

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

Floor Debate  
February 25, 2015

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[LB10 LB49 LB167 LB177 LB431 LB477 LB485 LB513 LB616 LR56 LR57 LR58 LR73  
LR74 LR75 LR76 LR77 LR78 LR79 LR80 LR81 LR82]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: GOOD MORNING, LADIES AND GENTLEMEN. WELCOME TO THE GEORGE W. NORRIS LEGISLATIVE CHAMBER FOR THE THIRTY-THIRD DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. OUR CHAPLAIN FOR TODAY IS PASTOR EARL FUOSS, LUTHERAN CHURCH, MISSOURI SYNOD, WAYNE, NEBRASKA. HE'S FROM SENATOR BLOOMFIELD'S DISTRICT. PLEASE RISE.

PASTOR FUOSS: (PRAYER OFFERED.)

SPEAKER HADLEY: THANK YOU. I CALL TO ORDER THE THIRTY-THIRD DAY OF THE ONE HUNDRED FOURTH LEGISLATURE, FIRST SESSION. SENATORS, PLEASE RECORD YOUR PRESENCE. ROLL CALL. RECORD, MR. CLERK.

ASSISTANT CLERK: THERE IS A QUORUM PRESENT, MR. PRESIDENT.

SPEAKER HADLEY: CORRECTIONS FOR THE JOURNAL?

ASSISTANT CLERK: I HAVE NO CORRECTIONS THIS MORNING.

SPEAKER HADLEY: MESSAGES, REPORTS, ANNOUNCEMENTS?

ASSISTANT CLERK: MR. PRESIDENT, A NEW RESOLUTION, LR74, INTRODUCED BY SENATOR GARRETT. THAT WILL BE LAID OVER. AMENDMENT TO BE PRINTED TO LB177 FROM SENATOR KEN HAAR, A COMMUNICATION FROM THE SPEAKER REGARDING THE REFERRAL OF LR73 TO THE REFERENCE COMMITTEE, AND AN ANNOUNCEMENT THAT THE AG COMMITTEE WILL MEET IN EXECUTIVE SESSION AT 9:30 IN ROOM 2022. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 629-631.) [LR74 LB177 LR73]

SPEAKER HADLEY: THANK YOU, MR. CLERK. SENATOR MELLO, FOR WHAT PURPOSE DO YOU RISE?

SENATOR MELLO: I'D LIKE TO RISE FOR A POINT OF PERSONAL PRIVILEGE, MR. PRESIDENT.

SPEAKER HADLEY: IT IS GRANTED.

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SENATOR MELLO: THANK YOU, MR. PRESIDENT, MEMBERS OF THE LEGISLATURE. ON ALL OF YOUR DESKS, YOU SHOULD HAVE A COPY OF THE APPROPRIATIONS COMMITTEE PRELIMINARY BUDGET RECOMMENDATIONS IN THIS PURPLE DOCUMENT. ESSENTIALLY THIS DOCUMENT GIVES YOU I THINK A BROAD OVERVIEW BOTH IN REGARDS TO SPENDING DECISIONS AS WELL AS APPROPRIATION REDUCTIONS AND CASH FUND TRANSFERS THAT THE APPROPRIATIONS COMMITTEE HAS CONSIDERED OVER THE PAST SIX WEEKS. AS A PART THAT GOES WITH OUR STANDARD TRADITIONAL BUDGET PROCESS, THE APPROPRIATIONS COMMITTEE FINALIZED THIS PRELIMINARY BUDGET LAST WEEK. THE DOCUMENT IS AVAILABLE NOW TO THE LEGISLATURE AND WILL BECOME AVAILABLE ON-LINE LATER THIS MORNING, AND THE APPROPRIATIONS COMMITTEE STARTED NOW THE AGENCY AND BILL HEARINGS AS OF MONDAY AND WILL CONTINUE THROUGH MARCH 19. IF YOU HAVE ANY QUESTIONS REGARDING ANY INFORMATION IN THE DOCUMENT ON YOUR DESK, PLEASE FEEL FREE TO GRAB ME OR MIKE CALVERT IN THE LEGISLATIVE FISCAL OFFICE. AND WE'LL BE HERE TO ASSIST YOU IN ANY WAY WE CAN. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: THANK YOU, SENATOR MELLO. MR. CLERK, WE WILL PROCEED TO CONFIRMATION REPORTS.

ASSISTANT CLERK: MR. PRESIDENT, THE FIRST REPORT I HAVE FROM NATURAL RESOURCES IS FOR DAVID BRACHT AS DIRECTOR OF THE STATE ENERGY OFFICE. (LEGISLATIVE JOURNAL PAGE 595.)

SPEAKER HADLEY: SENATOR SCHILZ, YOU ARE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT. MEMBERS OF THE BODY, GOOD MORNING. MY FIRST CONFIRMATION HERE IS DAVID BRACHT FOR THE DIRECTOR OF THE STATE ENERGY OFFICE. HE WAS...HIS HEARING WAS HEARD ON FEBRUARY 18. IT WAS A UNANIMOUS DECISION BY THE COMMITTEE, AND WE WERE ALL VERY IMPRESSED BY HIS ABILITIES AND HIS EXPERIENCE. AND WE MOVE HIS NAME FORWARD FOR CONSIDERATION FOR THE WHOLE LEGISLATURE WITH OUR SUPPORT. THANK YOU VERY MUCH.

SPEAKER HADLEY: IS THERE ANY DISCUSSION ON THE REPORT? SEEING NONE, SENATOR SCHILZ, YOU ARE RECOGNIZED TO CLOSE ON THE REPORT. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE NATURAL RESOURCES COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED WHO WISH TO? RECORD, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 631.) 32 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT, MR. PRESIDENT.

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SPEAKER HADLEY: THE REPORT IS ADOPTED. MR. CLERK, WE WILL PROCEED TO THE NEXT CONFIRMATION REPORT.

ASSISTANT CLERK: THE SECOND REPORT FROM NATURAL RESOURCES COMMITTEE IS FOR THOMAS OLIVER TO THE NEBRASKA OIL AND GAS CONSERVATION COMMISSION. (LEGISLATIVE JOURNAL PAGE 595.)

SPEAKER HADLEY: SENATOR SCHILZ, YOU ARE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. TOM OLIVER IS FROM BRIDGEPORT, NEBRASKA. HE'S AN ATTORNEY OUT THERE WHO SPECIALIZES IN OIL AND GAS REPRESENTATION. AND HE IS A NEW APPOINTEE TO THE OIL AND GAS CONSERVATION COMMISSION. HE HAD A HEARING ON FEBRUARY 6, AND ONCE AGAIN WE HAD A UNANIMOUS VOTE OF THE COMMITTEE TO KICK IT TO THE FLOOR. AND HE ALSO WAS IMPRESSIVE IN HIS TESTIMONY, AND WE SUPPORT HIM. SO WE LOOK FOR THE WHOLE LEGISLATURE TO SUPPORT. THANK YOU VERY MUCH.

SPEAKER HADLEY: IS THERE ANY DISCUSSION ON THE REPORT? SEEING NONE, SENATOR SCHILZ, YOU ARE RECOGNIZED TO CLOSE ON THE REPORT. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE NATURAL RESOURCES COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 632.) 35 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT, MR. PRESIDENT.

SPEAKER HADLEY: REPORT IS ADOPTED. MR. CLERK, WE WILL PROCEED TO THE NEXT CONFIRMATION REPORT.

ASSISTANT CLERK: THIRD REPORT, MR. PRESIDENT, IS FOR DON BATIE AND OWEN PALM TO THE NEBRASKA NATURAL RESOURCES COMMISSION. (LEGISLATIVE JOURNAL PAGE 596.)

SPEAKER HADLEY: SENATOR MURANTE...SENATOR SCHILZ, YOU ARE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR SCHILZ: THANK YOU, MR. PRESIDENT AND MEMBERS OF THE BODY. YES, WE HAVE TWO APPOINTEES TO THE...ONCE AGAIN TO THE NATURAL RESOURCES COMMISSION. THEY'RE TWO NEW APPOINTEES. MR. BATIE IS FROM THE LEXINGTON AREA. HE FARMS OUT THERE AND HAS BEEN INVOLVED IN WATER ISSUES FOR MANY YEARS. I'VE WORKED WITH HIM ON A NUMBER OF

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OCCASIONS ON A NUMBER OF ISSUES. AND THEN OWEN PALM FROM GERING HAS WORKED IN THE AG BUSINESS SECTOR AS OWNER AND GENERAL MANAGER OF 21st CENTURY EQUIPMENT WHERE THEY HAVE BEEN VENTURING INTO IRRIGATION TECHNOLOGY AND TECHNOLOGY SUCH AS THAT THAT HAVE REALLY SHOWN BENEFITS AND PROMISE IN HELPING TO LESSEN WATER USE DURING IRRIGATION. AND WITH THAT, ONCE AGAIN, BOTH AGAIN WERE UNANIMOUS VOTES OUT OF THE COMMITTEE. AND WITH THAT, I WOULD HOPE FOR THE LEGISLATURE'S SUPPORT ON THE FLOOR. THANK YOU VERY MUCH.

SPEAKER HADLEY: IS THERE ANY DISCUSSION ON THE REPORT? SEEING NONE, SENATOR SCHILZ, YOU ARE RECOGNIZED TO CLOSE ON THE REPORT. SENATOR SCHILZ WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE NATURAL RESOURCES COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGES 632-633.) 39 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT, MR. PRESIDENT.

SPEAKER HADLEY: THE REPORT IS ADOPTED. MR. CLERK, WE WILL GO TO THE NEXT CONFIRMATION REPORT.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT REPORT FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE IS FOR RONNIE MITCHELL AS DIRECTOR OF THE DEPARTMENT OF AERONAUTICS. (LEGISLATIVE JOURNAL PAGE 602.)

SPEAKER HADLEY: SENATOR MURANTE, YOU ARE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR MURANTE: THANK YOU, MR. PRESIDENT. MEMBERS, GOOD MORNING. TODAY I RISE IN SUPPORT OF RONNIE MITCHELL'S REAPPOINTMENT AS DIRECTOR OF THE DEPARTMENT OF AERONAUTICS FOR THE STATE OF NEBRASKA. ON FEBRUARY 20, THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE VOTED UNANIMOUSLY IN FAVOR OF RONNIE MITCHELL'S REAPPOINTMENT. RONNIE MITCHELL HAS SERVED AS DIRECTOR OF AERONAUTICS SINCE HIS APPOINTMENT IN 2009 AND HAS BEEN WITH THE DEPARTMENT SINCE 2002. MR. MITCHELL HAS A DEGREE IN BUSINESS FROM THE UNIVERSITY OF EVANSVILLE IN INDIANA AND A MASTER'S DEGREE IN COUNSELING FROM TROY STATE UNIVERSITY IN ALABAMA. AGAIN, HE RECEIVED UNANIMOUS SUPPORT FROM THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE, AND I URGE YOUR APPROVAL OF HIS APPOINTMENT. THANK YOU, MR. PRESIDENT.

SPEAKER HADLEY: IS THERE ANY DISCUSSION ON THE REPORT? SENATOR KRIST, YOU ARE RECOGNIZED.

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SENATOR KRIST: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES, AND GOOD MORNING, NEBRASKA. HAVING SERVED IN THE SAME UNIT AS RONNIE FOR MANY, MANY YEARS, KNOWING HIS TRACK RECORD AND HIS HISTORY IN THE UNITED STATES AIR FORCE, AND THEN ALSO WORKING WITH HIM PRETTY CLOSELY IN THE LAST FEW YEARS, MAKING SURE THAT THE PEOPLE OF THIS STATE ARE SAFE IN ALL ENDEAVORS IN AERONAUTICS, I JUST WANT TO ADD MY ENDORSEMENT AND MY WHOLEHEARTED SUPPORT FOR MR. MITCHELL. THANK YOU.

SPEAKER HADLEY: ANYONE WISHING TO SPEAK? SEEING NONE, SENATOR MURANTE, YOU ARE RECOGNIZED TO CLOSE ON THE REPORT. SENATOR MURANTE WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE GOVERNMENT, MILITARY AND VETERANS AFFAIRS COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. HAVE YOU ALL VOTED? RECORD, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 633.) 40 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT.

SPEAKER HADLEY: THE REPORT IS ADOPTED. MR. CLERK, WE WILL GO TO THE NEXT CONFIRMATION REPORT.

ASSISTANT CLERK: MR. PRESIDENT, THE NEXT REPORT FROM THE JUDICIARY COMMITTEE IS TWO APPOINTEES TO THE CRIME VICTIM'S REPARATIONS COMMITTEE. (LEGISLATIVE JOURNAL PAGE 611.)

SPEAKER HADLEY: SENATOR SEILER, YOU ARE RECOGNIZED TO OPEN ON THE CONFIRMATION REPORT.

SENATOR SEILER: THANK YOU, MR. PRESIDENT, MEMBERS OF THE UNICAMERAL. THE JUDICIARY COMMITTEE VOTED TO APPROVE TWO APPOINTMENTS TO THE CRIME VICTIM'S REPARATIONS COMMITTEE, AND BOTH CONFIRMATIONS WERE UNANIMOUS. FIRST IS A REAPPOINTMENT, MICHELLE SCHINDLER OF LINCOLN. AND IN ADDITION TO SERVING ON THIS BOARD, SHE'S ALSO SERVED ON THE CRIME VICTIM'S...SERVED ON THE DIRECTOR OF THE LANCASTER COUNTY YOUTH SERVICES AND ON A NUMBER OF COUNTY-LEVEL BOARDS INCLUDING DISPROPORTIONATE CONFIRMATION OF...CONFINEMENT OF MINORITY BOARD AND THE COUNTY SUBSTANCE ABUSE COALITION AND THE COUNTY TRUANCY TASK FORCE. THE SECOND IS A NEW APPOINTMENT. HIS NAME IS GERARD RUIZ, BUT MOST PEOPLE KNOW HIM AS FRED, OF GRAND ISLAND, NEBRASKA, AND IS A NEW APPOINTMENT TO THE BOARD AND IS CURRENTLY THE DIRECTOR OF THE DEPARTMENT OF CORRECTIONS IN THE HALL COUNTY CORRECTIONS DEPARTMENT. DIRECTOR RUIZ WORKED FOR THE NEBRASKA STATE PATROL FOR NEARLY 30 YEARS AND ROSE TO THE RANK OF CAPTAIN BEFORE LEAVING THE PATROL IN 2004. BOTH MS. SCHINDLER AND DIRECTOR RUIZ ARE MORE THAN

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QUALIFIED TO THEIR POSITIONS ON THE CRIME VICTIM'S REPARATIONS COMMITTEE AND I URGE YOU TO SUPPORT THEIR CONFIRMATION.

SPEAKER HADLEY: IS THERE ANY DISCUSSION ON THE REPORT? SEEING NONE, SENATOR SEILER, YOU ARE RECOGNIZED TO CLOSE ON THE REPORT. SENATOR SEILER WAIVES CLOSING. THE QUESTION IS THE ADOPTION OF THE REPORT OFFERED BY THE JUDICIARY COMMITTEE. ALL THOSE IN FAVOR VOTE AYE; ALL THOSE OPPOSED VOTE NAY. RECORD, MR. CLERK.

ASSISTANT CLERK: (RECORD VOTE, LEGISLATIVE JOURNAL PAGE 634.) 39 AYES, 0 NAYS ON THE ADOPTION OF THE REPORT, MR. PRESIDENT.

SPEAKER HADLEY: THE REPORT IS ADOPTED. WE WILL NOW GO BACK TO GENERAL FILE, MR. CLERK.

ASSISTANT CLERK: MR. PRESIDENT, BEFORE WE GET TO LB10, A REMINDER THAT THE AG COMMITTEE WILL MEET IN EXECUTIVE SESSION AT 9:30 IN ROOM 2022. WITH RESPECT TO LB10, IT IS LEGISLATION THAT WAS INTRODUCED BY SENATOR McCOY. (READ TITLE.) THE BILL HAS BEEN CONSIDERED BY THE BODY PREVIOUSLY. I NOW HAVE A PRIORITY MOTION. [LB10]

SPEAKER HADLEY: SENATOR McCOY, WOULD YOU GIVE US A SHORT SUMMARY OF THE BILL TO START? [LB10]

SENATOR McCOY: THANK YOU, MR. PRESIDENT AND MEMBERS. LB10 IS PRETTY SIMPLE. AS YOU CAN SEE, IT WOULD MERELY RETURN THE STATE OF NEBRASKA TO THE WINNER-TAKE-ALL METHOD OF APPORTIONMENT FOR OUR ELECTORAL VOTES FOR PRESIDENTIAL ELECTIONS IN LIEU OF THE DISTRICT APPORTIONMENT MODEL THAT WE HAVE HAD IN PLACE SINCE LEGISLATION WAS PASSED IN 1991. AND THIS IS A DISCUSSION THAT BEGAN SEVERAL DAYS AGO, AS ALL OF US ARE AWARE. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: MR. CLERK. [LB10]

ASSISTANT CLERK: MR. PRESIDENT, AS MENTIONED, THERE IS A PRIORITY MOTION. SENATOR CHAMBERS WOULD MOVE TO RECOMMIT LB10 TO COMMITTEE. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE OKAY TO OPEN ON YOUR AMENDMENT. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, THIS AMENDMENT, THIS MOTION, AND OTHER THINGS I'M GOING

