amendment. But LB144, as introduced and as amended in committee, is not a bad bill. I think it needs to go forward. And if Senator Murante could use a little time, I would yield the remainder of mine to him. [LB144]

SENATOR GLOOR PRESIDING

SENATOR GLOOR: Three minutes forty-five seconds, Senator Murante. [LB144]

SENATOR MURANTE: Thank you, Mr. President. I've heard my name pronounced I think four different ways this morning, so that's been quite the experience. (Laugh) I will say regarding the issue of personalities, I can't speak to anyone else's motivation. Senator Scheer and Senator Davis are both friends of mine. I don't have any sort of personal grudge against them, this is my ongoing feud with Senator Davis' legislative district to prevent write-in votes for higher offices than we're currently contemplating. I think we just have a little bit of a disagreement as to the proper process to go about doing what he's wishing to do. And I'd go a step further. I have a bill in the Government Committee right now which deals with numerous provisions of the Election Act. And if Senator Davis would like to consider this proposal as part of my bill, I would be happy to talk with him about that and we could certainly go through the hearing process that way, if that's something that he would be willing to do. But I do think, in response to Senator Chambers, I don't think I articulated myself sufficiently because we do have two different situations and they are with this bill right now and they do need to be treated somewhat differently. I believe that LB144 right now is a bill that is fine, doesn't have any technical glitches in it, there's no problems. We could pass it. It could be implemented and it's...that's a public policy decision for the state of Nebraska. We've got our minds wrapped around it. We've had a hearing on it. We've studied it. I have yet to find any downside to it. What I had said about delaying talk on this bill until Select File pertained to the contents of FA183, which are not subjects which have been studied by the Government Committee and we don't know if there are unintended consequences with them. As I mentioned, FA183 applies the contents of the bill to far more offices than we considered. I still don't know how this will apply to races for President or for other federal offices, and that's what I think needs to be studied. And I'm not deferring to legal counsel to make the decision for us. However, I prefer going to people who have years of expertise in a field of law to ask, to get their opinion on it before we come to a conclusion on it. [LB144]

SENATOR GLOOR: One minute. [LB144]

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SENATOR MURANTE: That's how I go about making my decision process. So while the legal counsel won't make the decision, she will certainly provide us more information so that we can make an informed decision. That's the process I'd like to see if FA183 is the will of the body, if that's a process that we want to go down. As I've said before repeatedly, I don't have principle problems with FA183, but I think we need to be cautious before we adopt it to a bill and send it to Select File, because it has not had the thorough vetting that LB144 has had. And that was my point, Senator Chambers. I hope that's clear enough at this point. I hope I was able to articulate that. So thank you, Mr. President and members. [LB144]

SENATOR GLOOR: Thank you, Senator Murante and Senator Bloomfield. Senator Brasch, you are next in the queue. [LB144]

SENATOR BRASCH: Thank you, Mr. President and colleagues. I do want you to realize that the impact here, the overall impact here is what are we saying to these small communities, like Decatur, 481 or so people; Bancroft is no different. We have a lot of "Decaturs" and "Bancrofts" in communities across the state with the smaller pool of candidates, the smaller elections where, when they go to the polls and something like this occurs, they scratch their heads, they wonder, they get mad on why did I even vote, why did I even run. This coin flip tiebreaker and inability to choose to be given that option to move forward seems wrong. It seems like that we're defying common sense. The option here is interesting because the alternative to this bill is in the primary, maybe people are going to think, why should I even run in the primary? I might lose the primary. I won't go to the primary. I'm just going to file as a write-in. I won't have to, you know, spend time and effort. And maybe you spend the time and effort and you get that community lined up behind you and then you're in a write-in. You're in a perfect position there. Are we trying to discourage candidates from entering into the primary election and just going forward as a write-in into the general election? I hope not. And the point we made earlier about the canvassing boards, the statutes were written making two separate canvassing boards. I believe there was a purpose and an intent, and statutes were written. And to this point we're not even challenging the canvassing boards, but they have a separation of powers. We have a separation of powers within our state: the executive branch, the legislative branch, the judicial branch. Our government was formed very, very carefully that we could have close areas of study and authority, delegation of powers, and separation of duties. There are clear duties for the county canvassing boards for local elections. This is what LB144 wants to do is look at a way to encourage moving into a primary and moving forward. The board of state canvassers, which canvassing is done statewide and for federal offices, they have an entirely different list of oversight, of inspections, of clarity, and that is something that perhaps we need to look at the canvassing boards and see if there is a possibility or a potential that this could become what Senator Davis, my good colleague, would like to see in FA183. And as Senator Murante said, I don't think we'll have a primary between now and...or

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have a...and the end of session. I do truly respect what Senator Chambers has said here and I appreciate, but I do not want to bracket this bill. I would like to restore the confidence in our communities and maybe grow those communities from 481 to 482 or 500 people, because those people have the courage and the insight to know that my town may be small but my power is no different... [LB144]

SENATOR GLOOR: One minute. [LB144]

SENATOR BRASCH: ...than someone who lives in Douglas County, Lancaster County, or across the state. I'm asking you to not support the bracket and to please reconsider the impact that FA183 would do to this local election bill by taking it into a statewide bill at this point. And I ask for your support on LB144. Thank you, colleagues. [LB144]

SENATOR GLOOR: Thank you, Senator Brasch. Senator Christensen, you're recognized. Senator Chambers, you're recognized. [LB144]

SENATOR CHAMBERS: Mr. President, members of the Legislature, some things I want to underline as I speak. Not once have I said adopt this bracket motion so we can move on to something else. That's not it. I stated that I want to bring it to a head. This bracket motion is the methodology I chose to use. I did not offer a kill motion. Amendments can and, I'm sure, will be offered if we continue the discussion. All of those discussions bear out the validity of what I have tried to make clear. When you are changing an entire system for one person who did not understand the law as it existed, it is not a good way to legislate. In law school there's a maxim or slogan or saying, hard cases make bad law, primarily because it might be a one in the lifetime situation with a peculiar or unique set of circumstances which will not arise again. Let the law stay the way that it is. If there should be a tie vote in Douglas County, flip a coin. If there should be a tie vote in one of the district elections for city council in Omaha, flip a coin. This is done by other states. It's done in Iowa. One was done not too long ago. I'm not aware of all of those that occur. But there's no need to change the entire law. If no tie votes occur in any NRD election, there will be no coin flip. If there is no tie in Douglas County, there is none. If there is no tie vote in the smallest hamlet, whatever you may call it, where an election is undertaken, if there is no tie vote there will be no coin toss, no coin flip. People who are running for offices should have an idea of how the elections are conducted, and I doubt that there's a soul in this state who is interested in running for an office who will say, I'm not going to run because if it ends in a tie the winner will be selected by a flip of the coin. That's not in anybody's mind. And as you listen to the discussion here, there are a lot of things being attributed to people out there in the public who know nothing about what we're talking about. Those things and ideas are being attributed to them as though these are matters which they contemplate and think about and make decisions based upon the results of their thoughts. I had mentioned what I thought was foolish in that so-called Agenda 21 of the United Nations that people were so upset about. It was called to my attention that if we look on that board and you

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see the number of the bill, LB144, if you add up those digits you get 1 plus 4 equals 5, plus 4 more equals 9. If you add up the numbers in this amendment, FA183, 1 plus 8 are 9, and 3 more make 12. [LB144]

SENATOR GLOOR: One minute. [LB144]

SENATOR CHAMBERS: Nine plus twelve equals what? Agenda 21 is on this floor. It's at play right now. This bill is carrying out that nefarious U.N. Agenda 21 under this guise of an innocent amendment to the election bills...law. I think you ought to have that in the record. Thank you, Mr. President. [LB144]

SENATOR GLOOR: Thank you, Senator Chambers. Are there other senators wishing to be recognized? Seeing none, Senator Chambers, you're recognized to close on your motion to bracket. [LB144]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I will not have heart...well, I don't have a heart so I'm using an expression. I will not have heartburn...if I had a heart, I wouldn't have heartburn over this bill. I don't think it amounts to a hill of beans. I just think it constitutes very poor legislating. So those who have amendments may have been frightened off; maybe everybody's tired and they will say, just run it on across the board. It won't be the first bad bill that has made its way through this Legislature. But when I become aware of them, I will fight them. Depending on how much harm I think they will do is what, in most cases, will determine how hard I will fight against them. This is one of those things where I think most of the senators are aware of the issue that is being discussed. Whether or not there has been a following of all the twists, turns, and meanderings is something that I don't want to hazard a guess on. But there does not seem to be a call for this bill. I started out thinking it was so innocuous that I had no opposition to it. Now, for the reasons I've stated, I think it would be bad policy for the Legislature to enact it. I'm going to take a vote on the motion and I don't really know what it will tell us. If there are 25 votes, it tells us that the bill should go away. If there are not 25 votes, it simply means that the discussion, such as it has been, will continue. To facilitate the activities, I will ask for a call of the house and that will terminate my close. Thank you, Mr. President. [LB144]

SENATOR GLOOR: Thank you, Senator Chambers. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk. [LB144]

ASSISTANT CLERK: 26 ayes, 0 nays to go under call, Mr. President. [LB144]

SENATOR GLOOR: 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

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under call. Senators McGill, Lathrop, Seiler, and Larson, please return to the Chamber. Senator Lathrop, please return to the Chamber and record your presence. Senator Chambers, all members are accounted for. How would you like to proceed? [LB144]

SENATOR CHAMBERS: Machine vote. [LB144]

SENATOR GLOOR: Thank you, Senator Chambers. Members, the question before us is the bracketing of LB144. Those in favor vote aye; those opposed vote nay. Have all voted who care to? Record, Mr. Clerk. [LB144]

ASSISTANT CLERK: 13 ayes, 20 nays on the motion to bracket the bill, Mr. President. [LB144]

SENATOR GLOOR: The motion does not carry. Raise the call. Members, we now return to debate on FA183. Senator Murante, you are next in the queue. [LB144]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. Would Senator Chambers yield to a question or two? [LB144]

SENATOR GLOOR: Senator Chambers, would you yield? [LB144]

SENATOR CHAMBERS: No. Yes. Yes, yes, yes. [LB144]

SENATOR MURANTE: (Laugh) That's the first time that's happened this year, I think, Senator Chambers. As I under...I think we have an idea on the vote count right now, anyway, at least on the proposition to suspend debate on the bill through the remainder of the year. As I understand your opposition, and correct me if I'm wrong, your concern is applying this bill to some offices and not applying it to all elected offices. Is that an accurate assertion? [LB144]

SENATOR CHAMBERS: I'm not trying to be evasive, but you're asking what my intent is. I think the law as it exists right now is adequate to deal with any situation that will arise and that one case that was brought to us was an aberration. [LB144]

SENATOR MURANTE: Okay. So I recall you saying, and I may have misinterpreted you--if I was, again, correct me if I'm wrong--but I recall you saying if FA183 were adopted you would be inclined to support LB144 or not be in opposition to LB144, wouldn't do everything on planet Earth to stop LB144 from being adopted. Did I...am I remembering that incorrectly? [LB144]

SENATOR CHAMBERS: You have me mixed up with somebody else. (Laugh) I don't like the bill in that...for the reasons that I gave. So whatever kind of amendments would be added, here's what I said about the amendments. There are going to be, apparently,

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various senators who will see specific entities that should be included in LB144. And those exceptions, if they were added to the bill, would show such, this is not the word I use, but such a Swiss cheese type of appearance that you may as well leave the law the way it is now. Too many exceptions would indicate to me that the bill being presented is not wise or even necessary. [LB144]

SENATOR MURANTE: Thank you, Senator Chambers. As I have heard from people concerned about LB144, with the possible exception of Senator Chambers, what I'm hearing mostly is that it doesn't go far enough, it doesn't apply to everyone. Senator Brasch would like to take us 10 yards down the field and others would like to take us 20, and we haven't really researched or contemplated that area between the 10 and the 20 to determine whether it's good public policy. But I also don't hear a lot of opposition from Senator Brasch, a sort of moral opposition, to going the distance, but just in the manner that we've done it so far. Would Senator Davis yield to a question? [LB144]

SENATOR GLOOR: Senator Davis, would you yield? [LB144]

SENATOR DAVIS: I will. [LB144]

SENATOR MURANTE: Senator Davis, as I've said numerous times, I think your floor amendment is a very logical one if it takes the concepts of LB144, if it's good for certain political subdivisions, apply it to the state. My concern has been whether we have researched it sufficiently to attach the amendment to the bill right now or whether we should research it. Would you be willing to sit down with me and legal counsel and the Secretary of State's Office before we take a vote on FA183 to determine whether there are any unintended consequences before we vote on it rather than researching it after the fact? [LB144]

SENATOR DAVIS: Senator Murante, I had put my light on to basically say this. [LB144]

SENATOR MURANTE: Um-hum. [LB144]

SENATOR DAVIS: I will pull my floor amendment, but I would ask the committee, and maybe myself, to sit down and evaluate some of these other things. And as I said to you earlier, over half the population lives in Lancaster and Douglas and in Sarpy Counties so, you know, this is...this particular aspect of the bill impacts... [LB144]

SENATOR GLOOR: One minute. [LB144]

SENATOR DAVIS: ...a large percentage of the population, Senator Brasch's bill. But we have a lot of small districts in the west which are ESUs and NRDs and community college districts, and so I think what's good for the goose is good for the gander. If we can get that done, I certainly would help you with that and would be glad to sit down

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with the committee and the Secretary of State and try to work out a compromise. Hopefully, Senator Brasch would be supportive of that. [LB144]

SENATOR MURANTE: Thank you, Senator Davis. I think that's a perfectly reasonable course of action, so I'll wait for your action on your floor amendment. But I think you can count on the Government Committee doing some research on this subject matter in the days to come. So I thank you for your willingness to work with us on that. Thank you, Senator Davis. [LB144]

SENATOR DAVIS: Thank...(recorder malfunction). [LB144]

SENATOR GLOOR: Thank you, Senator Murante and Senator Davis. Senator Burke Harr, you are recognized. [LB144]

SENATOR HARR: Thank you, Mr. President. Let me be clear what my issue is with this bill. And Senator Lautenbaugh wasn't quite sure so I want to be clear. I don't oppose the underlying logic of the bill. The underlying logic is we want to make sure that the voters are heard and when there is a tie we don't think necessarily a coin toss is the best resolution and we should allow for a write-in. I don't disagree with that logic necessarily. What I disagree with is the thought that I will apply it...it was very specifically applied to one area. Senator Brasch has said that. So there was thought to apply it to one area and thought not to apply it to another area, very conscious. So then when I asked why don't we apply it across the spectrum, the answer is, we didn't do our research, we didn't look over here, we don't know what the unintended consequences are. That doesn't quite make sense to me. We...because if you do the research, you know there is a difference, okay? Why is there a difference? Is there...why don't we include everyone? And the answer is, well, we made a decision just to do this. Well, why did you choose just to do this? Because we did. That underlying question hasn't been answered. Why did you choose to do this Swiss cheese approach and put the holes here, plug the holes over here, but not plug the holes over here? That's a question that hasn't been answered for me. Senator Davis says, if we're going to do this--and he seems to agree with the underlying logic of the bill--let's plug all the holes. Whoa, whoa, whoa, whoa, we don't know what that's going to do. Why don't you know what you're going to do? You know there's a difference. You've stated it on the floor there's a difference. To say that you couldn't anticipate this coming, you knew there was a difference. I don't know how many times I have to say that. So to me, this doesn't pass the smell test. There has to be an underlying reason. Or why wouldn't you do the full investigation either as the person introducing the bill, person talking to a constituent, staff talking to a constituent, or as a member of the committee? Why did you choose just this part? Is this a pilot program? Say it's a pilot program and that's fine. But this doesn't make sense. And I don't know why you'd be against this. And I don't know, maybe I'm...well, I won't go there. I'm not the smartest guy in the room, we all know that. I've proven that over and over again. But what I do want to know is, why did you choose...someone just tell me

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the underlying issue of why you chose one class of people to give this protection to and not another. And I hope it's not because of ignorance, that you didn't think about the other class of people, because you knew they existed. By your own admission you knew they admitted it...it existed. So I look forward to some answers on that. You know, you can do it now, we can do it between General and Select. I'm always a little fearful of that statement, "We're going to fix it on Select." Well, you know, the...I've heard that said a lot and I never know quite how sincere it is. I know other senators in the past have said, oh, I say that and I know there's never an amendment put on there. So we have the time, folks. Let's not pass something that isn't right. I don't want... [LB144]