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TO OFFER ON THIS BILL ARE DESIGNED TO HELP EAT UP THE CLOCK AND GET US TO THE POINT WHERE SENATOR McCOY CAN SEE IF HE HAS 33 MEMBERS WHO ARE GOING TO SUPPORT THIS BAD BILL WHEN HE MAKES HIS MOTION FOR CLOTURE. BUT THIS MORNING, I FEEL WHAT IN AN ORDINARY PERSON WOULD BE CALLED FURY AT WHAT I READ IN THIS MORNING'S PAPER. I AM THOROUGHLY DISGUSTED, OUTRAGED, AND ENRAGED AT THE POLICE KILLINGS THAT OCCUR, THE APPARENT ACCEPTANCE OF THESE KILLINGS BY SOCIETY, BY COUNTY ATTORNEYS, BY LOCAL AND STATE OFFICIALS. I CAME HERE THIS MORNING INTENDING TO DISCUSS THIS BILL AS I HAVE BEEN DOING THE LAST TWO DAYS OR SO, BUT THIS MORNING I HAVE SOMETHING MUCH WEIGHTIER ON MY MIND. AND SINCE I'M NOT ATTACKING SENATOR McCOY'S BILL, AND THE ISSUE IS SO WEIGHTY, IT WON'T BE NECESSARY FOR ME TO GESTICULATE, TO RAISE MY VOICE, OR USE ANYTHING THAT MIGHT BE DESIGNED TO GAIN PEOPLE'S ATTENTION OR HOLD IT. I ACKNOWLEDGE THAT I'M NOT MERELY SPEAKING TO MY COLLEAGUES. I AM GLAD THAT WHAT WE DO HERE IS TRANSMITTED THROUGHOUT THE STATE AND THE COUNTRY AND I FOUND OUT EVEN OTHER PARTS OF THE WORLD. TODAY'S STAR-HERALD HAS THE HEADLINE, "SLAIN ROBBERY SUSPECT WAS UNARMED AND UNCOOPERATIVE." SIDE BAR: WIFE SAYS HER HUSBAND WAS, QUOTE, A GOOD DADDY TO HER SON, AND SHE HAS CONTACTED A LAWYER. "TWO WITNESSES SAID A ROBBERY SUSPECT SHOUTED, 'I'M UNARMED,' AND, 'I DON'T CARE, GO AHEAD AND SHOOT ME,' WHILE BEING CONFRONTED BY OMAHA POLICE, BEFORE AN OFFICER FIRED. DANNY ELROD, 39, WAS FATALLY SHOT BY ONE POLICE OFFICER MONDAY NIGHT ON SOUTH 13th STREET. AUTHORITIES DID NOT FIND ANY WEAPONS ON ELROD OR AT THE SCENE, BUT THEY SAID HE DID NOT COMPLY WITH COMMANDS, EVEN AFTER A STUN GUN WAS DEPLOYED." YOU CAN BE KILLED FOR DISOBEYING A COP. YOU CAN BE KILLED FOR DISOBEYING A COP. THEY THINK THEY OWN PEOPLE, AND THEY TELL YOU, LIKE IN FERGUSON, GET OUT OF THE STREET, AND IF YOU DON'T GET OUT OF THE STREET, THEY CAN KILL YOU. AND IT'S HAPPENING IN OMAHA BUT I'M GOING TO CONTINUE READING. "ELROD'S WIFE, AMANDA, SAID TUESDAY SHE HAS CONTACTED AN ATTORNEY. 'THAT WAS MY ROCK,' SHE SAID. 'HE WAS MINE. THERE'S NO REASON WHY LAW ENFORCEMENT SHOULD EVER TRY TO PLAY GOD AND GUN DOWN A MAN WITH HIS HANDS UP.' FOUR OFFICERS RESPONDED AFTER A REPORT OF A ROBBERY AT FAMILY DOLLAR AT 1725 SOUTH 13th STREET. WITNESSES SAID THE ROBBER HAD WALKED NORTH ON 13th STREET. THE OFFICERS SAW ELROD IN THE PARKING LOT OF THE SPORTS CAR GARAGE AT 1461 SOUTH 13th STREET. ACCORDING TO A STATEMENT ISSUED TUESDAY BY OMAHA POLICE: FOUR OFFICERS LOUDLY TOLD ELROD TO SHOW HIS HANDS AND GET ON THE GROUND, BUT ELROD REFUSED. ELROD THEN CLIMBED ON THE HOOD OF A CAR NEAR A GATED AREA. OFFICER NICOLE GEYZA," G-E-Y-Z-A, "DEPLOYED HER STUN GUN, BUT IT WAS NOT EFFECTIVE. TAKING ELROD'S ACTIONS AND STATEMENTS AS A THREAT, OFFICER ALVIN LUGOD," L-U-G-O-D, "31, FIRED MULTIPLE TIMES, CRITICALLY WOUNDING ELROD." NO GUN, HIS WORDS WERE TAKEN AS A THREAT WHILE HE IS ON THE HOOD OF A CAR, SO AN OMAHA COP SHOT HIM. "AMANDA ELROD, WHO WAS IN AN UPSTAIRS BEDROOM AT A FRIEND'S HOUSE NEAR 14th AND PINE STREETS, SAID SHE SAW THE SCENE OUT THE WINDOW. SHE SAID SHE SAW HER HUSBAND WITH HIS HANDS UP AND, THROUGH THE OPEN WINDOW, HEARD HIM SAY, 'I'M UNARMED.' 'HE PUSHED EVERY OUNCE OF BREATH OUT OF HIS LUNGS

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TO SAY THAT,' SHE SAID. DANNY ELROD HAD BEEN AT A NEARBY GAS STATION WHEN AMANDA CALLED HIM AT 6:02 P.M., SHE SAID. LATER THEY PLANNED TO GRAB DOUGHNUTS AND COFFEE AT THE NEARBY DONUT STOP, A COMMON HANGOUT PLACE FOR THE COUPLE. SHE SAID SHE DOESN'T KNOW WHY HE WENT TO THE FAMILY DOLLAR OR ROBBED IT. 'I COULD HAVE PAID IT BACK, WHATEVER HE HAD,' SHE SAID. TOM AYALA, 57, WHO WAS IN HIS HOUSE ON 14th STREET NEAR HICKORY STREET, ALSO WITNESSED THE CONFRONTATION. HE SAW FLASHING BLUE LIGHTS FROM HIS KITCHEN AND STEPPED OUTSIDE TO HIS BACK PORCH, WHERE HE COULD SEE ELROD AND TWO OFFICERS ADVANCING. SINCE THE OFFICERS' BACKS WERE TOWARD AYALA, HE COULDN'T HEAR WHAT THEY WERE SAYING. AYALA SAID ELROD HAD HIS HANDS ON THE FENCE, THEN TURNED TO FACE POLICE AND PUT HIS HANDS UP, THEN STARTED TO BRING THEM DOWN. HE HEARD ELROD SCREAM, 'I DON'T CARE, GO AHEAD AND SHOOT ME.' 'IT JUST SEEMED LIKE HE WAS DISTRAUGHT,' AYALA SAID. AS ELROD YELLED AT THE OFFICERS, AYALA RECEIVED A PHONE CALL, AND HE TURNED TO GO INSIDE. WHILE AYALA HAD HIS BACK TURNED, HE HEARD FOUR SHOTS. AYALA QUICKLY LOOKED BACK AND SAW ELROD FALL OFF THE HOOD OF THE CAR TO THE GROUND. OFFICIALS DIDN'T SAY HOW MANY TIMES ELROD WAS SHOT. NO OFFICERS WERE INJURED. TWO OTHER OFFICERS WERE AT THE SCENE: BRADLEY BORNHOFT AND PATRICIA POPE. AUTHORITIES SPOKE TO SEVERAL PEOPLE WHO SAW THE ROBBERY AND HAVE VIDEO FOOTAGE OF THE SHOOTING FROM TWO CRUISERS. A MANAGER AT FAMILY DOLLAR DECLINED TO COMMENT. LUGOD," L-U-G-O-D, BY THE WAY, "A SIX-YEAR VETERAN WHO FIRED THE SHOTS, HAS BEEN PLACED ON PAID ADMINISTRATIVE LEAVE, FOLLOWING DEPARTMENT POLICY. CHIEF TODD SCHMADERER," S-C-H-M-A-D-E-R-E-R, "WAS OUT OF TOWN AND RETURNED TO OMAHA LATE TUESDAY NIGHT. POLICE SAID SCHMADERER PLANNED TO REVIEW THE VIDEOS AND EVIDENCE, AND WILL TALK TO MAYOR JEAN STOTHERT AND DOUGLAS COUNTY ATTORNEY DON KLEINE BEFORE RELEASING MORE INFORMATION. LUGOD WAS INVOLVED IN ANOTHER FATAL SHOOTING IN 2012, FIRING WHEN JERMAINE LUCAS REACHED FOR A GUN." 'I'M GOING TO DIGRESS. WHEN THIS SHOOTING THAT IS MENTIONED HERE OCCURRED, IT WAS A MAN WHO HAD BEEN ON PAROLE OR SOMETHING. THESE COPS HAD STOPPED HIS CAR. THE COPS ARE THE ONLY ONES THERE. THE ONE WHO DID THE SHOOTING CLAIMED THAT THE MAN DROPPED A GUN. AND WITH THESE COPS AROUND WITH THEIR GUNS DRAWN, HE LUNGED FOR THE GUN AND THIS GUY SHOT HIM. I SAID AT THE TIME, THE COP WAS LYING. IF THERE WAS A GUN IT WAS A THROW DOWN, AND THEY MURDERED HIM. NATURALLY, WHAT I SAID MEANT NOTHING. BUT I KNOW THESE COPS, I KNOW WHAT THEY'LL DO, AND I KNOW THEY'LL GET AWAY WITH IT. BUT THE WORM MAY TURN, AND THEY NEED TO KEEP THAT IN MIND. I'M GOING TO CONTINUE READING. "A GRAND JURY CLEARED LUGOD OF WRONGDOING AND NO CHARGES WERE FILED IN THAT DEATH. OMAHA ATTORNEY JAMES MARTIN DAVIS, WHO WAS CONTACTED BY AMANDA ELROD, IS LOOKING INTO THE FATAL SHOOTING OF HER HUSBAND. HE SAID TWO WITNESSES HEARD ELROD SAY, 'I'M UNARMED, I'M UNARMED,' AND SAW ELROD'S HANDS IN THE AIR. 'IT'S TOO EARLY TO SAY IT IS UNJUSTIFIED, BUT ALSO TOO EARLY FOR THE POLICE TO SAY THAT IT'S JUSTIFIED,' DAVIS SAID." CONTINUING THE QUOTE, "'THE BOTTOM LINE: WHETHER THE GUY WAS THE SUSPECT OR NOT, THE POLICE SHOT AN UNARMED MAN.' DANNY AND AMANDA ELROD MOVED TO OMAHA FROM TENNESSEE IN SEPTEMBER, ACCORDING TO



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HER FACEBOOK PAGE. ELROD HAD CRIMINAL RECORDS IN OHIO, IOWA, AND NEBRASKA, ACCORDING TO COURT DOCUMENTS. HE SPENT JUST OVER A YEAR IN PRISON... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...IN OHIO, FROM OCTOBER 2010 TO DECEMBER 2011, FOR CRIMINAL MISCHIEF AND THEFT, ACCORDING TO THE OHIO DEPARTMENT OF REHABILITATION AND CORRECTION. IN JANUARY, ELROD WAS CHARGED WITH THIRD-DEGREE DOMESTIC ASSAULT IN DOUGLAS COUNTY. HE PLEADED GUILTY AND SPENT THREE DAYS IN JAIL. IN DECEMBER, ELROD WAS CHARGED WITH CRIMINAL MISCHIEF IN SARPY COUNTY. HE PLEADED NOT GUILTY. HIS TRIAL WAS SCHEDULED TO BEGIN IN APRIL. AMANDA SAID SHE HAS NOT YET TOLD THEIR FIVE-YEAR-OLD SON, JACOB, WHO IS STAYING WITH HER MOTHER. SHE ACKNOWLEDGED HER HUSBAND'S CRIMINAL PAST BUT SAID HE WAS 'COMPLETELY REHABILITATED.' 'THE MAN THAT I KNEW WAS A GOOD DADDY AND A GOOD HUSBAND,' SHE SAID. AYALA, WHOSE FATHER WAS AN OMAHA POLICE OFFICER FOR 28 YEARS, SAID THE SITUATION WAS 'A SHAME,' BUT OFFICERS MUST OFTEN MAKE QUICK DECISIONS." I'LL STOP NOW BECAUSE MY TIME IS JUST ABOUT UP. [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU. [LB10]

SPEAKER HADLEY: SENATOR COOK, YOU ARE RECOGNIZED. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT. AND GOOD MORNING, COLLEAGUES. I WOULD YIELD MY TIME TO SENATOR CHAMBERS SHOULD HE CHOOSE TO USE IT. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 4:45. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR COOK. CONTINUING THE ARTICLE: "THEY'RE OUTNUMBERED"...I WILL READ THAT PARAGRAPH THAT LEADS INTO THIS. "AYALA, WHOSE FATHER WAS AN OMAHA POLICE OFFICER FOR 28 YEARS, SAID THE SITUATION WAS 'A SHAME,' BUT OFFICERS MUST OFTEN MAKE QUICK DECISIONS. 'THEY'RE OUTNUMBERED AND OUTGUNNED. MOST OF THEM HAVE FAMILIES, TOO,' AYALA SAID. 'I HATE TO SEE ANY LIFE GO LIKE THAT, BUT YOU HAVE TO DEAL WITH THE CONSEQUENCES OF YOUR ACTIONS.' THIS IS THE SECOND OFFICER-INVOLVED SHOOTING IN THE METROPOLITAN AREA IN A WEEK. ON SATURDAY, THREE BELLEVUE POLICE OFFICERS WOUNDED A MAN WHO WAS LATER RELEASED FROM THE HOSPITAL. THE LAST TIME OMAHA POLICE OFFICERS SHOT A PERSON

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WHO WAS UNARMED, NOT REACHING FOR A WEAPON, OR WHO DID NOT USE A VEHICLE AS A WEAPON, WAS IN 2000. GEORGE BIBINS JR., 35, HAD FLED AUTHORITIES IN A STOLEN VEHICLE AND CRASHED INTO A POLE. OFFICER JERAD KRUSE," K-R-U-S-E, FIRST NAME J-E-R-A-D, "WENT TO THE DRIVER'S WINDOW AND SHOT BIBINS, KILLING HIM. KRUSE WAS NOT INDICTED BY A GRAND JURY, BUT HE RETIRED A YEAR LATER BECAUSE OF POSTTRAUMATIC STRESS SYNDROME." I KNEW GEORGE BIBINS; HE WAS A VETERAN, AND THIS COP WALKED RIGHT UP BESIDE THE WINDOW WHERE HE WAS SITTING, REACHED IN THE WINDOW, AND SHOT HIM DEAD. AND THAT WAS THE REPORT THAT WAS GIVEN--NO CHARGES, NO INDICTMENT. AND HE HAPPENED TO HAVE BEEN A BLACK MAN. OMAHA COPS GET AWAY WITH THIS AND IT OUGHT NOT TO BE. THERE WAS A SITUATION, NOT FATAL, IN LINCOLN IN WHICH TWO LINCOLN POLICE OFFICERS WERE CONVICTED, IF YOU WANT TO USE THAT TERM, BY THE LINCOLN POLICE DEPARTMENT INTERNAL AFFAIRS FOR USING EXCESSIVE FORCE. I READ THE ARTICLE. I WAS SURE SOME SENATORS FROM LINCOLN WOULD SAY SOMETHING--SILENT NIGHT. I WAS SURE THE LANCASTER COUNTY ATTORNEY WOULD DO SOMETHING--ALL SILENT ON THE LINCOLN FRONT. SO AFTER AN AMOUNT OF TIME PASSED AND NOBODY SAID ANYTHING, AND I WAS SURE THAT NOTHING WOULD BE SAID, THEN I GOT INTO THAT INCIDENT, AS I DID SOME YEARS AGO WHEN A WHITE FARMER IN CAIRO, NEBRASKA, WAS SHOT DEAD BY STATE TROOPERS. NO WHITE OFFICIALS SAID ANYTHING. THE NEBRASKA FARM BUREAU SAID NOTHING, NO FARMERS, NOBODY, BUT I SAID SOMETHING. AND WHITE PEOPLE WERE STUNNED BECAUSE HE WAS KNOWN TO BE A RACIST. AND I TOLD EVERYBODY WHO TOLD ME THAT, THIS MAN WAS NOT SHOT BECAUSE HE WAS A RACIST. THE POLICE SHOT HIM WHEN THEY SHOULD NOT HAVE. IT WAS AS CLOSE TO MURDER AS ANYTHING THAT I HAD SEEN. AND I BEGAN MY OWN INVESTIGATION. TO COLLAPSE THAT INTO A BRIEF STATEMENT, THE STATE PATROL CHANGED THEIR POLICIES FOR DEALING WITH SOMEBODY WHERE THERE IS A STANDOFF. THIS MAN HAD NOT MADE A PAYMENT ON A LOAN. THE BANKER WAS ABLE TO ENLIST THE SHERIFF'S DEPARTMENT TO GO OUT THERE, ARMED, TO COLLECT ON A LOAN. THE SHERIFF THEN WANTED THE STATE PATROL TO COME. THEY FLEW OVER THE MAN'S HOUSE WITH A FIXED-WING AIRCRAFT. THEY BLOCKED EVERY ROAD TO HIS HOUSE SO NO FAMILY MEMBERS OR FRIENDS COULD COME TO THAT HOUSE. THEY REFUSED TO LET A... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...FAMILY MEMBER SPEAK ON THE PHONE TO THAT MAN. THEY PROVOKED HIM. AND WHEN HE CAME OUT OF HIS HOUSE THEY SHOT HIM. THEY CLAIMED HE SHOT AT THEM. BUT I WENT TO STATE PATROL HEADQUARTERS BECAUSE THE RIFLE THEY SAID HE SHOT HAD A JAMMED SHELL IN THE CHAMBER AND NO EVIDENCE THAT THE WEAPON HAD BEEN FIRED. I SAID, WELL, I KNOW YOU BAGGED HIS HANDS SO YOU COULD CHECK FOR RESIDUE IF HE FIRED IT AT ALL. WELL, NO, WE DIDN'T DO THAT. AND OTHER THINGS THEY DID NOT DO. THEY KNOW THEY ARE GOING TO GET AWAY WITH THESE KILLINGS. AND I WISH THAT OTHER PEOPLE IN POSITIONS OF RESPONSIBILITY WOULD TAKE THESE THINGS AS SERIOUSLY AS I DO. I'M GOING

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TO SAY SOME MORE ON IT WHILE TALKING ON THIS BILL. IT IS A BAD BILL. I'M OPPOSED TO IT. BUT SOMETIMES AN EVENT MAY OCCUR THAT TRANSCENDS THE ISSUES OF THE MOMENT. AND WHEN A LIFE IS TAKEN... [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: ...UNDER THESE CIRCUMSTANCES...THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: AND YOU ARE NEXT IN THE QUEUE. [LB10]

SENATOR CHAMBERS: OH, ME? [LB10]

SPEAKER HADLEY: YES. [LB10]

SENATOR CHAMBERS: THANK YOU. HOW CAN PEOPLE WHO PROFESS TO BE CIVILIZED, WHO PRAISE THE POLICE, BE AWARE OF SOMETHING LIKE WHAT I READ? WAS I THERE? NO. DID I SEE ANYTHING? OF COURSE NOT. DID ANYBODY TALK TO ME ABOUT IT? NOT AT ALL. NOBODY TALKED TO ME ABOUT THAT WHITE FARMER EITHER. I WENT BY WHAT I READ IN THE PAPER. AND CHANGES RESULTED FROM MY INTERVENTION. 60 MINUTES EVEN SENT GERALDO RIVERA TO LOOK AT WHAT HAD HAPPENED OR WHATEVER NETWORK HE WAS WITH. BARBARA WALTERS WAS WITH THE NETWORK. AND WHEN GERALDO RIVERA GOT OUT THERE, HE HAD DRESSED IN A WAY THAT I THOUGHT WAS CONDESCENDING. HE HAD ON COWBOY BOOTS, JEANS, AND A LUMBERJACK SHIRT, WHICH IS NOT THE WAY GERALDO RIVERA DRESSED WHEN HE DID STORIES LIKE THIS. AND WHEN HE FOUND OUT THAT THIS SENATOR WHO HAD MADE SO MUCH NOISE WAS A BLACK MAN, IT CHANGED EVERYTHING. HE DIDN'T WANT TO TALK TO ME THEN. BUT IT WAS THE PRESENCE OF THIS POLITICIAN THAT BROUGHT HIM OUT THERE. AND HE DID A STORY, BUT BEFORE I TOUCH ON THAT, LET ME TELL YOU WHAT THE STATE PATROL DID. I HAD CRITICIZED SO MUCH THAT THE MEDIA COULD NOT IGNORE IT. SO THE STATE PATROL HAD A LONG TABLE AND THEY LAID ALL OF THESE RIFLES OUT ON THAT TABLE. BUT I WENT TO THE MAN'S HOUSE. MOST OF THE WEAPONS WERE INOPERABLE. SOME OF THEM WERE SO OLD THAT THEY WOULDN'T BE ABLE TO FIRE AMMUNITION THAT COULD BE PURCHASED TODAY. SO APPARENTLY THEY WERE COLLECTOR'S WEAPONS. WHEN THEY LAID OUT ALL THIS AMMUNITION, MANY OF THE CARTRIDGES WERE RUSTED. THEY COULD NOT BE USED. BUT FROM THE PICTURE YOU SAW IN THE PAPER, ALL OF THESE WEAPONS, LIKE AN ARSENAL. I WAS TOLD THAT THIS MAN'S HOME WAS FULL OF RACIST LITERATURE THAT WOULD TURN MY STOMACH. I SAID, WELL, I SEE THAT EVERYWHERE. I SAID, YOUR NEWSPAPERS CARRY THAT. I SAID, BUT I DID GO OUT TO THAT HOUSE AND I TALKED TO HIS FAMILY. AND YOU KNOW WHAT I SAW, THROUGHOUT THAT HOUSE? BIBLES. SO WHY DON'T YOU PUT SOME BIBLES ON THE TABLE TOO. BUT THEY DIDN'T DO IT. SO I HAD SOME COMMENTS TO