SENATOR GLOOR: One minute. [LB144]

SENATOR HARR: Thank you. I don't want perfect to be the enemy of good, but to pass a bill that we know is deficient or possibly deficient because we don't...haven't done the work on it...you had overnight to do it. This amendment wasn't like it was introduced, you know, two hours ago. It was introduced yesterday. So tell me, what are the unintended consequences? Do the research, do the homework. If you want my vote, you've got to earn the vote. Thank you. [LB144]

SENATOR GLOOR: Thank you, Senator Harr. The Chair recognizes Senator Davis. [LB144]

SENATOR DAVIS: Thank you, Mr. President. We've had a lot of good discussion this morning. I think a lot of valid points have been made. I'm still not satisfied with the solution that we're working towards, but I think when we move on to committee and talk to Secretary of State and get all of those problems ironed out, we will have a bill that will work for everyone in the state. If that happens I will certainly support it. If it does not happen, I will oppose it on Select because I think Senator Harr made a very good point as to...as far as the Swiss cheese approach to this. You know, if we're fixing something, let's fix it for everybody. Let's not just set out a specific group of people and say, we're fixing it for them but these folks over here, they'll have to wait for somebody else to do that down the road. Otherwise, it just doesn't make sense to me to just do a half approach to something when the whole thing needs to be changed. So with that said, I'd like to withdraw my floor amendment. [LB144]

SENATOR GLOOR: Seeing no objection, so ordered. Mr. Clerk. [LB144]

ASSISTANT CLERK: Mr. President, I have nothing further on the bill at this time. [LB144]

SENATOR GLOOR: Thank you, Mr. Clerk. We now return to debate on LB144. Are there senators wishing to be recognized? Seeing none, Senator Brasch, you're recognized to close on the advancement of LB144. [LB144]

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SENATOR BRASCH: My closing will be brief. I do want to thank Senator Chambers and Senator Davis and Senator Harr and Senator Murante and Carlson and everyone that has added to the thoughtful debate on this. And I do ask for your support on LB144 and we will be looking into more information. If it is a good thing to broaden this, maybe what can be good can be great here. So I do ask for your support. Thank you. [LB144]

SENATOR GLOOR: Thank you, Senator Brasch. Members, the question before us is the advancement of LB144 to E&R Initial. Those in favor vote aye; those opposed vote nay. Have all voted who care to? Senator Brasch, for what purpose do you rise? [LB144]

SENATOR BRASCH: Call of the house, please, roll call vote, reverse order. [LB144]

SENATOR GLOOR: There has been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB144]

ASSISTANT CLERK: 33 ayes, 0 nays to go under call, Mr. President. [LB144]

SENATOR GLOOR: The house is under call. Senators, please record your presence. Those senators not in the Chamber, please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Lathrop, McGill, please return to the Chamber. Senator Brasch, if I heard you correctly, you requested a roll call vote, reverse order. Is that correct? [LB144]

SENATOR BRASCH: That is correct, Mr. President. [LB144]

SENATOR GLOOR: Members, the question is the advancement of LB144 to E&R Initial. Mr. Clerk, please call the roll, reverse order. [LB144]

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal pages 380-81.) Vote is 28 ayes, 6 nays, Mr. President. [LB144]

SENATOR GLOOR: The bill advances. Raise the call. Mr. Clerk, items for the record? [LB144]

ASSISTANT CLERK: Mr. President, committee reports. Your Committee on Revenue reports LB739 and...to General File, LB150 to General File with amendments. I have notice of committee hearing from Agriculture, Health and Human Services, Urban Affairs, Judiciary, and the Executive Board. Confirmation reports from Revenue Committee. New resolution, LR425, from Senator Avery relating to the anniversary of Troop 16. New A bills: (Read LB687A and LB725A by title for the first time.) And that's

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all that I have at this time, Mr. President. (Legislative Journal pages 381-386.) [LB739 LB150 LR425 LB687A LB725A]

SENATOR COASH PRESIDING

SENATOR COASH: Thank you, Mr. Clerk. We will proceed to the next item on the agenda.

ASSISTANT CLERK: Mr. President, the next bill is LB382 which was introduced by Senator Janssen. (Read title.) The bill was read for the first time on January 18 of last year. It was referred to the Government, Military and Veterans Affairs Committee. That committee placed the bill on General File with no committee amendments. [LB382]

SENATOR COASH: Thank you, Mr. Clerk. Senator Janssen, you're recognized to open on LB382. [LB382]

SENATOR JANSSEN: Thank you, Mr. President and members. And I'm pleased that we moved past the controversial bill that we just talked about to get to this innocuous bill that probably would have been a candidate for consent calendar otherwise. But I look forward to the ensuing debate. LB382 would award all of Nebraska's electoral votes to the presidential and vice presidential candidates who receive the highest number of votes in the state, reinstating what sometimes is referred to as the winner-take-all system. We would join 48 other states and the District of Columbia who now allocate their electoral college votes in a winner-take-all manner with the passage of LB382. When Nebraska changed from winner take all to our present system, there were claims that Nebraska would see an influx of presidential candidates and campaigns. Claims were also made that voter turnout would markedly increase. Those claims have not been realized in any great measure. Some would agree; some wouldn't. But what we have done--again, what some would agree with--is what we have done is diminish our clout in a national election by potentially going from the ability to guarantee five electoral votes to a scenario where Nebraska might offer only four, or even three, electoral votes to the candidate. District allocation of some electoral votes by its very nature increases the incentive for gerrymandering congressional districts and magnifies the effects of gerrymandering. Throughout the history of our country, various states have allocated their electoral votes by special presidential electoral districts, regional districts, counties, congressional districts, and combinations of the previously mentioned systems. States have gone back and forth over time, and I think it's telling that 48 states have now chosen a winner-take-all method for their electoral votes. I think it's healthy that we have that debate regularly. After the 2000 presidential election, more than half of the states considered changing the way they awarded electoral votes. In the past 13 years, more than two-thirds of the states have considered changing their allocation system. None has adopted our plan, the congressional district plan. Here's the bottom line: When we choose our Governor or a U.S. senator in Nebraska, we speak with one voice across

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the state. I think it's a valid argument that we have that the same standards should or could be applied to our choice for President. I'm hopeful this debate sticks to...I think there will be philosophical differences. The bill is fairly straightforward. If you're asking did I write it, no, Bill Drafters did, and basically I took out what Senator Schimek had put into the bill, I believe in the early '90s, when she had this particular bill passed. This removes that language. This is a very...should be a very simple debate. Either you're for the system as we have it as present, as us and Maine are the only other states that have it, or you're against it. I'm not sure if it'll go eight hours but, you know, I don't have much more to say than philosophically this is where I'm at. I think it's great that the Government Committee reported it out. I believe it was a 5-3 vote. So I'm under no illusion that this is going to be debated for one hour and we're going to vote on it, by any means. I've seen the amendments come forward. And I guess if I was opposed to this I'd be very happy to have Senator Chambers on my side to carry the day for me so I could go to my office and do other work while he maintains this, what I would expect to be a filibuster, on this bill. But I do believe it's a worthy debate that we have every now and again. I've got the history of the bill, how it's progressed from the late '80s up until recently. I believe Senator McCoy has carried this bill. If you went back, I think Senator Wehrbein, Senator Kristensen. Of course, Senator Schimek, in the opposite manner, has carried this bill and it passed very narrowly. It has passed through this Legislature before. It has been vetoed by Governors before. So a worthy debate and an easy debate because it's either you're for it or you're against it. And with that, I will close. Thank you. [LB382]

SENATOR COASH: Thank you, Senator Janssen. Members, you've heard the opening to LB382. Mr. Clerk. [LB382]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to amend with FA178. (Legislative Journal page 370.) [LB382]

SENATOR COASH: Senator Chambers, you are recognized to open on FA178. [LB382]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, as I've said on occasion, if there is a bill which I oppose, as I did ultimately Senator Brasch's bill, if it's not one of those that I find to be of any great consequence, I will not pull out the stops to attempt to defeat it. This is a piece of partisan...some people thought I was going to say something else but I don't use that kind of language. I'm like Clint Eastwood, a good, strong, but simpleminded "Repelican" sitting on a stage, talking to an empty chair. But then the imagery was perfect. That's the way "Repelicans" generally are--empty-headed. We're going to call this thing just what it is: strictly and purely partisan. I should lead the debate because I'm independent by registration and in every other way. But in order to get us off on the right foot, I'm going to read what the amendment would say so that it's in the record. On page 2, in line 3, strike the words "Each political party" and substitute "The Republican," and make it clear that this is a

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Republican Party effort. The current statute says, "Each political party shall hold a state postprimary convention biennially," and so forth. Because this is a "Repelican" piece of legislation, everything is going to swirl around the "Repelican" Party because that is the party behind this. I would like to ask Senator Janssen a question or two for the purpose...sake of the record. [LB382]

SENATOR COASH: Senator Janssen, will you yield? [LB382]

SENATOR JANSSEN: Yes. [LB382]

SENATOR CHAMBERS: Senator Janssen, are you a member of the Republican Party? [LB382]

SENATOR JANSSEN: I hope so. [LB382]

SENATOR CHAMBERS: Senator Janssen, are you a member of the Republican Party? [LB382]

SENATOR JANSSEN: Yes. [LB382]

SENATOR CHAMBERS: I hope so. After we get through, you may not be. Senator Janssen, are you currently a candidate for Governor as a member of the Republican Party? [LB382]

SENATOR JANSSEN: Announced, not filed yet. [LB382]

SENATOR CHAMBERS: Do you intend to? [LB382]

SENATOR JANSSEN: I do. [LB382]

SENATOR CHAMBERS: Senator Janssen, have you ever attended a Republican Party State Central Committee meeting? [LB382]

SENATOR JANSSEN: I have been there, yes. [LB382]

SENATOR CHAMBERS: Do you remember whether or not you attended one in the year 2011? [LB382]

SENATOR JANSSEN: Where was that at? We could have carpooled. I'm not certain if...I probably did. I go to most. [LB382]

SENATOR CHAMBERS: I want you to verify for me whether this resolution was presented to that...at that convention and if it was adopted, quote, whereas Nebraska is

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one of only two states that award electoral votes based on the presidential winner of congressional districts; whereas it is of the highest priority and interest to the Nebraska Republican Party and the citizens of Nebraska that the state return to a "winner-takes-all" electoral vote plan; whereas the Nebraska Republican Party supports legislation that returns the state to the "winner-takes-all" basis; and whereas the Nebraska Republican party believes that the "winner-takes-all" issue is a litmus test for those who would claim to be Republicans and seek the support of the Nebraska Republican Party, be it resolved that the Nebraska Republican Party will not support in any manner, financial or otherwise, any state senator who opposes the return of the state to the "winner-takes-all" electoral vote plan either by failing to vote for such in committee or on the floor of the Legislature. Senator Janssen, did I read that with sufficient clarity for you to understand the words that I was reading? [LB382]

SENATOR JANSSEN: As usual, yes. [LB382]

SENATOR CHAMBERS: Do you have knowledge of this resolution having been presented at any central committee of the Republican Party while you were in attendance? [LB382]

SENATOR JANSSEN: Yeah. I was...I'm not a delegate on the State Central Committee, but I do recall that this was part of their...the platform that came out through the...one of them, and that evidently was in 2011 and... [LB382]

SENATOR CHAMBERS: And this was adopted at that central committee meeting, wasn't it? [LB382]

SENATOR JANSSEN: I must...I'll take you at your word for that. I would assume so. [LB382]

SENATOR CHAMBERS: Senator, this is designed to let Republicans know what their marching orders are, isn't that true? We're both politicians, we're both adults, we're being straightforward. Doesn't something like this give marching orders to Republican state senators or any other state senator? That's what it says. [LB382]

SENATOR JANSSEN: You...each senator down here, we're independent contractors, per se, so your marching orders are set by your constituents and that's where my marching orders come from. [LB382]

SENATOR CHAMBERS: So then you are not influenced by this threat not to support you in any manner, financial or otherwise, if you oppose the return of the state to this winner-takes-all vote plan? [LB382]

SENATOR JANSSEN: No, I'm not influenced by that one way or the other. [LB382]

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SENATOR CHAMBERS: I'm going to get you to speculate, which I know you won't do. Do you think there are those who may be influenced by it? [LB382]

SENATOR JANSSEN: Well, I will speculate. There might be some that are. [LB382]

SENATOR CHAMBERS: Do you think this is an appropriate approach for the party to take, in your opinion? [LB382]

SENATOR JANSSEN: I haven't really given that much thought. [LB382]

SENATOR CHAMBERS: Thank you. Members of the Legislature, this is one of those bills I will go to the mat on. I believe I can take eight hours on this bill. Before Senator Janssen sits down I want to ask him a question. He's going to be like the jack-in-the-box on this. This is his bill so he's going to participate because he's going to stay with us today. Senator Janssen, at some point are you going to attempt to invoke cloture? [LB382]

SENATOR JANSSEN: Oh, I don't know. Are we going to go eight hours on this? If we do, probably so, yes. [LB382]

SENATOR CHAMBERS: How many votes does it take to invoke cloture? [LB382]

SENATOR JANSSEN: 33. [LB382]

SENATOR CHAMBERS: How many "Repelicans" are there in the...Republicans are there in the Legislature? [LB382]

SENATOR JANSSEN: I believe we're a nonpartisan body. I don't keep track of those. [LB382]

SENATOR CHAMBERS: You believe we're a nonpartisan body and you're bringing a partisan... [LB382]

SENATOR JANSSEN: No, I'm certain we're a nonpartisan body. [LB382]

SENATOR CHAMBERS: You believe that... [LB382]

SENATOR JANSSEN: No, I'm certain. [LB382]

SENATOR CHAMBERS: Do you believe this is a nonpartisan body in fact or only in terms of what is stated on paper? [LB382]

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SENATOR JANSSEN: Oh, it just depends on the bill really. [LB382]

SENATOR CHAMBERS: But there is partisanship in this Legislature, isn't there? [LB382]

SENATOR JANSSEN: Well, we are, as you'd say, politicians. [LB382]

SENATOR CHAMBERS: Are you aware that the Governor has said that on...from time to time he's trying to get as many Republicans elected to the Legislature as possible? [LB382]

SENATOR JANSSEN: I believe that. [LB382]

SENATOR CHAMBERS: Have you read that or heard it? Say it again? [LB382]

SENATOR JANSSEN: I believe that. [LB382]

SENATOR CHAMBERS: Are you aware that he helped...whether he helped or didn't help Senator Kintner get elected? Are you aware of that? [LB382]

SENATOR JANSSEN: I believe he did. [LB382]

SENATOR CHAMBERS: Okay. Are you aware that the Governor was upset about a vote on whether or not what are called undocumented people, females, being allowed prenatal care or assistance from the state? Was a vote like that taken when I was not in the Legislature? And the Governor was upset because some voted to override his veto, I believe. Do you remember anything like that? [LB382]

SENATOR JANSSEN: I can't speak for the Governor. There was a vote taken while you were not in the Legislature on that particular topic however. [LB382]

SENATOR CHAMBERS: You don't remember that the Governor said, this is not the end of it? [LB382]

SENATOR JANSSEN: No. [LB382]

SENATOR CHAMBERS: You don't...okay, some others will, I'm sure. But anyway, let me get with my amendment. You can find it on your gadget, or if you're "no-tech," such as I am, on page 370 of today's Journal, which is in the little booklet on your desk. [LB382]

SENATOR COASH: One minute. [LB382]

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SENATOR CHAMBERS: I substitute in line 3, on page 2, two words, "The Republican," for two words currently there, "Each political." Then in line 6, I would strike "conventions," plural, and insert the singular word "convention." Then in line 10, I would strike the words "A political party" and insert "Such," so that everything relates to the Republican Party. This was born and bred of the Republican Party. It was conceived and dedicated to the proposition that the Republicans ought to run everything in this state and run over anybody who is not a Republican, and I want that to be clear in the record. Thank you, Mr. President. Oh, and by the way, I ask you to vote for my amendment. (Laughter) [LB382]

SENATOR COASH: Thank you, Senator Chambers. Senator Kintner, you're recognized. [LB382]