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SAY...TO MAKE ABOUT THE WAY THEY WERE TILTING THE PUBLIC'S ATTITUDE TOWARD THIS MAN AND HIS FAMILY. WHEN GERALDO'S LITTLE PIECE WAS ON THE PROGRAM, AND BARBARA WALTERS WAS PRESENTING IT, THEY DESCRIBED THIS MAN AS A RACIST. HIS FAMILY ALL BACKED UP WHAT HE SAID AND WHAT HE DID. AND IT WAS AN AREA OF NEBRASKA THAT YOU WOULD EXPECT TO FIND IN THE SOUTH. AND THEY HAD...HE HAD, TO MY UNDERSTANDING, GERALDO RIVERA HAD NOT TALKED TO ANYBODY IN THAT COMMUNITY. AND WHEN BARBARA WALTERS WAS SITTING THERE AND THEY PUT THE CAMERA ON HER, SHE JUST SHOOK HER HEAD IN DISBELIEF. AND YOU ALL KNOW HOW BARBARA WALTERS TALKED AND I WILL NEVER FORGET IT. AFTER GERALDO GOT THROUGH, SHE JUST SHOOK HER HEAD AND SAID, TERRIBLE, TERRIBLE, TERRIBLE. AND I WAS THERE AND SAW HOW THE INTERVIEW WAS CONDUCTED AND, TO ME, THE WAY THEY DID IT AND DISTORTED IT WAS INDEED TERRIBLE, TERRIBLE, TERRIBLE. BUT THERE WAS NO REJOINDER; THERE WAS NO REBUTTAL. AND THIS WAS A WHITE MAN WHOM EVEN WHITE PEOPLE HAD NO REGARD FOR. [LB10]

SPEAKER HADLEY: ONE MINUTE, SENATOR. [LB10]

SENATOR CHAMBERS: BUT HE WAS A MAN WHO HAD BEEN WRONGED, AND HE HAD BEEN WRONGED BY THE STATE POLICE, AND THAT'S WHAT GALVANIZED ME. HIS FAMILY WAS SURPRISED THAT I CAME OUT THERE BECAUSE OF MY REPUTATION. AND I TOLD THEM WHAT I'M TELLING YOU NOW: IF I WERE NOT CONVINCED THAT HE WAS WRONGED, I WOULDN'T BE HERE. THAT'S THE ONLY THING THAT BROUGHT ME HERE AND I WANT YOU ALL TO NOTICE WHO IS NOT HERE--NOT ONE WHITE PERSON IN THAT COMMUNITY EXCEPT HIS PERSONAL FRIENDS AND NOT A WHITE PUBLIC OFFICIAL. AND IF THEY READ WHAT I READ, AND IF THEY READ ANYTHING AT ALL THEY WOULD HAVE READ WHAT I READ, IT SHOWED ME HOW LACKING IN CONCERN, COMPASSION, AND A FEELING FOR JUSTICE THAT EXISTS IN THIS STATE. SO I KNOW NOT ONLY FROM WHAT HAPPENS TO BLACK PEOPLE BUT WHAT HAPPENS TO ALL PEOPLE WHO HAPPEN TO BE ON THE OUTER EDGES. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB10]

SENATOR CRAWFORD: THANK YOU, MR. SPEAKER. GOOD MORNING, COLLEAGUES. SENATOR MURANTE ASKED ME OFF THE MIKE WHEN WE FIRST STARTED THIS DISCUSSION IF I WAS GOING TO TALK ABOUT FEDERALISM, AND I SAID, ABSOLUTELY. SO FEDERALISM IS A KEY PART OF OUR SYSTEM AND IMPORTANT TO THIS DISCUSSION TODAY. SO I STAND AGAIN OPPOSED TO LB10. AND LET ME SPEAK TO FEDERALISM IMPLICATIONS HERE. IT'S IMPORTANT ALSO BECAUSE THEY ARE ALSO MENTIONED IN THE SECRETARY OF STATE'S COMMENTS ON THIS BILL. SO TWO KEY ELEMENTS OF FEDERALISM: ONE IS THAT FEDERALISM PROVIDES STATES AN ABILITY TO MAKE CHOICES SO THAT THEY CAN TAILOR POLICIES THAT FIT THEIR STATE. AND THE SECRETARY OF STATE'S COMMENTS ON THIS BILL ACKNOWLEDGE THIS. IT IS THE CASE THAT

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STATES CAN CHOOSE HOW TO DISTRIBUTE THEIR ELECTORAL VOTES. NOW THIS IS AN IMPORTANT PART OF FEDERALISM BECAUSE DIFFERENT STATES HAVE DIFFERENT NEEDS AND DIFFERENT CONCERNS. WHAT'S GOOD FOR ONE STATE MAY NOT BE GOOD FOR ANOTHER STATE. IF I PUT HONEY ON MY CEREAL IN THE MORNING, THAT'S GOOD FOR ME. IF I DID THE SAME THING FOR AN INFANT, IT WOULD CAUSE THAT INFANT TO GET BOTULISM. NOW I'M NOT SAYING THAT TO EQUATE LB10 WITH BOTULISM. I'M JUST MAKING THE POINT THAT DIFFERENT CHOICES ARE GOOD IN DIFFERENT SITUATIONS. AND FEDERALISM EXISTS IN OUR EXPANSIVE COUNTRY BECAUSE OUR STATES ARE DIFFERENT, HAVE DIFFERENT NEEDS, AND DIFFERENT CONCERNS. AND SO WE HAVE THE CONSTITUTIONAL ABILITY TO DECIDE HOW TO DISTRIBUTE OUR ELECTORAL VOTES. AND WE HAVE CHOSEN TO DO THAT BY HAVING THE CONGRESSIONAL DISTRICT VOTES BE ALLOCATED BY CONGRESSIONAL DISTRICT AND THE SENATE VOTES ELECTED BY WINNER TAKE ALL. I THINK WE SHOULD RETAIN THAT POLICY FOR MANY OF THE REASONS THAT WERE MENTIONED IN OUR DEBATE THUS FAR. SO NOW A SECOND PART OF FEDERALISM IS TO MAKE SURE THAT STATES HAVE A SAY. SO THE SECRETARY OF STATE'S COMMENTS ON THE BILL NOTE THAT EVERY STATE GETS TWO ELECTORAL VOTES FOR THEIR TWO SENATE SEATS, NO MATTER HOW LARGE OR HOW SMALL. SO THOSE SENATE ELECTORAL VOTES ARE VOTES THAT EQUALIZE NEBRASKA WITH OTHER STATES. EVERY STATE GETS THOSE TWO VOTES, THOSE TWO SENATORIAL VOTES. AND I THINK IT'S PERFECTLY APPROPRIATE THAT THOSE TWO SENATORIAL VOTES THAT ARE SUPPOSED TO REFLECT THE STATE DO GO TO WINNER TAKE ALL. THAT MAKES SENSE. IT'S FITTING WITH THE INTENT OF THOSE SENATORIAL VOTES. AND OUR CURRENT STRUCTURE RETAINS THAT. AND SO I THINK WE ARE REMAINING TRUE TO THAT SPIRIT OF FEDERALISM IN OUR CURRENT STRUCTURE BECAUSE WE ASSIGN THOSE TWO SENATORIAL VOTES IN A WINNER-TAKE-ALL MANNER. I THINK DECIDING IN NEBRASKA TO DISTRIBUTE THE CONGRESSIONAL DISTRICTS BY CONGRESSIONAL...CONGRESSIONAL DISTRICT ELECTORAL VOTES BY CONGRESSIONAL DISTRICT MAKES SENSE IN OUR STATE. AND THERE IS SOME CONCERN RAISED IN THE SECRETARY OF STATE'S LETTER ABOUT WHAT WOULD HAPPEN IF EVERY OTHER STATE DID THAT. BUT AGAIN, ANOTHER PART OF FEDERALISM IS WE GET TO EXPERIMENT WITH THINGS AND SOMETIMES YOU EXPERIMENT AND IT'S SOMETHING THAT OTHER STATES LIKE AND THEY DECIDE TO PICK IT UP; OTHER TIMES, THEY DON'T. THIS APPEARS TO BE AN EXPERIMENT IN MAINE AND NEBRASKA. AND OTHER STATES EITHER ARE NOT INTERESTED OR DO NOT HAVE THE POLITICAL INSTITUTIONS THAT WOULD ALLOW IT TO HAPPEN. AND WHAT I SUSPECT IS HAPPENING IN MANY OF THOSE STATES IS THE STATES THAT ARE SWING STATES DON'T NEED IT. THE STATES WHERE ONE PARTY HAS A VERY STRONG MAJORITY... [LB10]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CRAWFORD: ...THANK YOU...WHERE ONE PARTY HAS A VERY STRONG MAJORITY, THAT MAJORITY PARTY IS THE PARTY THAT BENEFITS FROM WINNER

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TAKE ALL AND THAT MAJORITY PARTY IN EVERY OTHER STATE THAT IS PARTISAN AND STRUCTURED IN A PARTISAN MANNER IS ABLE TO SHUT DOWN ANY EFFORT TO DIVIDE CONGRESSIONAL...TO DIVIDE ELECTORAL VOTES BY CONGRESSIONAL DISTRICT. WE HAVE IT IN NEBRASKA BECAUSE...LARGELY BECAUSE WE HAVE A NONPARTISAN UNICAMERAL. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANKS, SENATOR CRAWFORD. WHILE THE LEGISLATURE IS IN SESSION AND CAPABLE OF TRANSACTING BUSINESS, I PROPOSE TO SIGN AND DO HEREBY SIGN LR56, LR57, AND LR58. SENATOR CHAMBERS, YOU'RE RECOGNIZED. THIS IS YOUR THIRD TIME, SENATOR. [LR56 LR57 LR58 LB10]

SENATOR CHAMBERS: MR. PRESIDENT, I HOPE THE TIME WAS NOT COUNTERED AGAINST ME THAT SENATOR COOK GAVE ME. [LB10]

PRESIDENT FOLEY: IT'S MY UNDERSTANDING, SENATOR, THAT YOU OPENED AND THEN YOU SPOKE ONCE ON YOUR OWN AND NOW THIS IS YOUR SECOND TIME. THAT'S MY UNDERSTANDING, UNLESS I'M INCORRECT. I WAS LATE ARRIVING. [LB10]

SENATOR CHAMBERS: ALL RIGHT. I'LL GET TO...I'LL FIND A WAY TO SAY EVERYTHING I HAVE TO SAY. THERE ARE SOMETIMES PARALLEL EVENTS. OTHERS WILL CONTINUE TO DISCUSS THIS BILL, AS IS APPROPRIATE, BECAUSE THAT IS THE SUBJECT DIRECTLY BEFORE US. MINE TANGENTIALLY BEARS ON THIS BILL BECAUSE IT HAS TO DO WITH THE WAY THIS SOCIETY VIEWS THE LAW, SKEWS THE LAW, AND HAS NO CONCERN FOR WHAT THE LAW'S INTENT OR SPIRIT IS. I NEED TO TIE THE RIBBON AROUND WHAT I HAD SAID ABOUT THE FARMER SITUATION. AFTER MY CONTINUING TO MAKE NOISE IN THE WAY THAT I'M ABLE TO DO, THE THEN-GOVERNOR EXON WANTED AN INVESTIGATION. AND SENATOR BEUTLER WAS INVOLVED IN SOME KIND OF ACTION. I DON'T REMEMBER WHETHER HE DID IT AS THE CHAIRPERSON OF THE JUDICIARY COMMITTEE OR IN LEAGUE WITH GOVERNOR EXON. BUT AFTER THE FIRE WAS SET, BOTH OF THEM TOOK AN INTEREST. THEY HAD NO INTEREST BEFORE THAT. IF SOMEBODY IS NOT PROVIDING THE MOTIVE FORCE, NOTHING WILL BE DONE IN THESE CASES. SO NOW I'M GOING TO READ FROM AN ARTICLE, AS I HAD INDICATED I WOULD, THAT RELATES TO LINCOLN. THIS INCIDENT, THAT INVOLVED THESE TWO POLICE OFFICERS WHO FORMERLY WAS ON THE LINCOLN POLICE DEPARTMENT, OCCURRED DURING THE FIRST EIGHT OR NINE DAYS OF JANUARY...OR IN NOVEMBER OF 2014. I LET ALL OF THAT TIME PASS AND THEN THIS IS THE ARTICLE THAT APPEARED IN THE LINCOLN JOURNAL STAR JANUARY 10, OVER A MONTH AFTER THE INCIDENT. AND I KNEW NOBODY WOULD DO ANYTHING. HEADLINE, "CHAMBERS CALLS FOR ACTION ON EXCESSIVE FORCE. TWENTY-FIVE-PAGE LETTER SEEKS CHARGES AGAINST 'ROGUE POLICE.' SENATOR ERNIE CHAMBERS CONDEMNED PROSECUTORS FRIDAY FOR NOT CHARGING TWO LINCOLN POLICE OFFICERS WHO RESIGNED UNDER WEIGHT OF EXCESSIVE FORCE ACCUSATIONS, AND WARNED THAT NOT DOING SO

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EMBOLDENS THESE 'ROGUE POLICE' TO ENGAGE IN MORE 'BRUTALITY.' CHAMBERS, OF OMAHA, WROTE LANCASTER COUNTY ATTORNEY JOE KELLY A 25-PAGE 'TREATISE ON LAW ENFORCEMENT' IN THE WAKE OF A JOURNAL STAR INVESTIGATION INTO EXCESSIVE FORCE COMPLAINTS SUSTAINED BY THE LINCOLN POLICE DEPARTMENT AGAINST OFFICERS JOHN McGAHAN," M-c-G-A-H-A-N, "AND JEREMY WILHELM," J-E-R-E-M-Y W-I-L-H-E-L-M. "BOTH OFFICERS RESIGNED FROM LPD BUT FOUND JOBS WITH OTHER LAW ENFORCEMENT AGENCIES. CHAMBERS ACCUSES KELLY OF GIVING A PASS TO McGAHAN AND WILHELM, ONE HE WOULDN'T GIVE TO SOMEONE WHO WASN'T A COP." [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: "'YOUR OFFICE ACTS WITH ALACRITY IN FILING CHARGES AGAINST ORDINARY CITIZENS...YET WHEN LAWLESS ROGUE COPS ARE 'CAUGHT ON CAMERA' VIOLATING THE LAW BY PHYSICALLY ASSAULTING CITIZENS, YOU DO AS MUCH AS A POSSUM: NOTHING,' CHAMBERS SAID IN HIS LETTER." I WILL CONTINUE THE NEXT TIME I HAVE AN OPPORTUNITY TO SPEAK. BUT I'M GOING TO GET ALL OF THIS INTO THE PUBLIC RECORD SO THAT PEOPLE WILL SEE WHAT IS GOING ON AND ABOUT WHICH OTHER OFFICIALS SEE NO NEED TO DO ANYTHING. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. MR. CLERK FOR AN ANNOUNCEMENT. [LB10]

ASSISTANT CLERK: MR. PRESIDENT, THE TRANSPORTATION COMMITTEE WILL MEET IN EXECUTIVE SESSION AT 10:00 A.M. IN ROOM 2022.

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR BOLZ, YOU'RE RECOGNIZED. [LB10]

SENATOR BOLZ: THANK YOU, MR. PRESIDENT. I WOULD LIKE TO YIELD MY TIME TO SENATOR CHAMBERS SHOULD HE CHOOSE TO USE IT. [LB10]

PRESIDENT FOLEY: FIVE MINUTES, SENATOR CHAMBERS. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR BOLZ. THIS IS A QUOTE OF MINE WITHIN THE ARTICLE SO THAT THE TRANSCRIBERS WILL UNDERSTAND. "THE RESULT IS AN UNDERMINING OF TRUST AND CONFIDENCE IN THE LOUDLY TOUTED AMERICAN MANTRA OF EQUAL JUSTICE BEFORE THE LAW." KELLY COULD NOT BE REACHED FOR COMMENT FRIDAY EVENING. WHEN THEY DON'T GET REDRESS WITHIN THE LAW, VIGILANTES TURN ELSEWHERE, AND SOMETIMES THE BLOWBACK HITS POLICE, CHAMBERS SAID. HE GAVE SEVERAL HIGH-PROFILE EXAMPLES, LIKE THE 28-YEAR-OLD BLACK MAN WHO SHOT AND KILLED TWO NEW YORK CITY