SENATOR KINTNER: Thank you, Mr. President. You know, I have lived in a few states before I found my way to this great state. I never lived in a state that had anything but winner take all. So I was aware, moving into this state, that it was not winner take all. But it just seems pretty natural--if you win the popular vote in the state, you ought to get the votes of that state. I'm not sure what the purpose of us being an...us, Nebraska, being an outlier on this one is. So I...you know, it seems to me we...if it's good for 48 states, it's probably good for 49 states. I've got a question for Senator Chambers. He was educating me a minute ago and I've got a question if he will submit to the question. [LB382]

SENATOR COASH: Senator Chambers, will you yield? [LB382]

SENATOR CHAMBERS: (Recorder malfunction.) [LB382]

SENATOR KINTNER: Senator Chambers, you said the Governor said that we need to elect more Republicans? When did he say that? [LB382]

SENATOR CHAMBERS: I've seen it in the paper when he has embarked during an election that Republicans should be elected to the Legislature and that he was going to support Republicans, as he supported you. [LB382]

SENATOR KINTNER: Thank you, Senator Chambers. Well,... [LB382]

SENATOR CHAMBERS: You're welcome. [LB382]

SENATOR KINTNER: ...I wonder how that's working. If you look at how we're spending money down here, I'm not sure electing Republicans is the answer to all of our problems. I think we need to elect people that say no to spending taxpayer money. That might be a little more the...what's needed to stem the spending down here at times. But I just think that...I kind of like what Senator Janssen has come up with here and I think it

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might be time to join the other 48 states. And I'm not sure what the purpose of being an outlier here on this one is but I kind of like this. I think it's a good idea and I'm glad that Senator Janssen has brought it forward. And I will yield the remainder of my time to Senator Chambers, since I mentioned him. [LB382]

SENATOR COASH: Senator Chambers, 3 minutes. [LB382]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Kintner, for your show of nonpartisanship or bipartisanship, except that I'm nonpartisan. Members of the Legislature, we all know this is a partisan issue. And the Republican Party has staked out the territory, they've passed a resolution, and it is designed to have, and will have, impact on members of this body who are Republicans. They want to run roughshod over everybody else in the state. They have the numbers to do it. And that's what often happens--there is bullying by those who have everything their way. I'm accustomed to standing alone and I will stand alone against this. Senator Kintner probably doesn't know this because he wasn't here when this was happening. I'm known as the godfather of district elections, having procured district election for the Omaha Public School Board; district elections for the Omaha City Council; district elections for the Douglas County Board. And in every instance, those who were serving on those bodies opposed the legislation. The Legislature accepted my argument that any elective body should be a portraiture in miniature of the constituency to be governed and, since there are groups who do not have the opportunity to put any person of their choice on an at-large elected body in a city like Omaha, agreed to require district elections. What the Republicans want to do is nullify the impact and the value of anybody's vote. Senator Brasch seemed to express concern about that earlier. But you have three congressional districts in this state. [LB382]

SENATOR COASH: One minute. [LB382]

SENATOR CHAMBERS: If one of the districts voted 99 percent Democrat and 1 percent "Repelican," those votes would count for nothing because we know there are more "Repelicans" in Nebraska than Democrats. So it would be a hoax to make people think that there is to be fairness in the electoral process. When this happens in other countries around the world, there is such an outcry, hypocritical outcry, about democracy. We know that the majority rules. But when you're in a democracy, a representative democracy, the goal is to have on the governing entity representation of those who are to be governed. Thank you, Mr. President. And thank you again, Senator Kintner. [LB382]

SENATOR COASH: Thank you, Senators. Members in the queue wishing to speak: Senators Schilz, Conrad, Ken Haar, Mello, Murante, and others. Senator Schilz, you are recognized. [LB382]

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SENATOR SCHILZ: Thank you, Mr. President. And members of the body, good morning. As I stand here and listen to the debate, first I would like to thank Senator Janssen for introducing the bill. I haven't heard anything here that causes me to think that this isn't something that the Legislature should be taking up and should be talking about. And you know, I respect Senator Chambers and his position and anybody else's position that doesn't agree that this should move forward. I understand that. I can get it. And Senator Chambers, I mean, he's basically right. Yeah, it's politics, it's about where the power is, where the power lies, and what can you do with that power as you wield it. So there is the realities of it. I suppose we can put that aside and move forward with that. I tend to agree that it...that there's a couple different ways to look at this. You could either move forward as one voice for those five electoral votes, which I do agree with, or we can keep the way we have it now and do that. But I will say, and I don't want to steal Senator Murante's thunder, but there is another way out there that seems to be percolating people talking about and folks around the country thinking about and, well, I'll let him talk to you about that. I'm going to be with Senator Janssen on this bill. I will probably vote with him. But I hope that we can maintain a sense of composure here on the floor and understand that this is a philosophical debate and it's a debate that, because the bill was passed out of committee and because we're here on the floor, it's a debate that we do get to have. Will we enjoy every moment of it? I guess that remains to be seen, but I hope that we can keep it lighthearted and understand that this is what we do every day and that we do need to talk about this. How much time do I have left? [LB382]

SENATOR COASH: Three minutes. [LB382]

SENATOR SCHILZ: Three minutes, thank you. You know, I actually have had the opportunity to work with Senator Janssen on a number of issues. And if you know one thing, one thing that's always amazed me about him is he's never afraid to bring up the difficult issues. He'll stand up and defend those even when the whole of the group or whoever he's talking to may not be with him, because he believes it's right, he believes in what it does. And, yes, there are others in this body that do the same thing on the other side, maybe more similar than different. You don't know. But I guess we'll find out that too. But anyway, I do support Senator Janssen, I do support the bill, and we'll have the conversation to see. And I would yield my time to Senator Lautenbaugh. [LB382]

SENATOR COASH: Senator Lautenbaugh, 2 minutes. [LB382]

SENATOR LAUTENBAUGH: Thank you, Mr. President, and thank you, Senator Schilz. I also do rise in support of the bill and in opposition to the floor amendment. And again, I won't belabor the point. It's a very simple policy choice. Nebraska and I think Maine are the two outliers on this. And we just heard on the last bill, why would we want to make an exception for two or some certain offices and create sort of a Swiss cheese approach? Well, that's what we've done here. And we don't exist in a vacuum. Nebraska

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doesn't exist in a vacuum. In Pennsylvania there is a move afoot to go to a system like ours. I don't think it's going to succeed. But as Virginia political scientist and frequent flier on television... [LB382]

SENATOR COASH: One minute. [LB382]

SENATOR LAUTENBAUGH: ...Larry Sabato said, it's a very dangerous practice to emulate what Nebraska is doing. Currently only two very small states have it--Nebraska and Maine. The reason is dangerous, is because our congressional districts in most states are heavily gerrymandered, it will inevitably reduce Pennsylvania's influence in the electoral college. Underline that point: Emulating us would reduce a state's influence in the electoral college. Larry Sabato--or Sabowtoe (phonetic) I can't remember how he pronounces it--is not some partisan hack. He is looking at reality. We've followed a path that has nationally diminished our influence. You can call this partisan, but it's the Republicans in Pennsylvania who want to split their votes, like we have. And you're saying this is a move here by Republicans and only Republicans to go back to the national norm. I think it's a wise move. Some gentleman from Georgetown seems to agree. I think we should emulate him. Please support the underlying bill. [LB382]

SENATOR COASH: Time, Senator. Thank you, Senator Lautenbaugh. Senator Conrad, you are recognized. [LB382]

SENATOR CONRAD: Thank you, Mr. President. Good morning, colleagues. Let's just at the outset say that being unique is good sometimes. Here we stand in our nation's only nonpartisan Unicameral Legislature, and I think that's a good thing. I think being unique is a good thing when it comes to this instance as well. I oppose LB382. The Nebraska system was put forward by a bipartisan group of senators in the '90s as a unique way to address presidential elections. And I like this system because it is unique and it provides an appropriate common ground between the electoral college and the national popular vote. This change prompted incredible benefits for Nebraska and incredible benefits for our democracy. There was significant positive economic impact when the presidential campaigns bought radio ads, bought television ads, hired employees, and came to our great state. There were incredible benefits for Nebraska and for democracy when we saw voters excited and engaged on the presidential election and every race up and down the ticket. And we made history when it came to splitting our electoral vote and providing a voice to those voters as to who their choice in candidates was. But with all of those benefits and all of that positive outcome, in the wake of that historic moment, there was also a very ugly outcome, and that has been already referenced by my friend and colleague, Senator Chambers. In 2011 the Nebraska GOP passed a resolution threatening to hold accountable members of this body who disagree with their position, whether it's in a committee vote or on this floor, by threatening to withhold support, threatening to withhold endorsement, threatening to withhold financial resources unless they worked to carry out party objectives to repeal the Nebraska system because they

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didn't like the outcome. That's sour grapes. Take note, Nebraska Republican Party, take note, Nebraska Democratic Party, take note, any partisan party in Nebraska or otherwise, governing by ransom note will not be tolerated today, nor should it ever be. What's next? Where is the next resolution? Do the parties get to draw a line and withhold support from candidates if they disagree with an individual officeholder's position on prenatal care? On the death penalty? On a tax bill? Where do we draw the line? Where is your comfort level? How much partisan activity and nonsense and dysfunction are you willing to allow into this body? Because I'm not prepared to allow that, and I think this legislation brought by Senator Janssen and brought by Senator McCoy in years past is a chilling example of what an administration under their watch might look like, one that's willing to carry the water of a political party and put the interests of our state and our constituents and our citizens second. That is chilling. We see a litmus test here. We see groups like ALEC out contemplating loyalty oaths to hold Republican lawmakers accountable for any disagreement with their agenda. [LB382]

SENATOR COASH: One minute. [LB382]

SENATOR CONRAD: Where do we draw the line? And I see my friend Senator Kintner is near his mike if he'd yield for a question, please. [LB382]

SENATOR COASH: Senator Kintner, will you yield? [LB382]

SENATOR KINTNER: I would love to. [LB382]

SENATOR CONRAD: Thank you, Senator Kintner. I know you frequently have a chance to visit about out-of-control state spending and just a quick question on that topic. How many bills have you introduced to eliminate programs or to save taxpayer dollars? Thank you, Mr. President. [LB382]

SENATOR KINTNER: I don't know, three or four probably. [LB382]

SENATOR COASH: Thank you, Senators. Senator Ken Haar, you are recognized. [LB382]

SENATOR HAAR: Mr. President, members of the body. Senator Chambers, you're not going to have eight hours because I want some of that (laugh) to discuss this bill. I want my vote to count. It's really that simple. One person, one vote seems to be what makes our democracy work--one person, one vote. When the constitution was put together by the founding fathers, it was not one person, one vote. You had to be white, you had to be a male, and you had to be a landowner. And we've changed that--one person, one vote. In the process of developing the constitution though there were a lot of compromises and there were people on that...in that group that wanted election by popular vote, which I think is the way it should be. The person who gets the most votes

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for President across the country ought to be elected, and most Americans feel that way too. But in the compromises that happened in Philadelphia long ago, the compromise was the electoral college. And in the constitution it's up to the legislatures how to apportion those electoral votes. I will favor the bill being brought up by Senator Murante about a national popular vote. That's what people want and we can do it without a constitutional amendment. But I want my vote to count--one person, one vote. I will take the time later to go around and ask some people whether they believe in one person, one vote, and if not, who should...whose vote should count and whose shouldn't. In Nebraska, my vote for President doesn't count because it's going to go red. The state electoral in this district will go red. In California, winner take all, Republicans' votes don't count because that state is going to go blue. I also...okay, I want my vote to count. I also want the presidential candidates to care about Nebraska. If you look at where the candidates show up, they don't show up in Nebraska because it's assumed Nebraska will be red, except we saw the interest in coming and doing campaigning because we have vote by congressional district. If it weren't for that, if we go back to winner take all, we will never see a presidential candidate in this state ever. They don't...you know, if it's winner take all, Nebraska is red. Why go to Nebraska to campaign? And it's not just the why go to Nebraska to campaign, it's why do we care about their issues. When candidates, such as us, have to go door to door, talk to constituents, we know what the concerns are of our constituents. If presidential candidates don't come to our state, as they won't if we're winner take all, they're not going to know what our issues are. Well, somebody might say, here is our issue, but they don't really have to care. They don't have to care because they've got that red vote. In California it's the same thing. Why visit California as a presidential... [LB382]

SENATOR COASH: One minute. [LB382]

SENATOR HAAR: Thank you...as a presidential candidate? Why visit California to find out what their issues are? Because that state is going to go blue, winner take all, that state is going to go blue. I do find it interesting to say, gee, Nebraska shouldn't be different. We have this Unicameral that we're all proud about and we all crow about that works very well. Maybe we should go to a two-house system. How many people in Nebraska would support that? So I think we can be leaders. We don't just have to be followers. We can be leaders. We are leaders when it comes to the Unicameral and we will simply become a follower if we go to winner take all. Thank you very much. [LB382]

SENATOR COASH: Thank you, Senator Haar. (Visitors introduced.) Senator Mello, you are recognized. [LB382]

SENATOR MELLO: Thank you, Mr. President and members of the Legislature. I rise in opposition to LB382. But I want to take us down a different path quickly in the sense of why we're debating LB382. In 2011, there was, as Senator Chambers mentioned, an edict issued by a major political party dictating and telling the Legislature, if you are a

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member of our political party and don't support this, we will get you, we will make sure you don't get our support, we will draw a line in the sand if you don't support in your nonpartisan Legislature a partisan edict. Fast-forward to 2012: The party who issued that same edict issued another one on a separate piece of legislation regarding voter ID. I was one of the members who filibustered that bill and I'm proud of that effort. It was a legislation not necessary and it was driven purely by partisan politics, as we found out after that bill died. Fast-forward to December 2012: That same political party issued an edict to this Legislature telling them if they didn't vote for members of their party for leadership positions, it will cast the state in a downward spiral. From that decision that this Legislature did not take, now we have multiple bills in which senators have brought, as well as rules changes, to get rid of our secret ballot process and take away another unique aspect of our Unicameral. Three issues, colleagues, issued by the same political party, trying to dictate to this nonpartisan Legislature. That political party trying to tell us, the policymakers, if you don't do what we say, we're going to hold you accountable for it. Colleagues, that's not how this body has operated in the past, and it's my hope that that body...this body doesn't operate that into the future. This purely, at the end of the day, is an issue that partisans on both sides care more about than the issue at hand that I have yet to hear anybody on this floor talk about, which is the \$22 million our state owes the federal government due to gross mismanagement in an ineffective government in the Department of Health and Human Services, which is overseen by our current Governor. Not one member of this body has talked about how are we going to find that \$22 million because apparently everyone's constituents, in Senator Janssen's district and others, care more about changing our electoral college than how we're managing the state's money. My constituents have not brought this issue to me and, frankly, they have much bigger issues they're worried about in regards to why our government is not managing programs, why we have an ineffective HHS, what are we doing to solve what seems to be a culture in a department that can't serve Nebraskans. And as Senator Conrad said, if the Democratic Party wants to bring an edict or issue some line in the sand, let them, because I would say the same thing to them. The beauty of our body is our ability as 49 policymakers to sit down and have debates, have conversations, and discuss issues outside of the realm of purely partisan bickering and influence from the outside. For us to allow one political party or another to insert themselves of issuing edicts, of demanding loyalty, of trying to tell us what we have to vote for or vote against, colleagues, that's giving up a very sacred right that the 49 of us hold. And we each have the ability to make that decision on LB382, possibly Senator Janssen's voter ID bill, possibly Senator Lautenbaugh's four separate bills to eliminate our secret ballot process in leadership elections. We have that ability to make that determination. My hope is that we take a step back, realize we have much bigger issues in front of us... [LB382]

SENATOR COASH: One minute. [LB382]

SENATOR MELLO: ...than LB382. The reality is, Nebraska didn't crumble after the 2008

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elections. I didn't have voters come and say, I just can't believe this state completely wasted all authority and power and ceded to this unique system we created in the early '90s. No. They said, go fix problems in state government that we know exist. Right now those problems exist in Health and Human Services and our Department of Corrections. Let's keep our eye on the ball, colleagues. Let's focus on the issues we've got to deal with and not spend our time on the partisan bickering that we know will ensue in LB382. Thank you, Mr. President. [LB382]