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POLICE OFFICERS LAST MONTH. THE SHOOTER MADE STATEMENTS ON SOCIAL MEDIA SUGGESTING HE WAS ANGRY ABOUT THE ERIC GARNER AND MICHAEL BROWN CASES, TWO INCIDENTS IN WHICH POLICE KILLED UNARMED BLACK MEN, AND SUGGESTED THAT HE PLANNED TO KILL POLICE OFFICERS BECAUSE GRAND JURIES FAILED TO INDICT THE OFFICERS. CHAMBERS CITED OTHER HIGH-PROFILE COP KILLINGS FROM LAST YEAR, INCLUDING ONES IN LAS VEGAS, NEW JERSEY, AND PENNSYLVANIA. "THE MONSTER UNLEASHED BY LAWLESS COPS MAY BE THEIR OWN UNDOING," CHAMBERS SAID. AFTER RESIGNING FROM A 24-YEAR CAREER AT LPD, THE 47-YEAR-OLD McGAHAN WAS HIRED BY THE LANCASTER COUNTY SHERIFF'S OFFICE IN EARLY AUGUST. HE SUBMITTED HIS RESIGNATION TO LPD IN MID-FEBRUARY AFTER INTERNAL AFFAIRS INVESTIGATORS WATCHED A LANCASTER COUNTY JAIL VIDEO THAT SHOWED McGAHAN SHOVE AN INMATE EARLY ON DECEMBER 13. SHERIFF TERRY WAGNER SAID IN NOVEMBER THAT HE WATCHED THE VIDEO, TALKED TO FORMER COLLEAGUES OF McGAHAN'S, AND HAD NO QUALMS ABOUT HIRING HIM. THE SHERIFF SAID HE MIGHT HAVE DISCIPLINED ONE OF HIS DEPUTIES IF THEY HAD PUSHED AN INMATE LIKE THAT, BUT HE PROBABLY WOULDN'T FIRE THEM. WHAT IS NOT IN THIS ARTICLE--I'M DEPARTING FROM IT--IS THAT THIS OFFICER HAD THE MAN WITH HIS HANDS CUFFED BEHIND HIS BACK, PUSHED HIM AGAINST THE WALL HARD ENOUGH TO LEAVE BLOOD ON THE WALL. THE MAN HAD TO BE TAKEN TO THE HOSPITAL FOR TREATMENT. THAT'S WHAT SHERIFF TERRY WAGNER SAW AND DIDN'T SEE ANYTHING MUCH WRONG WITH IT. CONTINUING: THE VIDEO DOES NOT SHOW WHAT LED UP TO McGAHAN PUSHING THE INMATE, 54-YEAR-OLD THOMAS EPPERSON, E-P-P-E-R-S-O-N. EPPERSON REPEATEDLY THREATENED McGAHAN AND OTHER OFFICERS AS THEY TRIED TO TAKE HIM TO JAIL FOR ASSAULTING AN OFFICER EARLIER THAT MONTH, McGAHAN SAID IN AN AFFIDAVIT. McGAHAN ALSO SAID HE AND ANOTHER OFFICER TOOK EPPERSON TO THE GROUND DURING ONE OF THE CONFRONTATIONS, BUT EPPERSON TRIED TO BUCK THEM OFF. DURING THE STRUGGLE, EPPERSON DUG HIS FINGERNAIL INTO McGAHAN'S MIDDLE FINGER, DRAWING BLOOD. HE DREW BLOOD ON THE OTHER OFFICER'S FINGER AS WELL, McGAHAN SAID. THEY EVENTUALLY SUBDUED AND HANDCUFFED EPPERSON BEFORE TAKING HIM TO A CELL. THAT'S WHEN McGAHAN SHOVED EPPERSON, AND HE FELL FORWARD AND HIT HIS HEAD ON THE WALL, LEAVING BLOOD, McGAHAN SAID THIS IN HIS AFFIDAVIT. HE DID NOT MENTION IN THE AFFIDAVIT THAT HE HAD PUSHED THE MAN, WHO REQUIRED TREATMENT AT A HOSPITAL. CHAMBERS SAID KELLY DOES NOT NEED TO BE A MIND READER TO FIGURE OUT THAT McGAHAN OMITTED THAT HE PUSHED EPPERSON BECAUSE HE WAS AFRAID HE WOULD BE DISCIPLINED OR FIRED BY REVEALING WHAT HAPPENED IN A PUBLIC DOCUMENT. IN THE OTHER CASE, FORMER LPD OFFICER WILHELM IS NOW A NEBRASKA STATE... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...PATROL TROOPER CANDIDATE SET TO GRADUATE IN MAY, PATROL SPOKESWOMAN DEB COLLINS SAID IN NOVEMBER. THE 13-YEAR LPD VETERAN WAS SEEN IN A MARCH VIDEO SHOIVING A HOMELESS MAN INTO A WALL AND THEN ACROSS A ROOM AT THE PEOPLE'S CITY MISSION. INTERNAL AFFAIRS INVESTIGATORS WITH THE POLICE DEPARTMENT SUSTAINED AN



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EXCESSIVE-FORCE COMPLAINT AGAINST WILHELM. HE RESIGNED LAST FALL AFTER A DISCIPLINARY HEARING. AND I THINK BOTH OF THEM WERE TOLD QUIT OR GET FIRED. THIS WAS IN THE PAPER. NOBODY ELSE SAID ANYTHING. THE CITY MISSION IS DEEMED BY SOME PEOPLE AS A PLACE OF REFUGE. AND THAT'S THE WAY THE COP WILL CONDUCT HIMSELF AND ON VIDEO. LPD UNDER THE CHIEF, PESCHONG, DID WHAT THEY COULD DO. THEN THE SHERIFF AND THE STATE PATROL PICKED UP THIS ROGUERY AND HIRED THEM. [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR COOK, YOU'RE RECOGNIZED. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD MORNING. I FORGOT TO SAY EARLIER I DO RISE IN SUPPORT OF THE MOTION TO RECOMMIT THIS BILL TO COMMITTEE. AND I WOULD YIELD THE BALANCE OF MY TIME TO SENATOR CHAMBERS SHOULD HE CHOOSE TO USE IT. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR COOK. AS I POINTED OUT, MY LETTER...THE ARTICLE COVERING MY LETTER IS DATED JANUARY 10, 2015. THIS LETTER IS DATED FEBRUARY 24, JUST THE OTHER DAY. MR. KELLY HAD APPEARED BEFORE THE JUDICIARY COMMITTEE ON WHICH I SIT. HE WAS UPSET ABOUT SOME CHANGES IN PENALTIES. AND I CONFRONTED HIM ON THIS ISSUE AND SAID, YOU'RE THE LAST ONE WHO OUGHT TO COME HERE TALKING ABOUT HARSH PENALTIES, YOU WILL NOT EVEN CHARGE A COP WHO WAS CAUGHT ON CAMERA USING VIOLENCE. HE VIOLATED THE LAW BY DOING THAT. AND THERE IS A STATUTE THAT MAKES IT A CRIME FOR A PUBLIC EMPLOYEE TO DISOBEY ANY RULE, REGULATION, OR STATUTE AND HE OBVIOUSLY VIOLATED THOSE OR HE WOULDN'T HAVE BEEN FOUND GUILTY BY LPD'S INTERNAL AFFAIRS OF EXCESSIVE FORCE. SO KELLY SAID, WELL, I DIDN'T SEE IT THAT WAY. BUT A COUPLE DAYS AFTER THAT, THIS IS THE ARTICLE THAT APPEARED: INVESTIGATOR APPOINTED IN JAIL PUSH, JUDGE APPOINTS SPECIAL PROSECUTOR IN EXCESSIVE FORCE CASE. NO OTHER OFFICIAL SAID ANYTHING. SOMEBODY HAS GOT TO BE WILLING TO TRY TO CALL THESE PEOPLE TO ACCOUNT. THE ARTICLE: A SPECIAL PROSECUTOR WILL INVESTIGATE A FORMER LINCOLN POLICE OFFICER WHO IS NOW A LANCASTER COUNTY SHERIFF'S DEPUTY TO SEE WHETHER HE COMMITTED A CRIME WHEN HE SHOVED A JAIL INMATE INTO A WALL. DISTRICT JUDGE PAUL MERRITT APPOINTED OMAHA ATTORNEY ALAN, A-L-A-N, STOLER, S-T-O-L-E-R ON MONDAY TO DECIDE WHETHER TO PROSECUTE JOHN McGAHAN. COUNTY ATTORNEY JOE KELLY MADE THE REQUEST EARLIER IN THE DAY. THAT WAS AFTER I SINGED HIS REAR

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END BEFORE THE COMMITTEE HEARING. HE DIDN'T RESPOND TO THE LETTER THAT I SENT TO HIM, BUT MY SINGEING OF HIM BEFORE THE COMMITTEE WAS PUBLIC. McGAHAN RESIGNED FROM THE LINCOLN POLICE DEPARTMENT LAST YEAR AFTER AN INTERNAL AFFAIRS INVESTIGATION SUSTAINED AN EXCESSIVE FORCE COMPLAINT AGAINST HIM. INVESTIGATORS HAD WATCHED A LANCASTER COUNTY JAIL VIDEO THAT SHOWED THEN-OFFICER McGAHAN SHOVE INMATE THOMAS EPPERSON INTO HIS JAIL CELL ON DECEMBER 13, 2013. EPPERSON FELL, HIT HIS HEAD ON THE WALL, AND NEEDED TO GO TO THE HOSPITAL. McGAHAN...THEN IT TELLS ABOUT HIM QUITTING AND THINGS THAT I'VE READ ALREADY. KELLY DECLINED TO TALK ABOUT THE CASE SPECIFICALLY ON MONDAY BUT SAID SPECIAL PROSECUTORS HAVE THE POWER TO REVIEW ALL EVIDENCE IN CASES THEY WORK AND CAN FILE SUBPOENAS IF THEY DON'T GET IT. DIGRESSING, IT'S HIS JOB AS COUNTY ATTORNEY TO BRING THOSE CHARGES. IT'S THE SHERIFF'S JOB BY STATUTE TO ARREST ANYBODY WHO HE HAS REASON TO BELIEVE COMMITTED A CRIME, TURN THE EVIDENCE OVER TO THE COUNTY ATTORNEY TO SEE THAT PROSECUTION OCCURS. WAGNER DIDN'T DO IT, THE SHERIFF IN LANCASTER COUNTY. HE'S ACCUSTOMED TO HAVING HIS WAY, DOING AND SAYING ANYTHING HE PLEASES, NOBODY CALLS HIM TO ACCOUNT. I WANT HIM TO COME BEFORE THE JUDICIARY COMMITTEE AGAIN AS HE'S DONE IN THE PAST, AND I'LL HAVE SOME THINGS TO SAY TO HIM. AND YOU KNOW WHY I DO THAT? I'M A PUBLIC OFFICIAL. AND WHEN THEY COME BEFORE THE COMMITTEE ON WHICH I SIT, I'M GOING TO SAY SOMETHING ABOUT ACCOUNTABILITY AND RESPONSIBILITY. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: STOLER, A DEFENSE ATTORNEY WHO USED TO WORK IN THE LANCASTER COUNTY ATTORNEY'S OFFICE, WILL DECIDE WHETHER TO FILE CHARGES AGAINST McGAHAN, KELLY SAID. I WILL STOP AT THIS POINT. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR HOWARD, YOU'RE RECOGNIZED. [LB10]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I WOULD YIELD MY TIME TO SENATOR CHAMBERS. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, 5:00. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HOWARD. CONTINUING THE ARTICLE: LAST MONTH, OMAHA SENATOR ERNIE CHAMBERS RIPPED KELLY FOR NOT CHARGING McGAHAN AND JEREMY WILHELM, A SECOND LINCOLN OFFICER WHO RESIGNED AFTER AN EXCESSIVE FORCE COMPLAINT AGAINST HIM WAS SUSTAINED. WILHELM IS NOW A RECRUIT WITH THE NEBRASKA STATE PATROL. I'M GOING TO DIGRESS. I RECEIVED A

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LETTER, AN INVITATION WHICH THE INTERIM DIRECTOR OF THE STATE PATROL HAD THE NERVE TO SEND ME, INVITING ME TO THE GRADUATION MAY 1 OF THIS SCOUNDREL. AND I'M GOING TO CONTACT THE HEAD OF THE STATE PATROL AND TELL HIM I DEEM HIS LETTER OF INVITATION AN INSULT WHEN HE DID NOT HAVE THE PERSONAL COURTESY TO RESPOND OR EVEN ACKNOWLEDGE THE DETAILED LETTER THAT I SENT TO HIM SHOWING, BY QUOTING FROM A NEBRASKA SUPREME COURT DECISION, WHY A MAN SUCH AS WILHELM SHOULD NOT HAVE BEEN HIRED OR RECRUITED BY THE STATE PATROL. FORMER SUPERINTENDENT DAVID SANKEY OF THE STATE PATROL WHO RETIRED--I DON'T KNOW WHETHER THE CURRENT GOVERNOR ASKED HIM TO RETIRE--TOLD ME IN A PHONE CALL THAT THE STATE PATROL RECRUITED THIS MAN WHO HAD BEEN FOUND GUILTY OF USING EXCESSIVE FORCE. I TOLD SANKEY THAT UNTIL THEY'D DID THAT, I HAD VIEWED THE STATE PATROL AS THE FLAGSHIP OF LAW ENFORCEMENT IN NEBRASKA, AND THIS IS UNCONSCIONABLE, IT IS ABSOLUTELY WRONG, AND SAID SOME OTHER THINGS THAT I WAS HOPING WOULD STIR WHATEVER IN HIM REMAINED OF THAT DEDICATION TO HIS OATH THAT HE TOOK AS A POLICE OFFICER. THIS CASE THAT I CITED TO HIM ADDRESSED A STATE TROOPER WHO WAS DECERTIFIED BECAUSE HE HAD COMMITTED DOMESTIC VIOLENCE AGAINST HIS WIFE AND THEN LIED TO AN INVESTIGATOR. THIS CURRENT DIRECTOR OF THE PATROL, SCHWARTEN OR HOWEVER YOU PRONOUNCE HIS NAME, KNEW THAT. I WANTED TO BE SURE HE KNEW IT. SO NOW THAT I'VE TOUCHED ON THIS ON THE FLOOR, I'M GOING TO GIVE HIM A PHONE CALL. AND I WILL BE DISCUSSING THE DEPTH TO WHICH THE STATE PATROL HAS FALLEN IN MY ESTIMATION--NOT INDIVIDUAL OFFICERS. I HAPPEN TO KNOW THAT THERE ARE OFFICERS WHO WERE DISTURBED WHEN THEY FOUND OUT THAT THIS MAN WAS RECRUITED BY THE STATE PATROL, TOOK THE TRAINING, AND HE'S TO GRADUATE AND BECOME A TROOPER ON MAY 1. SO I'M NOT BLAMING THE INDIVIDUAL OFFICERS. I'M BLAMING THE HIERARCHY OF THE STATE PATROL AND GOVERNOR RICKETTS BECAUSE I SENT HIM THIS INFORMATION ALSO. AND HE'S SATISFIED TO LET THE STATE PATROL ROCK ON LIKE THIS. SO MY NEXT STEP--AND I'LL RUN OUT OF TIME, BUT I'LL HAVE A CHANCE DURING MY CLOSING--WHEN THE CURRENT DIRECTOR OF THE CRIME COMMISSION WAS BEFORE THE JUDICIARY COMMITTEE TO BE CONFIRMED, I VOTED FOR HIS CONFIRMATION. I PRAISED THE WORK THAT HE HAD DONE. AND I INDICATED THAT I HAVE AN ISSUE THAT I WANT TO BRING TO HIM. BUT I WANTED TO HAVE ALL OF HIS CONFIRMATION ACTIVITY OFF OF THE TABLE, SO HE WOULDN'T GET THE IMPRESSION THAT HE HAD TO RESPOND IN A CERTAIN WAY TO ME IN ORDER TO GET MY VOTE FOR HIS CONFIRMATION. I VOTED TO CONFIRM HIM BECAUSE OF THE WORK HE HAS DONE ALREADY. AND I THINK HE IS THE PERSON MOST SUITABLE FOR THE POSITION. AND I WOULD GIVE THE GOVERNOR AN A-PLUS FOR REAPPOINTING THIS INDIVIDUAL. SO I'M WORKING ON THE COMPLAINT THAT I'M GOING TO FILE WITH THE COMMISSION TO HAVE BOTH OF THESE OFFICERS LOSE THEIR CERTIFICATION... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...AS LAW ENFORCEMENT OFFICERS. THAT WILL BE THE FOURTH LENGTHY DOCUMENT I WILL HAVE COMPILED ON THESE CASES. I

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COULD QUOTE WHAT CANDIDATE OBAMA SAID ABOUT THIS BEING ABOVE MY PAY GRADE. WHY WOULD I DO IT? NO OTHER SENATOR WILL DO THIS. NO OTHER OFFICIAL WILL DO IT. I'VE SAID ON THIS FLOOR REPEATEDLY THAT I'M GOVERNED BY MY OWN MIND, MY OWN CONSCIENCE, MY OWN JUDGMENT. AND REGARDLESS OF WHAT ANYBODY ELSE MAY DO OR NOT DO, MY RESPONSIBILITY IS TO ADDRESS THOSE ISSUES THAT I PERCEIVE AS BEING WRONG. MAYBE NOBODY ELSE THOUGHT ANY OF THIS WAS WRONG. THEY THOUGHT IT WAS ALL RIGHT. SO THEY SAID NOTHING. BUT THAT'S BETWEEN THEM AND WHOEVER OR WHATEVER THEY FEEL JUDGES THEM. MY HARSHTEST CRITIC AND MY HARSHTEST JUDGE IS DOWN INSIDE OF ME WHERE MY ONE BEST FRIEND ALSO RESIDES. SO I'M GOING TO CONTINUE... [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB10]

SENATOR MORFELD: I YIELD MY TIME TO SENATOR CHAMBERS IF HE SO USES. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, FOR 5:00. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR MORFELD. WHAT I'M DOING I SEE AS BEING A PART OF MY JOB AS A PUBLIC OFFICIAL. I AM LIKE--IF I GO BY WHAT THE SUPREME COURT SAID IN QUOTING OTHER SUPREME COURTS AROUND THIS COUNTRY--I'M LIKE A TRUSTEE. THE PUBLIC ARE LIKE THE BENEFICIARY. THERE HAS TO BE LOYALTY, TRUST, AND RELIABILITY AND ACCOUNTABILITY ON THE PART OF THE TRUSTEE TOWARD THE BENEFICIARY. THAT TRUST OUGHT NOT BE BROKEN. AND OTHER PEOPLE CAN VIOLATE THEIR OATH OR INTERPRET THEIR OATH DIFFERENTLY FROM THE WAY I DO MINE. I HAVE NO CHOICE BUT TO DO WHAT I'M DOING. BUT WHAT I ALWAYS TELL PEOPLE, I GET PAID FOR WHAT I DO, NOT PAID WELL, BUT I ACTUALLY GET PAID TO DO WHAT I'M DOING. CONTINUING: JAIL STAFF WATCHED THE VIDEO AND REPORTED TO POLICE THAT McGAHAN USED TOO MUCH FORCE, WHICH LED POLICE CHIEF JIM PESCHONG, P-E-S-C-H-O-N-G, TO ORDER THE INTERNAL AFFAIRS INVESTIGATION. McGAHAN TOLD INVESTIGATORS HE PUSHED THE INMATE BECAUSE HE WAS AFRAID HE'D TURN AND CONTINUE FIGHTING, BUT INTERNAL AFFAIRS SUSTAINED THE COMPLAINT AGAINST HIM. DO YOU SEE HOW RIDICULOUS THESE PEOPLE ARE? THE MAN WAS HANDCUFFED. HE WAS RESTRAINED. AND THIS COP SAID HE THOUGHT HE WAS GOING TO TURN AROUND AND CONTINUE FIGHTING. HE WAS NOT FIGHTING AT THAT TIME, PERIOD. BUT THEY'RE ACCUSTOMED TO SAYING THAT. AND THE ONLY REASON HE DIDN'T SAY THAT HE WAS AFRAID FOR HIS LIFE WAS BECAUSE

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HE COULDN'T SAY THAT IN VIEW OF THE FACT THAT THE MAN WAS HANDCUFFED. BUT TO CONTINUE: SHERIFF TERRY WAGNER, McGAHAN'S CURRENT BOSS, SAID HE WON'T TAKE ANY ACTION AGAINST McGAHAN BECAUSE A SPECIAL PROSECUTOR WAS APPOINTED, ALTHOUGH STOLER'S FINDINGS COULD CHANGE THAT. HE WASN'T GOING TO TAKE ANY ACTION ANYWAY. HE MADE IT CLEAR HE WAS NOT GOING TO TAKE ANY ACTION. SO THIS, AGAIN, IS TRYING TO COOK THE BOOKS, SO TO SPEAK. A QUOTE FROM WAGNER: "AS LONG AS THE SPECIAL PROSECUTOR CAN PUT HIMSELF IN THE POSITION OF A POLICE OFFICER FACED WITH THE SAME FACTS AND CIRCUMSTANCES, I THINK HE'LL COME UP WITH THE SAME KIND OF CONCLUSION," WAGNER SAID, ADDING THAT HE STANDS BY HIS DECISION TO HIRE McGAHAN. NO, WHAT WAGNER SHOULD HAVE SAID IS, IF HE IS AS CORRUPTED IN HIS VIEW AS SHERIFF WAGNER IS AND WILL ALLOW OFFICERS TO DO ANYTHING THEY WANT TO AND GET AWAY WITH IT, THEN STOLER WILL FALL IN LINE AND GO ALONG WITH THE PROGRAM. BUT STOLER WAS TRAINED IN THE LAW, TO UPHOLD THE LAW, AND NOT TO DISREGARD IT AND HIRE THOSE WHO VIOLATE THE LAW. WAGNER SAID McGAHAN TOOK THE NUMBER-ONE SPOT, AND HE TELLS ABOUT HOW THE GUY PASSED HIS EXAMS. AND THAT'S WHY HE HIRED HIM. IN A LETTER TO WAGNER LAST MONTH, CHAMBERS SAID THE SHERIFF GAVE HIS DEPUTIES THE GREEN LIGHT TO BREAK THE RULES AND THE LAW BY HIRING THE SCOFFLAW, McGAHAN. "YOU DISPATCHED AN UNMISTAKABLE SIGNAL TO EVERY DEPUTY SHERIFF IN YOUR DEPARTMENT THAT THE USE OF EXCESSIVE FORCE IS DEEMED SO INCONSEQUENTIAL THAT IT IS NOT GROUNDS FOR TERMINATION AND PROBABLY NOT DISCIPLINE OF ANY KIND." THAT'S WHAT I'LL WHAT SAY ON THOSE THINGS, BUT THERE ARE OTHER KINDS OF THINGS THAT I'M GOING TO SAY ON THIS BILL. BUT I WANT TO MAKE IT CLEAR THAT I STILL AM OPPOSED TO THIS BILL. AND SINCE WE HAVE A CERTAIN NUMBER OF HOURS TO GO ON IT, I WILL HAVE PLENTY OF TIME TO RENEW THOSE ARGUMENTS... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...WHICH ALL OF US HAVE GIVEN REPEATEDLY. BUT I WILL TAKE TIME TO TAKE A SHOT AT EVERYBODY, AND TO ACKNOWLEDGE THE POTENCY OF BLACK MEN. SEE, YOU KNOW HOW POTENT MY BLOOD IS BECAUSE ONE DROP OF MY BLOOD CAN MAKE AN OTHERWISE WHITE PERSON A BLACK PERSON. ONE DROP OF THIS POTENT BLOOD FLOWING IN MY VEINS CAN TURN AN OTHERWISE WHITE PERSON INTO A BLACK PERSON. BUT BLACK MEN CHANGE SYSTEMS IN THIS STATE. PRESIDENT OBAMA, BY GETTING ONE ELECTORAL VOTE, HAS THESE "REPELICANS" RUNNING AROUND HERE TRYING TO CHANGE THE METHOD BY WHICH ELECTORAL VOTES ARE ALLOCATED. I, WHO AM A MEMBER OF THE LEGISLATURE, NOT ON A PAR WITH PEOPLE WHO RUN FOR THE OFFICE OF PRESIDENT, CHANGED THE MAKEUP OF A THIRD BRANCH OF GOVERNMENT, THE LEGISLATURE, BY VIRTUE OF TERM LIMITS. [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

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SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB10]

SENATOR PANSING BROOKS: GOOD MORNING. THANK YOU, MR. PRESIDENT. I YIELD MY TIME TO SENATOR CHAMBERS IF HE'D LIKE IT. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, FOR 5:00. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR PANSING BROOKS. I HOPE YOUR REPUTATION WON'T BE RUINED BY ME BEING ALLOWED BY YOU TO COSPONSOR SOME OF YOUR GOOD, WELL-THOUGHT-OUT LEGISLATION. BUT WHAT I WAS GOING TO SAY BEFORE MY TIME RAN OUT, SOME OF THIS IS DESIGNED SINCE WE'RE GOING TO BE LIVING TOGETHER FOR A FEW MORE DAYS AND FOR AT LEAST ANOTHER YEAR, NEXT SESSION, WHY MY VIEWS ARE WHAT THEY ARE. YOU WILL NOT HEAR EVERYTHING THAT GOES INTO WHAT MADE MY VIEWS WHAT THEY ARE. BUT WHEN I'VE HAD EXPERIENCES THAT YOU ALL HAVE NOT HAD, I AM NOT THE SAME AFTER THAT EXPERIENCE AS I WAS BEFORE IT. ONCE SOMETHING HAPPENS IN YOUR LIFE, YOU ARE CHANGED, AND YOU CAN NEVER GO BACK TO BEING WHAT YOU WERE. YOU CAN TRY TO BEHAVE THE SAME, DO EVERYTHING THE SAME. BUT YOU HAVE KNOWLEDGE, YOU HAVE EXPERIENCE WHICH YOU HADN'T HAD BEFORE, SO YOU'RE CHANGED FOREVER. IF YOU HAVEN'T EXPERIENCED WHAT I HAVE EXPERIENCED, IF YOU HAVEN'T READ IT, IF YOU HAVEN'T UNDERSTOOD IT, THERE'S NO WAY YOU'RE GOING TO VIEW LIFE THE WAY THAT I VIEW IT. I'M NOT GOING TO TRY TO VIEW LIFE THROUGH YOUR EYES BECAUSE I DON'T LIVE MY LIFE BASED ON WHAT YOU SEE. I LIVE MY LIFE BASED ON WHAT I SEE. AND MY SENSE OF RESPONSIBILITY AND DUTY COME TO ME BASED ON MY UNDERSTANDING, WHAT MY INTELLECT TELLS ME, NOT YOUR UNDERSTANDING OR WHAT YOUR INTELLECT TELLS YOU. AND IF THERE IS SUCH A THING AS A CONSCIENCE, AND SOME PEOPLE CONSIDER THAT TO BE THE AGGREGATION OF ALL OF YOUR EXPERIENCES, YOUR EDUCATION, YOUR INTERACTIONS WITH PEOPLE, THAT BRING YOU TO A POINT WHERE YOU LOOK AT LIFE A CERTAIN WAY AND DRAW A CONCLUSION AS TO WHAT YOU ARE OBLIGATED TO DO IN ORDER TO RETAIN PEACE WITH YOURSELF. AND I THINK IT WAS ROBERT FROST-- IN FACT, I KNOW IT WAS--WHO TALKED ABOUT: THE WOODS ARE BEAUTIFUL, DARK, AND DEEP/ I HAVE PROMISES TO KEEP/ AND MILES TO GO BEFORE I SLEEP/ AND MILES TO GO BEFORE I SLEEP. AND ONE OF MY COLLEAGUES WAS MOUTHING THE WORDS WITH ME AND GOT THEM MORE ACCURATE THAN I DID. SO THESE CONCEPTS AND NOTIONS ARE NOT UNFAMILIAR TO EVERYBODY. BUT WHEN I SEE SOMETHING OF VALUE THAT GIVES ME A NEW GLIMMER THAT THEN BECOMES A GLEAM OF LIGHT THAT'S GOING TO HELP ME GET TO WHERE I THINK I OUGHT TO GO, I WILL ACCEPT THAT FROM WHATEVER SOURCE. SO I QUOTE THINGS THAT WHITE GUYS, WHITE WOMEN WROTE, JEWISH PEOPLE WROTE, BLACK PEOPLE WROTE, WHOEVER, BECAUSE THE INTELLECT IS NOT

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RESTRICTED TO ANY COLOR, ANY NATIONALITY, ANY ETHNICITY. ALL OF THOSE ARE ARTIFICIALLY GENERATED AND CREATED NOTIONS FOR THE PURPOSE OF DIVIDING PEOPLE, SETTING THEM ASIDE. AND IF YOU ARE OF A CERTAIN FRAME OF MIND, MAKING THEM CONVENIENT FOR EXPLOITATION. SO NOBODY ON THIS FLOOR OTHER THAN SENATOR COOK CAN EVER POINT TO A TIME WHEN THEY WERE VIEWED AS PROPERTY,... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...LIKE A PIG, A COW, OR A CHICKEN. BUT THEY WERE ALLOWED TO DO TO US WHAT THEY COULDN'T DO TO A PIG OR A COW OR A CHICKEN. IF YOU FORCED AN ANIMAL TO HAVE SEX WITH YOU, THAT WAS BESTIALITY AND AGAINST THE LAW. BUT IF YOU FORCED A BLACK CHILD OR A BLACK WOMAN OR A BLACK MAN TO HAVE SEX, THAT WAS NOT AGAINST THE LAW. THAT'S PAR FOR THE COURSE, AND IT'S CONDUCT IN WHICH THE SO-CALLED FOUNDING FATHERS ENGAGED IN. AND I REMEMBER THE THINGS THAT I READ WHEN I WAS A CHILD, WHICH WERE SO MUCH DIFFERENT FROM THE THINGS THAT I READ WHEN I BEGAN TO READ OTHER BOOKS THAT WERE NOT DESIGNED FOR CHILDREN, TO BRAINWASH THEM, TO MAKE THEM IDENTIFY WITH THOSE WHO WERE TRYING TO DESTROY THEM. WHEN WE WERE ENSLAVED, THEY DID NOT WANT TO REDUCE US... [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR MORFELD, YOU'RE RECOGNIZED. [LB10]

SENATOR MORFELD: I YIELD MY TIME TO SENATOR CHAMBERS IF HE SO CHOOSES. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, FOR 5:00. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR MORFELD. THEY DID NOT WANT TO REDUCE US TOTALLY TO THE LEVEL OF A BEAST BECAUSE WE HAD TO MAINTAIN ENOUGH INTELLECT TO CARRY OUT THE ORDERS THAT WERE GIVEN TO US. AND THOSE ORDERS WERE ENFORCED WITH THE MOST VICIOUS FORMS OF CRUELTY. IF YOU MERELY READ ABOUT A MAN BEING COMPELLED TO WATCH SO-CALLED WHITE MASTERS, THE CHRISTIAN PEOPLE, THE SUPERIOR PEOPLE, RAPE A WOMAN YOU DEEMED TO BE YOUR WIFE, BECAUSE YOU DID NOT PICK ENOUGH COTTON, THAT'S HOW THEY MAKE YOU LOVE THEM, CUT OFF YOUR TESTICLES AND DO OTHER UNSPEAKABLE THINGS. THEN THEY WONDER WHY A NAT TURNER WOULD WANT TO TRY TO

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GET FREEDOM BY ANY MEANS NECESSARY, WHY DENMARK VESEY WOULD DO THE SAME THING. BUT WHEN IT CAME TO WHITE PEOPLE, OH, THEY UNDERSTOOD THAT READILY. IN FACT, THEY WERE SO SENSITIVE THAT GOD TOLD THEM THAT THEY HAD A MANIFEST DESTINY AND THAT ENTITLED THEM TO KILL OFF THE NATIVE POPULATION IN THIS COUNTRY. SCALPING WAS SOMETHING THAT WHITE PEOPLE ORIGINATED, AND IT WAS IN THE NATURE OF A BOUNTY. YOU GOT A CERTAIN AMOUNT OF MONEY FOR EVERY NATIVE AMERICAN SCALP THAT YOU COULD RECOVER. THESE ARE THINGS WRITTEN BY WHITE PEOPLE, THE ONES INVOLVED. THERE WERE SLAVES AND FORMER SLAVES WHO WROTE ACCOUNTS. BUT I WANTED TO GIVE YOU WHAT WAS WRITTEN BY YOUR ANCESTORS, NOT MINE, BECAUSE IT'S VERY EASY TO DISREGARD WHAT MY ANCESTORS WROTE BECAUSE YOU'LL SAY, WELL, THEY DON'T LIKE WHITE PEOPLE. IF I DID TO YOU WHAT THEY DID TO US, WOULD YOU LIKE ME? WOULD YOU WANT YOUR CHILDREN TO BE REARED TO REVERE AND HONOR ME? PATRICK HENRY CONDEMNED SLAVERY, EVEN THOUGH HE HELD SLAVES. AND HE TALKED ABOUT HOW HURTFUL IT WAS TO THE SOCIETY. IT CREATES THAT UNREASONABLE ARROGANCE ON THE ONE SIDE, AND IT LEADS TO THIS TERRIBLE DEGRADATION ON THE OTHER. AND IT HURTS EVERYBODY. BUT HE COULD NOT GIVE UP HIS SLAVES BECAUSE HE WAS CARRIED ALONG BY THE ATTITUDE OF THE COMMUNITY. SO WHEN YOU ALL GET MISTY EYED WHEN THEY TELL YOU THAT PATRICK HENRY SAID, I KNOW NOT WHAT COURSE OTHERS MAY TAKE, BUT AS FOR ME, GIVE ME LIBERTY OR GIVE ME DEATH, THAT IMPRESSES YOU ALL. BUT IF YOUR ANCESTORS WERE ENSLAVED BY THIS PERSON, IT WOULD BE THE HOLLOWEST OF MOCKERIES. AND THAT'S THE WAY ALL OF THOSE MEN ARE VIEWED BY ME, IN THE SAME WAY THAT I DOUBT THAT YOU COULD GET JEWISH PEOPLE TO LET SOMEBODY TEACH THEIR CHILDREN THAT DR. GOEBBELS WAS A GREAT GUY, THAT KALTENBRUNNER WAS A GREAT GUY, THAT EICHMANN WAS A GREAT GUY, THAT ADOLF HITLER WAS A GREAT GUY, AND RIGHT ON DOWN THE LINE. BUT WE ARE SUPPOSED TO BELIEVE THAT THOSE WHO DEGRADED US; ENSLAVED US; CORRUPTED OUR BLOOD; TOOK AWAY OUR HERITAGE; IF WE HAD RELIGION, DESTROYED IT; IF WE HAD ANY CULTURE OR TRADITIONS, TOOK THEM AWAY; THEY EVEN TAUGHT US UNDER COMPULSION TO SPEAK THEIR LANGUAGE, THEN THEY RIDICULED AND MOCKED US... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...FOR THE WAY WE SPOKE IT. THAT'S WHAT WAS DONE TO US BY THESE BRAVE, SUPERIOR WHITE PEOPLE IN THIS COUNTRY. AND WITH ALL OF THAT TO CARRY--BUT IT MAKES US STRONG--I HAVE TO COME INTO THIS PLACE, LISTEN TO THE KIND OF BILLS THAT COME BEFORE THIS BODY, AND TRY TO BE AT LEAST SOMEWHAT RATIONAL IN COUNTERACTING THEM. BUT I WANT YOU TO UNDERSTAND THE THOUGHTS THAT I'M HAVING. I ONCE TOLD A BLACK GUY THAT I'D GIVE HIM \$100 FOR EVERY WHITE PERSON OTHER THAN GEORGE WASHINGTON WITH THE NAME OF WASHINGTON IN THIS COUNTRY. AND HE COULDN'T FIND ONE. EVERY ATHLETE IN FOOTBALL OR ANY OTHER COURSE OF CONDUCT WITH THE NAME WASHINGTON WILL BE BLACK. [LB10]



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PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR HOWARD, YOU'RE RECOGNIZED. [LB10]

SENATOR HOWARD: THANK YOU, MR. PRESIDENT. I WOULD YIELD MY TIME TO SENATOR CHAMBERS. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HOWARD. THERE WERE SOME WHITE PEOPLE WHO WERE OUTRAGED AT WHAT THEY WITNESSED. BUT EVEN THOSE WERE WHITE PEOPLE FIRST: WILLIAM LLOYD GARRISON, EVEN THE SAINTED AND SAINTLY JOHN BROWN. WHEN HE WANTED TO CONDUCT HIS RAID...AND I WON'T TELL YOU THE NAME OF THE PLACE WHERE IT WAS. YOU CAN GOOGLE IT. IT WASN'T FORT SUMTER. SOME PEOPLE KNOW OF TWO THINGS--FORT SUMTER AND HARPERS FERRY--AND THEY MIX THEM UP. BUT FREDERICK DOUGLASS TALKED TO JOHN BROWN. FREDERICK DOUGLASS WAS A BLACK MAN, A FORMER SLAVE. AND HE WAS A CONFIDANT OF ABRAHAM LINCOLN, AND HE WAS GIVEN CERTAIN POSITIONS THAT WERE DEEMED TO BE OF HONOR BY LINCOLN. HE TRAVELED ALL OVER EUROPE. HE SPOKE ON BEHALF OF IRISH FREEDOM WHILE HIS PEOPLE WERE ENSLAVED IN AMERICA. AND THE IRISH PEOPLE LOVED FREDERICK DOUGLASS. HE SPOKE TO THE BRITISH WHO WERE VERY OFFENDED THAT AMERICA CONTINUED TO HAVE SLAVERY, EVEN THOUGH ENGLISH PEOPLE STARTED IT. BUT AT ANY RATE, HE WAS TALKING TO JOHN BROWN AND POINTED OUT THAT IF YOU LOOKED AT THE LOCATION OF THAT PLACE THAT HE WAS GOING TO ATTACK, HE MIGHT GET IN BUT HE COULDN'T GET OUT. AND HE'D HAVE TO REMEMBER THAT THE GREATEST IMPORTANCE OF HIS WORK WAS BASED ON HIS REMAINING ALIVE TO CARRY IT OUT. AND HE MIGHT OVERTAKE AND CAPTURE THAT PLACE. BUT HE COULDN'T GET OUT. BUT JOHN BROWN HAD MADE UP HIS MIND WHAT HE WAS GOING TO DO. AND HE TOOK THREE OF HIS SONS WITH HIM. AND WHEN A MAN WILL GIVE HIS LIFE, AND THE LIFE OF HIS CHILDREN WILL VOLUNTARILY BE GIVEN ON BEHALF OF YOUR ANCESTORS, THEN THERE'S A CERTAIN HIGH PLACE THAT PERSON IS HELD IN AS FAR AS ESTIMATION GOES. SO I GIVE JOHN BROWN AN EXTRA AMOUNT OF CREDIT NOT JUST FOR WHAT HE DID, BUT THE FACT THAT HE WAS A WHITE MAN, THAT HE DIDN'T HAVE TO DO IT, THAT HE COULD HAVE HAD AN EASY LIFE, BUT HE CHOSE TO WALK A PATH THAT WOULD LEAD HIM ONLY TO HIS DOOM. SO HE GOT SOME YOUNGER BLACK MEN AND A FEW WHITE GUYS TO GO WITH HIM. AND THEY KNEW THAT THEY PROBABLY WOULD NOT SUCCEED IN ESCAPING, AS THEY DIDN'T. SO THEY WERE CAPTURED. THERE WAS A GUY NAMED ROBERT E. LEE. AT THAT THE TIME, HE WAS STILL AN AMERICAN. BUT AT ANY RATE, WHEN JOHN BROWN WAS GOING TO HIS DEATH, HE WAS ON THIS WAGON. AND AS HE WENT, THERE WERE PEOPLE ALL ALONG

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THE ROUTE, BLACK AND WHITE, WHO WERE CRYING OUT TO HIM, CRYING, PRAYING, AND AS YOU ALL KNOW WHAT MY VIEW OF PRAYING IS. AND JOHN BROWN NEVER LOST HIS COMPOSURE, DID NOT GIVE THEM WHAT THEY WANTED TO SEE, WHICH WAS TO HAVE A MAN GROVELLING AND PLEADING FOR MERCY. AND I WON'T TELL YOU THE WORDS THAT HE SUPPOSEDLY SPOKE. THERE SHOULD BE SOMETHING LEFT... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...IF YOU'RE CURIOUS FOR YOU TO LOOK INTO. BUT HE, HIS SONS, AND THE OTHERS WITH HIM WERE HANGED. AND THERE WAS A SONG THAT THEY PUT TOGETHER THAT BECAME ALMOST AN ANTHEM, "JOHN BROWN'S BODY LIES A-MOLDERING IN THE GRAVE." AND THE SAME PEOPLE WHO TALKED ABOUT AND LIONIZED THEIR FIGHT FOR FREEDOM FROM ENGLAND, AND ENGLAND NEVER TREATED THEM ANYTHING LIKE THE WAY PEOPLE WERE MISTREATED IN THIS COUNTRY, WERE THE ONES DOING THIS TO JOHN BROWN AND ACTING AS THOUGH THEY DIDN'T UNDERSTAND. BUT AS HAS OFTEN HAPPENED, AS HISTORY MOVED ON, JOHN BROWN WAS GIVEN THE CREDIT THAT HE WAS ENTITLED TO. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR KOLOWSKI, YOU'RE RECOGNIZED. [LB10]