SENATOR COASH: Thank you, Senator Mello. Senator Murante, you are recognized. [LB382]

SENATOR MURANTE: Thank you, Mr. President, members of the Legislature. I rise in support of LB382. When I initially rose to support it I planned on talking a little bit about what Senator Haar had introduced regarding the national popular vote. But I...there have been so many references to resolutions passed by the Nebraska Republican Party that I have to at least make a mention. I knew of one of them. I hadn't heard of the other two. But I'm a little bit surprised at the surprise that we have that a political party is standing up saying that they are only going to support candidates who believe what they do. That's what political parties are. In my campaign I didn't get any contributions from the Nebraska Democratic Party and I didn't really ask any questions as to why. I mean, I didn't have any expectations that they would. I don't know what the surprise is. And the fact that they say, we're going to support, we're going to spend our money to support the candidates who believe what we believe in seems entirely logical. I'd be surprised if they started giving checks out to candidates from opposite parties or people who disagree with them. I'd be a little bit more surprised. But I think at the present moment they don't have any resources to write any checks to anybody so it's kind of a moot point. But we have brought up a number of times the issue of economic impact and what sort of electoral system we can use in the state of Nebraska to make our votes matter as much as possible. Senator Haar referenced it a number of times. It's an issue that I am currently researching at great length. I would say if the system we have right now is intended to draw a considerable amount of interest and support from candidates for President of the United States, our system is failing miserably. We continue, regardless of divvying up our electoral votes as a winner take all or by congressional district, from having anywhere close to the amount of attention paid to the state of Nebraska as it is anywhere else. I have a difficult time believing that if you take our few electoral votes and start carving them up that we'll be more important. As a general rule, minorities need to stick together and broad populations need to stick together to make as much impact as they possibly can rather than dividing their forces. But I think we need to talk about that because at the end of the day, if we decide that it is the best to go down the path of a national popular vote, we do have the situation where one voter from Seward, Nebraska, has just as much say in the election for President of the United States as a voter in Manhattan. I think that is a prospect that is interesting, even though Senator Bloomfield shakes his head at me. And I think the idea that the electoral college

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initially was set up to do, which was to give smaller states like us more importance and make us more relevant, clearly that's not coming to fruition at this time. I think we would be far better off...at least, we need to research the subject of what we can do to make ourselves as important as possible. But I do want to address one thing, one additional thing. It was brought up in the committee hearing and it's a message that I think needs to be rejected by this body, even though nobody has said it explicitly on the floor. It is the concept that if you vote for a candidate that loses, that your vote doesn't count, and that is 100 percent false. I suspect every member of this Legislature has voted, gone to a ballot and voted for someone who ended up losing. That doesn't mean your vote didn't count. [LB382]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: One minute. [LB382]

SENATOR MURANTE: And if the state goes and votes for Mitt Romney over Barack Obama, that doesn't mean that everyone who voted for President Obama had their votes cast in the garbage can or that their vote wasn't important or it made Nebraska any less important, far from it. We need to send the message out that regardless of where you live, regardless of what you believe, go out and vote. And if the person you vote for loses, it's going to happen sometimes, but losing doesn't mean your vote doesn't matter or your vote doesn't count. Too often that was brought up in the Government Committee. So I'll continue to explore with Senator Haar and others inside the Government Committee what we can do to make our state as important as possible. I would submit the present system we have isn't doing much for us and that we ought to explore other avenues. [LB382]

SENATOR WATERMEIER: Time, Senator Murante. [LB382]

SENATOR MURANTE: Thank you, Mr. President. [LB382]

SENATOR WATERMEIER: Senator Chambers, you're recognized. [LB382]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I know what it means to be outnumbered 48 to 1. I never whine, I never cry, I fight harder, I get things done, and I will fight against the majority. And they say, you shouldn't take all this time. I say, then don't do to me what you try to do to me. I'm not going to be a shrinking violet and roll over and play dead to accommodate people who don't care about me. One of the criticisms I have of President Obama is that he foolishly thought that by reaching out to this "Repelican" Party it would make a difference. He invited them to the White House to eat with him. I thought that was the worst thing to do--I'm joking on this--unless he was going to put a bit of poison in what he fed them in the way they put political poison in everything he offered. And my little rhyme: They came to the White House to eat his

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bread, then they went back to Congress and broke his head. To make it parallelism: They came to the White House to break his bread, then went to the Congress to break his head. All of this yow-yow from these "Repelicans" means nothing. I watch them on this floor. I watch what Senator Lautenbaugh does and what he says, then he's going to stand up here like he's some kind of voice of authority. The only one who has a little bit of credibility, in my opinion, for what it's worth, is Senator Murante because he sits in the shadow of a great man--in my shadow. One thing, I'm not humble. I'm not apologetic. I'm a grown man. I have four grown children. And I'm going to stand for what I believe. I'm not going to be nice to people who wish they could find a way to crush me, not on your life. I'm going to do everything I can to carry us through eight hours--and more, if you try to get a cloture vote and don't get it. But if you try and don't get it, the thing goes to the bottom. I'm not surprised this is brought by a candidate for Governor. And there are some people...first of all, Senator Murante said, why should you be surprised that a political party supports those who agree with the party? There are different ways of exercising muscle, and the "Repelican" Party bullies and threatens, and that's the way they do it. But that's the way people in that party like it because they're followers, they clump together. And when they've got the majority, they're all so tough. Then a guy like Grover Norquist comes along, points at him, and says, you'd better vote never to raise taxes--monkey see, monkey do, monkey hear, monkey performs--and that's what they do. A group of followers, that's what they are. I know what everybody who is a "Repelican" is going to say when he or she stands on this floor. I know, you all know, but you won't say it. We are in politics. You all couldn't have survived during the early days of politicking, all this whining about let's be nice. Senator Schilz back there, looking something like Ivan the Terrible, who was a wrestler, look how he wears his facial hair. They affect a certain fearsome, ferocious exterior to frighten the opponent into submission. And of all people, a man looking like he could take a threepenny nail and bite it in two is going to say, in effect, we need to be nice and restrained and just be nice. When I was in grade school... [LB382]

SENATOR WATERMEIER: One minute. [LB382]

SENATOR CHAMBERS: ...I got good grades, including works and plays well with others, because I was an obedient child. When I became a man I put away childish things. I work and play well with those who work and play well with me, and I give the other party the opportunity to determine how we're going to deal with each other. If they want to be rough and tumble, I'm ready. If they want to be reasonable, rational, and easygoing, that's what I'm for too. I'm like the Shmoo that Al Capp drew in Li'l Abner. The Shmoo was whatever somebody wanted. If they wanted a steak, that's what the Shmoo became. But don't carry that imagery too far. First and foremost, I'm going to be me, and "I yam what I yam and that's all that I yam," and it's more than enough to survive in this Legislature of supine people. Thank you, Mr. President. [LB382]

SENATOR WATERMEIER: Thank you, Senator Chambers. (Visitors introduced.)

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Senator Burke Harr, you are recognized. [LB382]

SENATOR HARR: Thank you, Mr. President. I'm reminded of an old quote from Tim Russert: Ohio, Ohio, Ohio, Ohio. The electorals all come down to Ohio. Why is that? Because there are very few swing states. Swing districts, yes; swing states, no. What this bill does is allows voters to have a say. There are those who do not want voters to have a say. I personally am for this. If you go to other states, let's say Pennsylvania, California, I'm sure there are others, there is a movement to do this and it's led by the Republicans because those are traditional Democratic states. The argument is there are only two states that do this, why are we that? Well, you've got to start somewhere. You've got to slowly build the base so that our presidential elections can be more than just what Ohio wants, what Florida wants, and about five other key states. We have to worry about what's good for the United States, not what's good for certain states. How do we do that? You've got to pull the presidential candidates out of those states and make them come to your state. You have to make your state relevant. That's what we did and we've gotten presidential visits. We do...we passed LB382, you can just say goodbye to your presidential visits and the money that comes into this state for campaigning that would not exist that helps grow our economy. I'm from Omaha. We're right across the river from Iowa. We get some money from Iowa. We get a heck of a lot of ads from Iowa because they're the first state and because they're a swing state. So we get them at the caucus and we get them again in the fall because they're relevant. Now we're starting to get some more that are aimed at Nebraskans. Why? Because Congressional District 2 is relevant. Now there are those who say, well, I'd rather have absolute power. Folks, absolute power corrupts absolutely. What's wrong with a little friendly competition? Are you afraid? If you're afraid, stand up and say, I'm afraid. Be a man, say you're afraid. (Laugh) But this bill does not accomplish the public good we're looking for. This does just the opposite. Thank you, Mr. President. [LB382]