SENATOR KOLOWSKI: THANK YOU, MR. PRESIDENT. GOOD MORNING, SENATORS, AND I YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS ALSO. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR KOLOWSKI. ONE THING ABOUT JOHN BROWN THAT I FIND FAULT WITH: HE HAD TOLD FREDERICK DOUGLASS THAT HE SHOULD NEVER DISHONOR THE FLAG OR BE INTERESTED IN DOING SOME OF THE THINGS HE WAS INTERESTED IN DOING TO OBTAIN FREEDOM. SO JOHN BROWN RETAINED THAT MODICUM OF HIS BEING WHITE AND BEING AN AMERICAN. BUT OVERALL, I GIVE HIM A PLUS. AND WHEN I USED TO TRAVEL AROUND THE COUNTRY TO VARIOUS UNIVERSITIES, AND I WOULD TALK TO THEM, I WOULD EVEN TAKE BOOKS WITH ME BECAUSE SOMETIMES IF YOU READ OUT OF A BOOK, THEN PEOPLE ARE IMPRESSED. IT WOULDN'T EVEN HAVE TO BE THE BOOK THAT I SAID IT WAS. I WOULDN'T EVEN HAVE TO BE READING IT, BUT A BOOK. BUT THEY WOULD ASK ME, MR. CHAMBERS, BECAUSE I WASN'T A SENATOR THEN, AREN'T THERE ANY GOOD WHITE PEOPLE? I SAID, CERTAINLY, JOHN BROWN, GO DO LIKE JOHN BROWN AND YOU'LL BE A GOOD PERSON. THERE WERE SOME SLAVEHOLDERS DOWN IN MISSOURI, KANSAS, IN THE AREA, AND THEY WERE DOING BAD THINGS, AND JOHN BROWN WAS IN THE EASTERN PART OF THE UNITED STATES. BUT NOBODY WOULD DEAL WITH THOSE GUYS. SO JOHN BROWN WENT AND DEALT WITH

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THEM. AND HE DID WHAT THE SLAVEHOLDERS CALLED A SLAUGHTER. AND WHEN HE WAS ASKED ABOUT IT, AFTER HE RETURNED TO THE EAST, HE SAID, THE LORD HAD USE OF MY SWORD AND HE'S GIVEN ME TO UNDERSTAND THAT HE'S GOING HAVE MORE USE FOR IT IN THE FUTURE. AND HE WAS A MAN OF ACTION. AND IT TAKES ACTION TO BRING ABOUT A CHANGE. NONE OF US WILL HAVE TO DO AS JOHN BROWN DID. THERE MIGHT BE THE PROVOCATION, BUT NONE OF US ON THIS FLOOR WILL DO WHAT HE DID, AND I DOUBT THAT ANYBODY ON THIS FLOOR WOULD DO WHAT THOSE SLAVEHOLDERS DID. I DOUBT IT, BUT I DON'T KNOW. BUT THERE ARE ACTIONS THAT WILL BE PLACED, THAT ARE VERY HURTFUL, THAT ARE VERY DAMAGING TO NOT ONLY BLACK PEOPLE BUT POOR WHITE PEOPLE, TO WOMEN, OTHER MARGINALIZED GROUPS. AND BECAUSE OF THE THINGS THAT I'VE READ ABOUT THAT HAPPENED TO US, THINGS THAT MY OLDER RELATIVES TOLD ME HAPPENED TO THEM...THEY CAME FROM THE SOUTH. MY FATHER WAS BORN IN MISSISSIPPI, MY MOTHER IN RAYVILLE, LOUISIANA. AND THE THINGS THAT HAPPENED TO ME RIGHT HERE IN NEBRASKA, SOME OF IT EVEN IN LINCOLN WHERE THERE WAS SEGREGATION DURING MY LIFETIME, IT DID NOT PUT ME IN THE FRAME OF MIND WHERE I'M GOING TO DO TO WHITE PEOPLE WHAT THEY DID TO US. BUT ANYBODY THAT THEY MESS OVER, I'M GOING TO TRY TO HELP. I'M NOT GOING TO CLAP MY HANDS AND SAY, NOW, YOU'RE GETTING WHAT YOU DESERVE, THAT'S WHAT YOUR ANCESTORS DID TO MINE AND IT'S WHAT YOURS DID TO ME, AND I'M GLAD YOU'RE GETTING IT. NOW THERE ARE TIMES WHEN I'LL MENTION THAT, NOT IN GLEE BUT SAY, NOW, MAYBE YOU BEGIN TO UNDERSTAND TO A SMALL DEGREE WHAT IT IS I'VE BEEN TRYING TO TALK ABOUT. AND I THINK IN THIS SOCIETY, WHERE YOU ALL ARE PRIVILEGED, YOU WERE NEVER ENSLAVED, NOBODY TRIED TO ERADICATE YOU PHYSICALLY, YOU OUGHT TO READ YOUR BOOKS AND READ YOUR BIBLES AND LISTEN TO THESE SERMONS THAT ARE GIVEN, AND APPLY THOSE IDEAS AND MAKE IT UP IN YOUR MIND THAT YOU'RE GOING TO HELP ANY AND EVERYBODY YOU CAN HELP WHO IS BEING MISTREATED. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: DON'T LOOK AT SOMEBODY WHO HAS A HARD ROW TO HOE AND SAY, THERE BUT FOR THE GRACE OF GOD, GO I. THAT'S BLASPHEMOUS. WHY WOULD GOD LIFT ONE CHILD AND PUT THE OTHER ONE DOWN? WHY WOULD YOU THANK GOD THAT YOU'RE NOT BEING MISTREATED LIKE THIS ONE IS AND BE HAPPY ABOUT IT? MAYBE THE MESSAGE FOR YOU IS TO GO HELP THAT ONE REACH THE POINT WHERE YOU ARE. AND THAT PERSON CAN TALK ABOUT THANKING GOD FOR FAIR TREATMENT. BUT REGRETTABLY AND UNFORTUNATELY, THAT IS NEVER GOING TO HAPPEN IN THIS WORLD. IT'S NEVER GOING TO HAPPEN IN THIS STATE. IT'S NEVER GOING TO HAPPEN ON THE FLOOR OF THIS LEGISLATURE. BUT TO THE EXTENT THAT I CAN BRING ABOUT ANY CHANGE IN WHAT THIS LEGISLATURE DOES, I'M GOING TO DO IT. TO THE EXTENT I CAN STOP THE LEGISLATURE FROM DOING ANYTHING THAT HURTS PEOPLE WHO ARE NOT IN A POSITION TO HELP THEMSELVES, TO DEFEND THEMSELVES, THAT'S WHAT I WILL DO. AND I WILL DO IT ALONE IF NECESSARY, BUT THIS SESSION, IT'S NOT NECESSARY. [LB10]

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PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. (VISITORS INTRODUCED.)  
SENATOR HANSEN, YOU'RE RECOGNIZED. [LB10]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES.  
I'D YIELD THE BALANCE OF MY TIME TO SENATOR CHAMBERS IF HE'S  
INTERESTED. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HANSEN. HE'S YOUNG ENOUGH TO BE MY GRANDSON. YOU WERE RAISED VERY WELL. I HANDED OUT A PICTURE TODAY AND I WANT PEOPLE TO KNOW THAT I DID NOT DRAW THE ONE THAT IS WHAT THE SCIENTISTS AND ARCHAEOLOGISTS AND HISTORIANS THINK THAT JESUS WOULD HAVE LOOKED LIKE. I SAW THAT DEPICTION. AND AS YOU CAN SEE, THIS ITEM WAS DATED 2001, AND THAT'S WHEN THIS PROGRAM WAS PUT ON TELEVISION TO TALK ABOUT JESUS AND WHAT HE PROBABLY LOOKED LIKE. AND FOR THE RECORD SO PEOPLE WILL UNDERSTAND, IT SAYS, "JESUS' LIFE, FACE GET NEW LOOK IN TV SERIES, LONDON, A.P. WAS JESUS DARK SKINNED? WAS HE ACTUALLY BORN IN A CAVE? 'JESUS: THE COMPLETE STORY,' A NEW DOCUMENTARY TELEVISION SERIES COPRODUCED BY THE BRITISH BROADCASTING CORPORATION CONSIDERS THESE QUESTIONS IN ITS ATTEMPT AT A PURELY SCIENTIFIC INVESTIGATION INTO THE MESSIAH OF CHRISTENDOM." NEXT TO THAT PICTURE, THAT COMPUTER-GENERATED DEPICTION, IS A PICTURE OF ME. AND I PUT THEM SIDE BY SIDE AND THE RHYME THAT I PUT UNDER IT WAS, "IF THIS NEW DEPICTION IS TRUE, MORE LIKE ME CHRIST LOOKS, THAN YOU..." THEN AT THE VERY BOTTOM, "THOSE OF RACIST BENT ARE DAUNTED: NEITHER OF THESE TWO IS WANTED." AND THIS ARTICLE GOES ON TO TELL ABOUT HOW THEY ARRIVED AT WHAT JESUS' SKIN TONE PROBABLY WAS, THE TEXTURE OF HIS HAIR, THE CONFIGURATION OF HIS FACE, AND INDICATED THAT THE NOTION OF A DARK-SKINNED JESUS--AND THAT WAS BACK IN 2001--IS GAINING ACCEPTANCE. IT SHOULDN'T BE HARD BECAUSE OF THE PART OF THE WORLD THAT HE CAME FROM. BUT THERE IS AN INDEPENDENT CATHOLIC MAGAZINE CALLED THE NATIONAL CATHOLIC REPORTER. AND BELIEVE IT OR NOT, I OCCASIONALLY READ THAT PAPER, THAT MAGAZINE, AND I'M WONDERING WHY THEY ARE STILL IN OPERATION. BUT THERE'S ALSO, IN ADDITION TO THESE HISTORICAL, ARCHAEOLOGICAL, AND OTHER FINDINGS, A FAMOUS PAINTING CALLED THE BLACK MADONNA. AND IT SHOWS A BLACK WOMAN AND A BLACK CHILD. WITH ALL DUE RESPECT TO THE CATHOLICS, DURING THE CHRISTMAS SEASON, THEY HAD ONE OF THE MOST TAWDRY, TACKY DEPICTIONS OF WHAT THEY CALL THE NATIVITY I'D EVER SEEN. THEY HAD SOME BOARDS PUT TOGETHER AND THEN A WHITE DOLL IN SOME STRAW. THE WHITE DOLL LOOKED LIKE IT WAS ABOUT AS

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OLD AS GEORGE BURNS WHEN HE DIED. THEY HAD A WHITE JESUS, A WHITE MARY, A WHITE JOSEPH, AND SOME WHITE ANGELS. THEY DIDN'T EVEN HAVE STRAW ON THE FLOOR. THEY JUST HAD THEM THERE AND IT WAS VERY TAWDRY AND TACKY. I HAVE SEEN DEPICTIONS IN PEOPLE'S YARDS THAT WERE MORE, IF YOU WANT TO CALL THEM, RESPECTFUL, SACRED, THAN WHAT WAS IN THAT HALLWAY ON THE FIRST FLOOR. THAT DEPICTION ON THE FIRST FLOOR WAS ALMOST LIKE AN IN-YOUR-FACE, WE CAN DO WHAT WE WANT TO AND WE'RE GOING DO IT AND HERE IT IS. AND ANYBODY WHO LOOKED AT IT AND HAD NOT BEEN THERE...WHEN I WAS PASSING THROUGH THE HALL, I SAW A PRIEST DOING...I GUESS THEY CALL IT BLESSING OR WHATEVER IT WAS THAT THEY DID... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...AND ALL THOSE PEOPLE STANDING AROUND. YOU WOULD HAVE THOUGHT THAT IT WAS SOMEBODY PUT...SOMETHING SOMEBODY PUT THERE TO MOCK THIS NOTION OF THE NATIVITY. EVERYTHING WAS OUT OF PLACE. IT WAS DISCORDANT. IT WAS NOT ARTISTIC. IT CERTAINLY WAS NOT RESPECTFUL. BUT FOR THIS OLD RELIGION, PEOPLE, BY INDIVIDUALS WHO KNOW BETTER, TO HAVE A WHITE JESUS, A WHITE MARY, AND WHITE ANGELS WAS INEXCUSABLE. AND THAT'S WHY I HAVE SO LITTLE REGARD FOR RELIGIONS IN GENERAL. I COULD OVERLOOK ALL OF THAT IF THE WAY THEY CONDUCTED THEIR AFFAIRS WERE IN LINE WITH THIS PERSON DEPICTED IN THIS HANDOUT THAT I GAVE YOU. AND THE OTHER DAY I WAS GOING TO SAY SOMETHING ABOUT FIRST IMPRESSIONS BEING LASTING IMPRESSIONS... [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: ...AND THE FIRST IMPRESSION...THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR COOK, YOU'RE RECOGNIZED. THIS IS YOUR THIRD OPPORTUNITY, SENATOR COOK. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND GOOD MORNING AGAIN, COLLEAGUES. I WOULD LIKE TO CONTINUE A CONVERSATION THAT...OR A DIALOGUE YESTERDAY REGARDING THE ROLE OF THE SECRETARY OF STATE AND TESTIMONY THAT HE OFFERED IN PERSON, BY VOICE, AND IN WRITING. WHAT I WON'T DO IS CIRCULATE A THIRD PHOTOCOPY OF THE WRITTEN TESTIMONY, AND I WILL RELY ON YOUR MEMORIES OR YOUR OWN PERSONAL RECORDKEEPING SYSTEM TO RECALL WHERE WE WERE. ONCE AGAIN, I TOOK THE OPPORTUNITY TO REVIEW THE COMMITTEE STATEMENT AND EVEN THE TRANSCRIPT FROM THE ORIGINAL FLOOR DEBATE WHEN THE BILL WAS PASSED. AND A BRIEF OVERVIEW SHOWS THAT MR. GALE SUPPORTS LB10 BECAUSE, ACCORDING TO HIS TESTIMONY, WINNER-TAKE-ALL ELECTORAL COLLEGE

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ALLOTMENT WILL INCREASE NEBRASKA'S NATIONAL RELEVANCY, HELP PROTECT THE AGRICULTURAL INDUSTRY, AND SUPPORT FAIRNESS FOR SMALL STATES IN GENERAL. INCREASE NATIONAL RELEVANCY, PROTECT AGRICULTURE, AND SUPPORT FAIRNESS FOR ALL STATES--IN MY MIND, NONE OF THESE JUSTIFICATIONS FOR SUPPORTING LB10 FALL UNDER THE CONSTITUTIONAL OBLIGATION OF THE OFFICE OF THE SECRETARY OF STATE. I SHARED WITH YOU THE LIST OF DUTIES AND OFFERED YOU THE WEB SITE ADDRESS IF YOU WANTED TO REVIEW THE LIST OF DUTIES FOR THE CONSTITUTIONAL OFFICE OF THE SECRETARY OF STATE IN NEBRASKA. SO YOU CAN REFER TO THAT ON YOUR OWN. IN HIS WRITTEN TESTIMONY TO THE GOVERNMENT COMMITTEE, SECRETARY OF STATE GALE ACKNOWLEDGED THAT DISTRICT ALLOTMENT OF ELECTORAL COLLEGE VOTES, QUOTE, MIGHT FOSTER INCREASED ATTENTION FOR BOTH MAJOR PARTIES IN A CLOSE PRESIDENTIAL ELECTION YEAR, SUCH AS WE OBSERVED IN THE YEAR 2008, AND BRING MONEY TO THE STATE. WE DIDN'T HEAR TESTIMONY...WE DID INDEED HEAR TESTIMONY TO THAT EFFECT IN THAT WHEN CANDIDATE OBAMA, SENATOR OBAMA, BROUGHT HIS CAMPAIGN TO THE STATE OF NEBRASKA, THE CAMPAIGN RENTED OFFICE SPACE IN OMAHA AS WELL AS OLD TOWN BELLEVUE. AND ALL OF THOSE WORKERS THAT CAME IN FROM ALL OVER THE COUNTRY BOUGHT GROCERIES, GYM MEMBERSHIPS, RENTED APARTMENTS, BOUGHT GASOLINE, ETCETERA. DISTRICT ALLOTMENT, ACCORDING TO THE SECRETARY OF STATE'S TESTIMONY, DISTRICT ALLOTMENT, QUOTE, MIGHT, UNQUOTE, BRING INCREASED ATTENTION TO NEBRASKA IN CLOSELY CONTESTED PRESIDENTIAL RACES. SUBSEQUENTLY, SECRETARY GALE STATED IN HIS WRITTEN TESTIMONY THAT KEEPING THE NEBRASKA SYSTEM OF DISTRICT ALLOTMENT OF ELECTORAL COLLEGE VOTES, QUOTE, ACTUALLY ENCOURAGES THIRD PARTIES TO SPRING UP SEEKING TO CAPTURE ONE OR MORE CONGRESSIONAL DISTRICT ELECTORAL VOTES, UNQUOTE. LET'S REVIEW THESE TWO STATEMENTS ONE MORE TIME. NEBRASKA'S CURRENT ELECTORAL COLLEGE SYSTEM, QUOTE, MIGHT, UNQUOTE, INCREASE NATIONAL ATTENTION, JUST LIKE IT HAPPENED IN REALITY HERE IN NEBRASKA. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT. SECOND, ACCORDING TO SECRETARY GALE, DISTRICT ALLOTMENT, QUOTE, ACTUALLY, UNQUOTE, ENCOURAGES THIRD PARTIES TO SPRING UP AND CAPTURE ONE OR MORE ELECTORAL COLLEGE VOTES. I'M SURE, BY NOW, SINCE I MENTIONED THIS YESTERDAY, YOU SEE THE POINT I'M DRIVING AT. NEBRASKA HAS NEVER SEEN A THIRD PARTY EMERGE OR EVEN ATTEMPT TO SEIZE AN ELECTORAL COLLEGE VOTE. HOWEVER, SECRETARY GALE DECLARED THIS SCENARIO AS AN ACTUALITY OF OUR CURRENT LAW. ON THE OTHER HAND, INCREASED NATIONAL ATTENTION IN A CLOSE PRESIDENTIAL ELECTION IS DESCRIBED AS SOMETHING THAT MIGHT HAPPEN UNDER THE CURRENT SYSTEM. WEAK ARGUMENT AND A GREAT BIG... [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

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SENATOR COOK: THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR COOK. SENATOR HOWARD, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD OPPORTUNITY, SENATOR HOWARD. [LB10]

SENATOR HOWARD: THANK YOU, MR. LIEUTENANT GOVERNOR. I WOULD YIELD MY TIME TO SENATOR CHAMBERS. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR HOWARD. AFTER I SAY THESE FEW THINGS, I'M GOING TO SAY A FEW THINGS ABOUT THE BILL. IT REMINDS ME OF PERRY MASON, IF ANY OF YOU ALL HAVE WATCHED IT. POOR HAMILTON BURGER--HE'D BE "HAMBURGER," YOU KNOW, IF YOU SHORTENED IT--NEVER WON A CASE. YOU KNOW THAT WHOEVER HE PROSECUTED IS THE WRONG PERSON. YOU KNOW THAT SOMEBODY IS GOING TO STAND UP IN THE COURTROOM AND SAY, I DID IT. BUT THERE WOULD COME AN OCCASION WHEN PERRY MASON WOULD BE WORKING HIS WAY TOWARDS SOMETHING, AND HAMILTON BURGER WOULD OBJECT AND HE'D SAY, YOUR HONOR, THAT IS INCOMPETENT, IRRELEVANT, AND IMMATERIAL. AND THE JUDGE WOULD SAY, MR. MASON, AND PERRY MASON WOULD SAY, WELL, YOUR HONOR, IF YOU GIVE ME TIME, I'M GOING TO TIE THIS ALL IN. AND THE JUDGE WOULD SAY, VERY WELL, BUT MAKE SURE THAT YOU TIE IT IN AND, IF YOU DON'T, THEN I WILL UPHOLD MR. BURGER'S OBJECTION. SO I'M GOING TO TIE ALL THAT I'VE SAID TO THE EXTENT THAT I CAN TO THIS BILL. IT SHOWS YOU MY ATTITUDE AND WHY I HAVE IT. IN BIG THINGS AND SMALL THINGS, IF YOU'RE FAITHFUL IN LITTLE, YOU CAN BE FAITHFUL IN MUCH. THE LITTLE FOXES DESTROY THE VINE. SO THESE LITTLE THINGS WE OUGHT TO DO, BUT THE WEIGHTIER MATTERS OF THE LAW SHOULD NOT BE IGNORED AND I'M NOT GOING TO IGNORE THEM. BUT I WAS GOING TO SAY ABOUT FIRST IMPRESSIONS, MY FIRST IMPRESSION OF JESUS CAME WHEN I WAS A SMALL BOY AND THAT IMPRESSION WAS BASED ON THINGS THAT PEOPLE I RESPECTED TOLD ME. I USED TO GO TO SUNDAY SCHOOL, EVEN BEFORE I COULD READ, SO ALL I KNEW WAS WHAT THEY WOULD TELL ME. AND AT THAT TIME, I THOUGHT THAT HE PROBABLY...NOT PROBABLY, I THOUGHT HE WAS A PERSON WHO LIVED. AND I THOUGHT THAT HIS SPIRIT WAS STILL WALKING AROUND ON THE EARTH AND BELIEVED IN PRAYER, EVEN THOUGH NOTHING I EVER PRAYED FOR EVER HAPPENED. BUT THAT WAS MY FAULT BECAUSE I TOOK EVERYTHING ON MYSELF. BUT AT ANY RATE, WHEN I COULD READ AND SEE THESE THINGS, I DID IDENTIFY WITH SOME OF WHAT WAS SAID. FIRST OF ALL, I NEVER HAD A LAVISH UPBRINGING. BASED ON MY UPBRINGING, THE LIFE OF A SPARTAN WOULD BE CONSIDERED LAVISH. SO WHEN I CAME ACROSS THIS VERSE WHERE JESUS WAS BEING RIDICULED APPARENTLY FOR THE WAY HE DRESSED, HE SAID, THOSE WHO WEAR FINE THINGS LIVE IN PALACES. AND I SAID, WELL, LOOK AT JESUS. JESUS UNDERSTANDS PEOPLE WHO DON'T HAVE FINE CLOTHES AND WHO MIGHT

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BE MADE FUN OF BECAUSE THEY DON'T HAVE FINE CLOTHES. SO THAT WAS A PLUS FOR JESUS. THEN WHEN I READ ABOUT HIM FEEDING ALL OF THESE PEOPLE, TO BE COMPLETELY HONEST, I DOUBTED THAT ANYBODY WAS MAGICAL ENOUGH TO TAKE A FEW FISH AND LOAVES OF BREAD AND FEED THOUSANDS OF PEOPLE. SO, AND I'D ASK FOR FORGIVENESS WHEN I THOUGHT IT. I FIGURED THAT THE THOUSANDS WERE PROBABLY ANTS, NOT PEOPLE. AND THEN, LIKE I SAID, I'D ASK FOR FORGIVENESS BECAUSE IT WAS SUPPOSED TO BE TRUE. BUT ANYBODY WHO WOULD FEED HUNGRY, WHETHER THEY WERE ANTS OR PEOPLE, HAD TO BE A GOOD PERSON BECAUSE I KNEW PEOPLE WHO WERE HUNGRY AND, ON OCCASION, I FELT HUNGER MYSELF. SO THOSE KIND OF THINGS ARE WHAT I IDENTIFIED JESUS WITH, NOT THE MAGIC, BUT THE THINGS THAT IF HE WERE HERE AND WAS DOING TO HELP THE PEOPLE THAT I KNEW NEEDED HELP, PUT HIM...IT CAUSED ME TO ESTEEM HIM. AFTER I GOT EVEN OLDER, THEN ALL THE FAIRY TALES, I DIDN'T BELIEVE THAT AT ALL. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: I DIDN'T EVEN KNOW WHETHER THERE WAS SOMEBODY WHO ACTUALLY WAS NAMED JESUS LIKE THE ONE THEY TALKED ABOUT IN THE BIBLE. THERE MIGHT HAVE BEEN SOMEBODY RUNNING AROUND WITH THAT NAME BECAUSE THAT COULD HAVE BEEN A COMMON NAME. BUT THE FIRST IMPRESSION THAT I HAD WAS A LASTING IMPRESSION. AND NOW, I WISH THAT THOSE WHO CLAIMED TO BE CHRISTIANS WOULD BELIEVE IN THIS JESUS THAT THEY PROJECT TO THE POINT WHERE THEY WOULD PRACTICE THE THINGS HE TOLD THEM TO DO. AND IF PRAYER MEANT ANYTHING, I WOULD PRAY FOR THE CHRISTIANS THAT THEY WOULD FOLLOW WHAT THE ONE THEY SAY THEY WORSHIP TOLD THEM TO DO. BUT I KNOW PRAYER IS OF NO VALUE. I KNOW NOTHING IS GOING TO BE DONE IF I DON'T DO IT. SO, I KIND OF KEEP JESUS IN THE BACK OF MY MIND AND I USE HIM AS A CLUB DOWN HERE EVERY NOW AND THEN TO TRY TO STIR PEOPLE'S MINDS THAT ARE NOT SO PURE INTO BECOMING PURE SO THEY WILL DO AS HE TOLD THEM TO DO, AND NOT JUST TALK ABOUT IT. AND THEN I'M GOING TO GET BACK TO THE BILL. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR HANSEN, YOU'RE RECOGNIZED. [LB10]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I WOULD YIELD THE BALANCE OF MY TIME TO SENATOR COOK IF SHE WAS INTERESTED. [LB10]

PRESIDENT FOLEY: SENATOR COOK, FOR 5:00. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT, AND THANK YOU, SENATOR HANSEN. I WANTED TO CONTINUE MY THOUGHTS AND INVITE DIALOGUE ON THE SECRETARY OF STATE'S WRITTEN AND ORAL TESTIMONY BEFORE THE



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GOVERNMENT COMMITTEE IN SUPPORT OF LB10. IN DEFENSE OF LB10, SECRETARY OF STATE GALE'S WRITTEN TESTIMONY ENGAGES IN AN INTERESTING THOUGHT EXERCISE. WHAT IF EVERY STATE IN THIS GREAT UNION DID IT LIKE NEBRASKA? OF COURSE, NO ONE IS PROPOSING THAT EVERY STATE IN THE UNION USE DISTRICT ALLOTMENT OF ELECTORAL COLLEGE VOTES. I UNDERSTAND THAT THE STATE OF PENNSYLVANIA IS CONSIDERING IT FOR VARIOUS REASONS. REGARDLESS OF THAT FACT, SECRETARY GALE TOLD A TALE ABOUT A NATION WHERE EVERY STATE ALLOTTED ELECTORAL COLLEGE VOTES IN THE WAY THAT THE STATE OF NEBRASKA DOES. AND THE TALE HE TOLD WAS QUITE APOCALYPTIC. SECRETARY GALE'S HYPOTHETICAL FUTURE, WHICH NO ONE...THIS BILL DOES NOT PROPOSE IT, WE DON'T HAVE THAT POWER, AND ONCE AGAIN, THE ONLY OTHER STATE THAT I'VE HEARD THAT'S CONSIDERING IT CURRENTLY IS THE STATE OF PENNSYLVANIA. GALE'S HYPOTHETICAL FUTURE IS WROUGHT WITH, QUOTE, TIME CONSUMING AND CUMBERSOME COMPLICATIONS, END QUOTE. IN FACT, ACCORDING TO SECRETARY GALE, THE NATURAL RESULT IS THAT NO CANDIDATE WILL RECEIVE THE NEEDED 270 ELECTORAL COLLEGE VOTES. AT THAT POINT, THE UNITED STATES HOUSE OF REPRESENTATIVES WILL CHOOSE THE PRESIDENT AFTER MONTHS OF DELAY AND CONFUSION. THIS IS AN EXTREME HYPOTHETICAL, WAS OFFERED, AS I SAID, IN TESTIMONY BY THE SECRETARY OF STATE. SENATORS, COLLEAGUES, LB10 IS ABOUT NEBRASKA AND NOT ANYONE ELSE, CERTAINLY NOT ABOUT THE OTHER 49 STATES OR, IN THE CASE OF THE ONES THAT DO NOT DIVIDE THEIR ELECTORAL VOTES, IT'S CERTAINLY NOT ABOUT THE OTHER 48 STATES. MY QUESTION IS WHETHER OR NOT SECRETARY GALE BELIEVES THIS ACTUAL DOOM AND GLOOM SCENARIO. MY SENSE IS THAT HE DOES NOT. WHY, THEN, I ASK MYSELF, WOULD HE PUT FORTH THIS TYPE OF ARGUMENT IN SUPPORT OF LB10? SOME FINAL THOUGHTS: SECRETARY GALE FINALIZES HIS WRITTEN TESTIMONY TO THE GOVERNMENT COMMITTEE WITH A BRIEF DISCUSSION ABOUT HOW RETURNING TO THE WINNER-TAKES-ALL SYSTEM FOR ELECTORAL COLLEGE VOTES HELPS AGRICULTURE STATES TO COLLECTIVELY EXPRESS THEIR VOICE. IF I'M UNDERSTANDING THIS ARGUMENT CORRECTLY, SECRETARY GALE IS SUGGESTING THAT WHEN NEBRASKA'S SECOND CONGRESSIONAL DISTRICT ELECTORAL COLLEGE VOTE IS SPLIT FROM THE REMAINDER OF NEBRASKA'S ELECTORAL COLLEGE VOTES, THEN NEBRASKA LOSES ITS NATIONAL INFLUENCE ON AGRICULTURAL AFFAIRS. THIS, I BELIEVE, IS PATENTLY FALSE. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR COOK: THANK YOU, MR. PRESIDENT. I'M SURE OUR CONGRESSIONAL DELEGATION WOULD BE PROUD OF THEIR SUPPORT, RURAL INTERESTS IN WASHINGTON, D.C., THAT INCLUDES OUR FORMER COLLEAGUE, THE CONGRESSMAN BRAD ASHFORD. THE IDEA THAT IF NEBRASKA WERE TO, AGAIN, SPLIT A SINGLE ELECTORAL COLLEGE VOTE THAT OUR STATE WOULD SOMEHOW BE AT A DISADVANTAGE WHEN ADVOCATING FOR OUR INTERESTS IS SIMPLY NOT A REALITY. COLLEAGUES, THE ARGUMENTS PUT FORWARD IN SUPPORT OF LB10 POINT TO THE DEARTH OF TRUE POLICY REASONS TO ADVANCE THIS LEGISLATION. IN THE RARE EVENT THAT NEBRASKA SPLITS THE VOTES WE

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HAVE, WE WOULD NOT LOSE OUR VOICE ON AGRICULTURAL ISSUES. WE DO NOT LOSE INFLUENCE IN WASHINGTON AND WE CERTAINLY DO NOT UNDERMINE... [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR COOK: ...FAIRNESS. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR COOK. SENATOR PANSING BROOKS, YOU'RE RECOGNIZED. [LB10]

SENATOR PANSING BROOKS: THANK YOU, MR. PRESIDENT. I YIELD MY TIME TO SENATOR CHAMBERS WHOM I UNDERSTAND WANTS TO TALK ON THE BILL. AND HE DID MENTION THAT HE HOPED THAT MY REPUTATION MIGHT NOT BE BESMIRCHED BY HIS COSPONSORING SOME OF MY BILLS. AND I JUST WANT TO ADD THAT, INSTEAD OF BESMIRCHING MY REPUTATION, IT IS ENHANCING IT. SO, THANK YOU. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, OH, THESE YOUNG NAIVE CHILDREN WHO DON'T KNOW THE REALITIES OF THE WORLD, BUT I'M NOT GOING TO DESTROY HER DREAM TODAY. MEMBERS OF THE LEGISLATURE, SENATOR COOK IN HER LAST COMMENTS SUMMED UP WHY SECRETARY OF STATE...I MEANT STATE...I'LL SAY "STAKE" GALE GAVE THE PREPOSTEROUS TESTIMONY, IF YOU CAN CALL IT THAT, WHICH HE DID. HE HAD NO RATIONAL, LOGICAL ARGUMENTS. SO HE WOVE A STORY THAT REALLY INSULTED THE INTELLIGENCE OF THE COMMITTEE MEMBERS. BUT THEY ALL WENT ALONG WITH IT. AND IT REMINDS ME OF WHEN ABRAHAM LINCOLN WAS TALKING ABOUT A DEAL MADE SO THAT THE U.S. SUPREME COURT WOULD HAND DOWN A CERTAIN BAD DECISION. AND HE TALKED ABOUT A GUY NAMED STEVEN, A GUY NAMED ROGER, AND A GUY NAMED JAMES. AND HE DIDN'T GIVE THEIR LAST NAMES, BUT EVERYBODY KNEW THEIR LAST NAMES, STEPHEN A. DOUGLAS, ROGER B. TANEY, AND JAMES BUCHANAN. AND HE SAID WHAT THEY WANT US TO BELIEVE IS THAT THEY DID NOT DO WHAT THEY DID IN CONCERT. BUT THERE'S NO WAY YOU CAN HAVE PEOPLE WIDELY SEPARATED, AND A HOUSE IS TO BE BUILT, AND THEY ALL COME TOGETHER AND, WITHOUT HAVING TALKED TO EACH OTHER, OFFER THEIR PARTS; EVERY SPACE WHERE A WINDOW IS SUPPOSED TO GO, STEPHEN HAS ALL OF THE PARTS THAT FIT PERFECTLY; WHEN A DOOR IS TO BE HUNG, JAMES HAS THE DOOR; EVERY TENON AND MORTISE GOES TOGETHER WITH PERFECT FITTING SYMMETRY. AND HE WENT ON WITH THAT ALLEGORY AND IT BECAME CLEAR THAT THIS STRUCTURE WAS PUT TOGETHER AND THESE THREE PEOPLE HAD AGREED ON WHAT THEY WERE GOING TO DO, THEN THEY WERE DISINGENUOUS IN PRETENDING THAT THEY JUST ALL HAPPENED TO COME TO THE SAME

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CONCLUSION WITHOUT HAVING PLANNED IT IN ADVANCE. THE GOVERNMENT COMMITTEE, MR. GALE, AND THE REPUBLICAN PARTY WERE ALL IN CAHOOTS ON THIS BILL. EVEN IF THEY DIDN'T SIT DOWN OVER COFFEE AND DOUGHNUTS, OR WHATEVER THEY CONSUME WHEN THEY ALL GET TOGETHER, IT WAS KNOWN FROM PAST DISCUSSIONS, FROM THE DICTATE OF THE "REPELICAN" PARTY, THE NATIONAL AGENDA, WHAT IT WAS THEY WERE SUPPOSED TO DO. I READ THE OTHER DAY AN ENDORSEMENT THAT THE WORLD-HERALD GAVE TO YOUNG SENATOR MURANTE. AND THEY SAID THAT WHEN YOU CONSIDER HIS BACKGROUND OF BEING A POLITICAL OPERATIVE FOR THE REPUBLICAN PARTY, YOU WOULD ASSUME THAT HE WAS GOING TO BE PARTISAN. BUT THEN THEY TALKED ABOUT HOW HE ANALYZED VARIOUS OTHER ISSUES. BUT THE WORLD-HERALD SHOULD BE ABLE TO SEE THAT THEY MADE A MISJUDGMENT AND, WHEN SOMEBODY HAS GIVEN ALL OF HIS LIFE... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...TO THE REPUBLICAN PARTY, THAT HE IS GOING BE PARTISAN. WHEN I LOOK AT THE BILLS THAT HAVE COME OUT OF SENATOR MURANTE'S COMMITTEE, I LOOK AT THE ONES THAT ARE BOTTLED UP, PARTISANSHIP IS STAMPED ALL OVER THEM, AND THE WORLD-HERALD MADE AN ERROR OF JUDGMENT. AND I DON'T KNOW THAT SENATOR MURANTE WOULD DENY WHAT I'M SAYING, BECAUSE THE RECORD SPEAKS FOR ITSELF. OR AS THE LEGAL MAXIM SAYS, RES IPSA LOQUITUR: THE THING SPEAKS FOR ITSELF. THIS IS A BAD BILL. AND SENATOR, NOT SENATOR, BUT SECRETARY OF "STAKE" GALE HAD NO RATIONAL JUSTIFICATION, BUT HE NEEDED NONE WHEN HE WENT BEFORE THE GOVERNMENT COMMITTEE. IT WAS FOREGONE AS A CONCLUSION WHAT WAS GOING TO HAPPEN, AND IT DID HAPPEN. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR NORDQUIST, YOU'RE RECOGNIZED. [LB10]

SENATOR NORDQUIST: I YIELD MY TIME TO SENATOR CHAMBERS. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU, SENATOR NORDQUIST. THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I'M GOING TO SAY IT AGAIN. THERE'S A CERTAIN AMOUNT OF TIME WE HAVE TO CONSUME ON THIS BILL. THE NEWSPAPERS AND OTHER PEOPLE HAVE GIVEN THE IMPRESSION THAT THE 35 PEOPLE WHO CALL THEMSELVES REPUBLICANS ARE GOING TO VOTE IN A BLOCK BECAUSE THAT'S WHAT THEY WERE TOLD TO DO. I DON'T REALLY KNOW THE PARTY OF MOST PEOPLE IN HERE. I THOUGHT "GENERAL" GARRETT WAS A DEMOCRAT, IF I WAS GOING TO JUDGE ORDINARILY. AND THEN I FOUND OUT HOW RICH HE IS, THEN I SAID, WELL, I GUESS HE'S WITH AN "R." AND THERE ARE