SENATOR WATERMEIER: Thank you, Senator Harr. Senator Crawford, you are recognized. [LB382]

SENATOR CRAWFORD: Thank you, Mr. President. And I rise in opposition to LB382. When people find out that I'm a political scientist, often one of the first questions they ask me is, what's most surprising to you now that you've been in the Nebraska Legislature? Are...is it like the textbooks? Or what's most different from the textbooks? And when I get that question, I always respond that what was most surprising to me as a political scientist coming to this body is how much our discussion and deliberation on this floor is generally what's best for Nebraska. So we have party affiliations and parties get involved in recruiting and sometimes supporting candidates. But more often than not, for more senators than not, when we're here on this floor, whether it looks like it or not to those of you who watch, we are listening and we are trying to decide what is best for the state of Nebraska. I think that we, more often than not, more senators than not, truly live up to the George Norris legacy of asking what's best for the state of Nebraska

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and not allowing our deliberations here to be a place where national partisan interests are what we are considering but, instead, we're asking what's best for the state of Nebraska. And I think if you sincerely ask what is best for the state of Nebraska, you will find that you need to vote against LB382 for many reasons, and I'm just going to start with a few. First, LB382 is a loss for the state of Nebraska in terms of citizen engagement, in terms of getting our young people and people of all ages engaged and involved in presidential races in our own communities. LB382 is a loss in terms of national political relevance, in terms of people talking about the state of Nebraska when they talk about presidential races. And in terms of people visiting and trying to campaign and compete in the state of Nebraska, it is a loss. And LB382 is also a loss in terms of economic development. How often on this floor have we talked about how important it is to bring attention to Nebraska, to bring media to Nebraska for events, to bring jobs to Nebraska? And how often have we talked about the importance of recruiting and retaining those key 18- to 24-year-olds? Well, guess who works in campaigns? It's those 18- to 24-year-olds. And I want to respond to Senator Janssen's question of whether or not we have actually seen any influx of campaigns or campaign workers or campaign money since this change, and I'll talk first just about what it looks like in my own district, LD 45. My district includes Olde Towne Bellevue. Now many of you on this floor have downtown districts in your legislative district and you know how important it is to keep those downtown storefronts full. It's important for the vitality of your downtown. It's important to have consumers visiting those other stores in your downtown. Well, guess what happened in 2008? We had a new Olde Towne Bellevue downtown tenant. It was a... [LB382]

SENATOR WATERMEIER: One minute. [LB382]

SENATOR CRAWFORD: Thank you. Thank you, Mr. President. We had an office staffed in Olde Towne Bellevue from a national...related to a national presidential campaign with at least one, maybe more, of those staffers who were there with a new job in downtown Bellevue, Nebraska, for a national presidential campaign, paying rent for that building, paying staff for that building, and that staff person being able to experience the good life up close and personal and how that is so important. And I'll talk in another turn about what we have learned about how important it is for people to come to our state and experience the good life in person, in terms of recruiting and retaining them. Again, I urge you to vote against LB382. A vote against LB382 in this case is truly what's best for the state of Nebraska. Thank you. [LB382]

SENATOR WATERMEIER: Senator Wallman, you are recognized. Senator Wallman in the building? [LB382]

SENATOR WALLMAN: Sorry. Thank you, Mr. President. Members of the body, good morning. And it is a good morning and the sun is shining. And it behooves me why we want to change all the time. We have things in place and very seldom does it make any

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difference, but we want to change. And it was put in place for a reason--to give at least somebody a little saying. And we know this state will always be red. So maybe one district will sometimes vote blue. And the redistricting was set up so that probably will always happen and I think we have to change our redistricting, so that's probably more important than this. But I'm just not for this at all. And why should I be? I haven't heard any reasons why I should be. Thank you, Mr. President. [LB382]

SENATOR WATERMEIER: Senator Karpisek, you are recognized. [LB382]

SENATOR KARPISEK: Thank you, Mr. President and members of the body. I do agree with Senator Schilz that I think we can have a decent discussion about this. And he does look rather menacing and maybe I'm going to start growing my goatee, too, if it'll scare Senator Chambers a little bit. It'll scare Senator Harr, that's worth it. I completely give Senator Janssen credit for bringing this bill because he can. I don't like it and I won't vote for it, but I bring bills that not everyone likes, obviously, and that's okay too. And hopefully I'll get one out here that some people can dislike just as much. I hear a lot of people talk about why should we be different, there's 48 other states. Well, if I get my gambling bill out here, thank you for making my point for me. But I'm sure that will change because somehow it's different and there's all sorts of different things on that, too, which is a lot of malarkey. But I've heard it for seven years, going on eight, so I'm used to it. There's a lot of bills that get out here that people will talk about one way but talk about exactly opposite on the next bill. And I used to really get in trouble from Senator Flood for calling them hypocrites. He didn't like when I did that, but Senator Chambers said it the other day, so I'm going to try to carry on. And I know that sometimes I'm probably a hypocrite too. I try not to be. I also try to be very nonpartisan here. And I know Senator Chambers said, you think it's really nonpartisan? You know what, to me, it is. To me, it is nonpartisan because maybe that's how I try to keep it. I know others in here think it's not nonpartisan at all, that it's all about partisanship, because maybe that's how they see it and that's the way they want to play it. I don't like partisanship. I haven't since I got in here and I haven't changed my mind. It's probably just reinforced it even more that I don't like it. And I agree with Senator Crawford. When people ask me, is it really nonpartisan, and for most of the time I think it is. And I think that everyone tries to keep it that way. Obviously, sometimes it's not going to be. This bill, to me, has no bearing that I'm a registered Democrat because where I come from the Democrats are pretty conservative, FDR Democrats that think very much like Republicans. But we get branded, or I get branded. I think it's a matter of fairness. If one district wants to vote one way and get a vote, good for them. And we do talk about other states wanting to change it to the way we have it. I think that would be great. I think this is the better way to go. Not everyone will agree and that's okay. That's why we're here. I walked out of the Chamber one day a few years ago on an important bill. I think it was the death penalty bill and I voted not to repeal it. And the head of the... [LB382]

SENATOR WATERMEIER: One minute. [LB382]

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

Floor Debate
January 28, 2014

SENATOR KARPISEK: The executive director of the Democratic Party looked at me, and I'll try to paraphrase, but something about you're the worst Democrat in the body. And I thanked him and said, I'll take that as a compliment and I can go change my affiliation right now if you'd prefer. Well, no, he didn't want me to do that. But I do think that we do try to keep it what's best for the people. We all have different ideas on what's best for people and I appreciate that. Doesn't mean that we have to vote the same. I always try to say something that I think is a little funny, so I think Senator Chambers helps with the nonpartisanship a lot because most of the time we can agree to vote against Senator Chambers and that helps the collegiality around here quite a bit. So I'm sure we'll be on this for quite a while. I do appreciate Senator Janssen bringing this. I know that he feels strongly about this. I don't think he cares at all who... [LB382]

SPEAKER ADAMS PRESIDING

SPEAKER ADAMS: Time, Senator. [LB382]

SENATOR KARPISEK: ...who would have brought it. Thank you, Mr. President. [LB382]

SPEAKER ADAMS: Mr. Clerk, are there items?

ASSISTANT CLERK: Thank you, Mr. President. Amendments to LB382 from Senator Ken Haar to be printed and Senator Schilz to LB942. New resolution: LR426 by Senator Sullivan and others that will be laid over. Potential conflict of interest statement from Senators Conrad and Bolz. Name adds: Senator Conrad to LB1085; Senator Lautenbaugh, Murante, and Schilz to LB382. (Legislative Journal pages 386-391.) [LB382 LB942 LR426 LB1085]

Finally, a priority motion. Senator Lathrop would move to adjourn until Wednesday, January 29, 2014, at 9:00 a.m.

SPEAKER ADAMS: Members, you have heard the motion to adjourn. All in favor indicate with aye. Opposed? We are adjourned.