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OTHERS HERE. BUT IN ALL REALITY, MY SITUATION IN DEALING WITH ANYBODY ON THIS FLOOR HAS NOTHING TO DO WITH HIS OR HER PARTY AFFILIATION. BUT WHEN I SEE CONDUCT THAT BEARS ALL THE EARMARKS OF FOLLOWING THAT PARTY'S AGENDA, THEN I FEEL THAT THEY ARE BEING MOTIVATED BY WHAT THAT PARTY WANTS WHEN THE PATH THEY'RE MARCHING IS NOT ONE THAT BENEFITS THE STATE, OR WHAT THE STATE PROFESSES TO BE ITS VALUES. EVERYBODY IS SUPPOSED TO COUNT. I THINK SENATOR McCOY SAID THAT DURING ONE OF HIS TALKS YESTERDAY. EVERY INDIVIDUAL IN NEBRASKA COUNTS. BUT THAT'S NOT TRUE AND HE KNOWS IT. I HAVE A BILL THAT WILL COME BEFORE THE JUDICIARY COMMITTEE THAT WILL TAKE AWAY THE POWER OF A FOREIGN GOVERNMENT, A FOREIGN COMPANY, TO TAKE FROM A CITIZEN OF NEBRASKA HIS OR HER PROPERTY AGAINST HIS OR HER WILL. NOW, IF THESE PEOPLE ON THIS FLOOR WERE INTERESTED IN THE RURAL PEOPLE AS THEY CLAIM ON THIS BILL--THIS BILL IS SUPPOSED TO HELP RURAL PEOPLE AND FARMS AND AGRICULTURE--THEY WOULD NOT WANT THAT FOREIGN INTEREST TO BE ABLE TO TAKE THE PROPERTY OF PEOPLE IN THIS STATE. BUT THAT FOREIGN OPERATION PUT MONEY IN THE RIGHT HANDS AND SOME TRASH LEGISLATION FLEW THROUGH THIS LEGISLATURE SO FAST THAT I WAS EVEN UNAWARE THAT IT WAS BEING CONSIDERED. IT WAS A DONE DEAL. AND IT WAS SOMETHING THAT THIS STATE OUGHT TO BE ASHAMED OF. BUT THERE'S NO CONCERN ON THIS FLOOR ABOUT THE RURAL PEOPLE AND AGRICULTURE WHEN IT COMES TO THAT, BUT I'M CONCERNED. AND I'VE HAD RURAL PEOPLE STARTING TO COME TO ME. THERE IS A POWER LINE THAT NPPD IS RUNNING. AND IT OUGHT NOT TO FOLLOW THE COURSE THAT IT IS BECAUSE OF THE DAMAGE IT CAN DO. SO I'M WONDERING, WHY WILL THESE PEOPLE COME TO ME WHEN I DON'T LIVE OUT THERE? BUT THEY FOUND OUT THAT THE ONES WHO OSTENSIBLY ARE THEIR REPRESENTATIVES DON'T REPRESENT THEM AND THEIR INTEREST IN FACT. SO I WILL DO WHAT I CAN. AND IT'S NOT GOING TO BE ENOUGH TO STOP THOSE HURTFUL THINGS IN THE RURAL AREA. BUT I FOUND THAT IT MEANS SOMETHING TO PEOPLE JUST TO HAVE AN ELECTED PERSON WHO WILL NOT ONLY LISTEN TO THEM BUT DO WHAT IS AVAILABLE TO BE DONE. IF WE'RE CONCERNED ABOUT THE RURAL PEOPLE, THEN WE WOULD SHOW IT BETTER BY EXPANDING MEDICAL CARE, THE REACH OF MEDICAL CARE TO THOSE FAMILIES, THAN STANDING UP HERE TALKING ABOUT MAKE SURE THAT A POLITICIAN GETS ALL FIVE OF THE STATE'S ELECTORAL VOTES. HOW DOES THAT HELP SOMEBODY WHO MAKES ENOUGH MONEY TO BE BEYOND THE REACH RIGHT NOW OF MEDICAID? BUT IF WE DID THE RIGHT THING, THAT FAMILY COULD BE BENEFITTED. I'LL BET IF YOU HELD OVER HERE... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...THAT MEDICAL HELP THAT WOULD BE AVAILABLE IN THE LEFT HAND AND IN THE RIGHT HAND YOU HELD SIX...FIVE ELECTORAL VOTES GOING TO ONE POLITICIAN, THEY WOULD FLOCK TO THAT LEFT HAND AND NOT ANYBODY WOULD SHOW ANY INTEREST IN FIVE ELECTORAL VOTES. AND I'D VENTURE TO SAY IF YOU STOPPED THE AVERAGE PERSON ON THE STREET AND ASKED WHAT IS AN ELECTORAL VOTE, THEY WOULDN'T KNOW. AND IF YOU ASK THEM HOW MANY, IF YOU KNEW, DOES NEBRASKA HAVE, THEY

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WOULDN'T KNOW. AND IF YOU TOLD THEM FIVE, THEY WOULDN'T KNOW WHY THIS STATE HAS FIVE. SO FOR PEOPLE TO STAND ON THIS FLOOR AND ACCEPT WHAT SECRETARY OF "STAKE" GALE TOLD THAT GOVERNMENT COMMITTEE, INSULTING THEIR INTELLIGENCE, OR HE FEELS THEY DON'T HAVE ANY, THAT IS ALL PREPOSTEROUS. AND WE ON THIS FLOOR DON'T HAVE TO BE BOUND BY THAT, AND WE SHOULD NOT BE BOUND BY IT. EVERYBODY ON THIS FLOOR... [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS ...IS TOO SMART FOR THAT. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB10]

SENATOR CRAWFORD: THANK YOU, LIEUTENANT GOVERNOR. I STAND IN OPPOSITION TO LB10 AND YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS. [LB10]

SENATOR CHAMBERS: THANK YOU, SENATOR CRAWFORD. THANK YOU, MR. PRESIDENT. MEMBERS OF THE LEGISLATURE, I HOPE AS WE APPROACH THE TIME WHEN THEY ARE TRYING TO GET A CLOTURE VOTE, THAT WE START TO LOOK AT REALITY. IF THIS BILL IS NOT PASSED, AND WE ACCEPT THE TESTIMONY SENATOR McCOY GAVE US THE OTHER DAY OF 14 FAILED ATTEMPTS, IT'S OBVIOUS THAT THE STATE IS NOT GOING TO FALL APART IF WE DON'T FOLLOW THE REPUBLICAN AGENDA. AND I KNOW SOME OF YOU ALL WEAR THAT LABEL. BUT I KNOW PEOPLE WHO WEAR THE "D" LABEL FOR DEMOCRAT WHO DO NOT GO ALONG WITH EVERYTHING THAT PARTY DOES, AND A LOT OF PEOPLE WANT TO BELONG TO SOMETHING. BUT WHEN IT COMES TO WHAT WE DO ON THE FLOOR OF THE LEGISLATURE, WE SHOULD LOOK AT, OVERALL, WHAT IS IN THE BEST INTEREST OF THE STATE. AND RIGHT NOW, THE REPUBLICANS DO HAVE ENOUGH VOTES, IF THEY ALL VOTE THE "R," TO GET CLOTURE. BUT WOULD THAT BE IN THE BEST INTEREST OF THE STATE? THIS BILL SHOULD NOT GO FORWARD. THE STATE WILL NOT BE HARMED. I DON'T UNDERSTAND HOW SENATOR McCOY, SENATOR MURANTE, AND OTHERS CAN STAND ON THIS FLOOR AND SAY THAT IF YOU PUT NEBRASKA IN THE CATEGORY OF THOSE STATES WHERE YOU NEED NOT EVER COME HERE IF YOU'RE RUNNING FOR A HIGHER OFFICE BECAUSE THEY'RE LOCKED UP TIGHT, AND THAT BENEFITS NEBRASKA, THAT'S GOING TO BRING GOOD THINGS TO NEBRASKA. THAT MAKES NO SENSE. IT IS TOTALLY IRRATIONAL. NEBRASKA SHOULD WANT ANYTHING THAT WILL BRING IT NOTORIETY. YOU KNOW WHAT GAVE NEBRASKA MORE NOTORIETY DURING THE FOOTBALL SEASON LAST YEAR? WHEN PEYTON MANNING WOULD

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BE HEARD BEHIND THE CENTER SAYING, OMAHA, OMAHA, THAT BROUGHT OMAHA TO THE ATTENTION OF NEBRASKA. THEN SOME PEOPLE BEGAN TO TALK ABOUT OTHER STATES WITH A CITY CALLED OMAHA IN IT. I DIDN'T EVEN KNOW THERE WERE OTHER STATES WITH OMAHA, BUT MOST PEOPLE ASSOCIATED THAT WITH NEBRASKA. ANYTHING NEBRASKA CAN GET THAT IS NOT NEGATIVE OUGHT TO BE EMBRACED BY THE PEOPLE IN THIS STATE. AND TO BE TOLD THAT HAVING TAKEN A BOLD STEP WHOSE PURPOSE WAS TO MAKE SURE THAT THE VOTES OF ALL SEGMENTS OF THE STATE--BECAUSE WE'RE NOT TALKING ABOUT INDIVIDUALS NOW--OF ALL SEGMENTS OF THE STATE WOULD BE MEANINGFUL, THAT IS NOT ANYTHING TO BE ASHAMED OF. THAT IS NOT ANYTHING TO RUN FROM. AND THERE ARE PEOPLE IN OTHER STATES IN THEIR LEGISLATURES WHO WERE INTERESTED IN DOING THE SAME THING, BUT THE PARTIES HAD TOO MUCH POWER. AND IN ONE CASE, A GOVERNOR HAD SAID HE'D VETO THE BILL IF THEY GOT IT. SO EVEN THOUGH NEBRASKA AND THAT SMALL NEW ENGLAND STATE, I BELIEVE IT'S MAINE, ARE THE ONLY ONES WHO ARE ABLE TO BRING THIS KIND OF SYSTEM TO FRUITION, IS NOT TO SAY THAT IT IS WRONG. HAS IT EVER OCCURRED TO MY REPUBLICAN COLLEAGUES THAT IT'S POSSIBLE THAT THOSE WHO ARE IN THE NUMERICAL MINORITY CAN BE RIGHT? IS THAT SOMETHING THAT EVER OCCURRED TO THE PEOPLE ON THIS FLOOR? I WOULD ASK ALL THOSE SENATORS WHO HAVE PRAYED UP THERE IN THE MORNING, HAVE YOU EVER READ WHERE JESUS SAID... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...WHERE TWO OR THREE OF YOU ARE GATHERED TOGETHER IN MY NAME, THERE AM I IN THE MIDST OF YOU? TWO OR THREE? HE DIDN'T SAY, LIKE THE 5,000 THAT I FED OR THE 10,000, BECAUSE WHEN YOU'RE GIVING AWAY FREE FOOD, YOU HAVE EVERYBODY. BUT IN MY NAME, THAT MEANS YOU'RE GOING BE CONCERNED FOR THE POOR. YOU'RE GOING TO BE CONCERNED FOR THE WIDOW. YOU'RE GOING TO BE CONCERNED FOR THE ORPHAN. YOU'RE GOING TO NOT BOW THE KNEE TO SOME TYRANT WHO IS MESSING OVER THESE POOR PEOPLE. AND WHEN YOU HAVE THAT KIND OF A PROGRAM AND YOU'RE GOING TO ACT ON IT, THEN YOU'RE NOT GOING TO HAVE A LOT OF COMPANY. AND I KNOW IT IF YOU DON'T. SO IF TWO OR THREE OF YOU HAVE WHAT IT TAKES TO COME TOGETHER IN MY NAME, I'LL BE THERE WITH YOU IF MY BEING THERE MEANS ANYTHING TO YOU. AND SUPPOSEDLY, IT DID. IF WE CAN HAVE TWO STATES IN A COUNTRY LIKE AMERICA WHO ARE GOING TO TAKE CONCRETE POLITICAL ACTION TO VALUE THE VOTES OF ALL SEGMENTS... [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: ...OF THEIR STATE, THAT'S A GOOD THING. THANK YOU, MR. PRESIDENT. [LB10]

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PRESIDENT FOLEY: THANK YOU, SENATOR CHAMBERS. SENATOR HANSEN, YOU'RE RECOGNIZED, AND THIS IS YOUR THIRD OPPORTUNITY TO SPEAK, SENATOR. [LB10]

SENATOR HANSEN: THANK YOU, MR. PRESIDENT. I RISE...I JUST WANT TO CLARIFY SOMETHING FOR THE RECORD. THERE'S BEEN SOME REFERENCES FOR THE GOVERNMENT, MILITARY AND AFFAIRS COMMITTEE. I DO SERVE IN THAT COMMITTEE. I DID OPPOSE THIS BILL IN COMMITTEE AND VOTE AGAINST THAT BILL IN COMMITTEE AND CONTINUE TO OPPOSE IT ON THE FLOOR. AND WITH THAT, I WOULD YIELD THE BALANCE OF MY TIME TO SENATOR CHAMBERS. [LB10]

PRESIDENT FOLEY: SENATOR CHAMBERS, YOU'RE RECOGNIZED. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. AND I KNEW WHERE YOUNG SENATOR HANSEN HAD BEEN ON THIS MATTER, BUT IT WAS GOOD FOR HIM TO SEPARATE HIMSELF FROM THE GROUP BECAUSE I LIKE TO USE THINGS AS A TEACHING EXPERIENCE...INCIDENT. SO WHEN YOU CAN SEE A PERSON WHO HAS BEEN EMBRACED BY A GENERALIZATION SUCH AS "THE COMMITTEE," THEN EVERYBODY ON THAT COMMITTEE CAN FEEL THAT HE OR SHE IS BEING INCLUDED. AND IF ANYBODY CHOOSES NOT TO BE INCLUDED, THAT PERSON WILL SPEAK, AS WAS DONE. AND I SAY THIS STATE, THIS LEGISLATURE, SHOULD FOLLOW THE EXAMPLE THAT SENATOR HANSEN GAVE US. THERE IS A GOOD PROGRAM, A GOOD SYSTEM IN PLACE NOW. HAD NOT THE REPUBLICAN PARTY SAID THAT THIS IS AT THE TOP OF THEIR AGENDA, IT WOULDN'T BE HERE. AND AS FOR THESE PEOPLE, I WOULD LISTEN TO SENATOR MURANTE INTERROGATING SENATOR SCHUMACHER, AND I HAD NO IDEA WHAT SENATOR MURANTE WAS TALKING ABOUT OR WHERE HE WAS GOING, BUT A PERSON LIKE SENATOR SCHUMACHER IS NOT GOING TO BE INTIMIDATED BY PEOPLE, JUST LIKE I WON'T. PEOPLE COULD TELL ME, ERNIE, DO THIS, AND THAT MAKES ME NO DIFFERENCE, BUT OTHER PEOPLE ARE. AND THE FACT THAT THIS BILL IS BEFORE THIS LEGISLATURE PROVES JUST WHAT I'M SAYING. THE REPUBLICAN PARTY SAID THIS IS WHAT SHOULD BE DONE AND THAT'S WHY IT'S BEING DONE. AND I KNOW THE MAJORITY OF REPUBLICANS ARE GOING TO SUPPORT IT. EVEN IF YOU DON'T GET CAMPAIGN CONTRIBUTIONS FROM THEM, YOU KNOW WHAT YOUR PARTY WANTS, AND YOU ARE GOING TO DO IT. I KNOW IT, YOU KNOW IT, AND I THINK WE WOULD HAVE A MUCH MORE WHOLESOME ATMOSPHERE IF PEOPLE WOULD JUST BE HONEST ON THIS FLOOR AND ACKNOWLEDGE THAT THIS IS A PARTISAN ISSUE. EVERYBODY WHO WRITES ABOUT IT KNOWS WHAT IT IS. AND YOU MEAN TO TELL ME THOSE WHO ARE POLITICIANS DON'T KNOW WHAT EVERYBODY ELSE KNOWS AND HOW TO CHARACTERIZE WHAT WE DO? THEY KNOW HOW TO CHARACTERIZE IT AND WE DON'T. WELL, I KNOW HOW TO CHARACTERIZE IT. IT'S PARTISAN. IF YOU THINK THE WORD "PARTISAN" IS DIRTY, THEN GET RID OF IT. DON'T BE PARTISAN. "PARTISAN" IS A WORD THAT IN AND OF ITSELF IS NEUTRAL. A PARTISAN IS ONE WHO THROWS HIS OR HER LOT IN WITH THIS OR THAT OR THE OTHER. BUT THE WORD ITSELF IS NOT BAD. THE WORD "POLITICIAN" IS NOT BAD. A POLITICIAN IS A PRACTITIONER OF THE ART

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OF POLITICS. ALTHOUGH MACHIAVELLI IS THE FATHER OF POLITICAL SCIENCE, HE WAS NOT AN EVIL PERSON. AND HE WAS NOT A VINDICTIVE PERSON. HE WAS NOT A MAN WITHOUT MORALS. IF YOU READ WHAT HE ACTUALLY WROTE, AND NOT JUST IN THE PRINTS AND THE DISCOURSES, HE WAS A POET. HE WAS A GOVERNMENTAL OFFICIAL. HE LAID OUT MILITARY STRATEGY AND TACTICS. HOW MANY OF YOU KNEW THAT ABOUT MACHIAVELLI? PROBABLY NOT BECAUSE YOU GO BY THE CHARACTERIZATION OF HIM, WHICH IS A STEREOTYPE. THE TERM "OLD NICK" IS BASED ON NICCOLO MACHIAVELLI. AND IT'S A TERM THAT SIGNIFIES THE DEVIL. MACHIAVELLIAN MEANS SOMEBODY WITH NO SCRUPLES OR NO PRINCIPLES. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: AND YOU KNOW HOW HE GOT THAT REPUTATION? BECAUSE HE WAS AN HISTORIAN, HE WAS AN ANALYST, AND HE USED EXAMPLES FROM HISTORY TO DOCUMENT AND ILLUSTRATE EVERY POINT THAT HE MADE. BUT BECAUSE HE WAS SUCH A GOOD SCHOLAR, SUCH A GOOD WRITER, THEN PEOPLE TOOK WHAT HE WROTE TO BE HIS OWN PERSONAL CONVICTIONS, WHICH THEY WERE NOT. THANK YOU, MR. PRESIDENT. [LB10]

PRESIDENT FOLEY: THANKS, SENATOR CHAMBERS. (VISITORS INTRODUCED.) ITEMS FOR THE RECORD, MR. CLERK. [LB10]

ASSISTANT CLERK: THANK YOU, MR. PRESIDENT. YOUR COMMITTEE ON EDUCATION REPORTS LB431, LB477, AND LB513 TO GENERAL FILE, AS WELL AS LB49 AND LB616, AS INDEFINITELY POSTPONED. NEW RESOLUTIONS: LR75 AND LR76 BY SENATOR KOLTERMAN. THOSE WILL BE LAID OVER, ALONG WITH LR77, LR78, LR79, LR80, LR81, AND LR82 FROM SENATOR JOHNSON, ALSO TO BE LAID OVER. HAVE A REFERENCE REPORT FROM THE EXECUTIVE BOARD REGARDING LR73, AND A POTENTIAL CONFLICT OF INTEREST STATEMENT FROM SENATOR MORFELD. THAT'S ALL I HAVE AT THIS TIME. (LEGISLATIVE JOURNAL PAGES 635-639.) [LB431 LB477 LB513 LB49 LB616 LR75 LR76 LR77 LR78 LR79 LR80 LR81 LR82 LR73]

PRESIDENT FOLEY: THANK YOU, MR. CLERK. SENATOR KEN HAAR, YOU'RE RECOGNIZED. [LB10]

SENATOR HAAR: MR. PRESIDENT AND MEMBERS OF THE BODY, "BROTHER" CHAMBERS, YOU MAY BE INTERESTED TO KNOW THAT MY GRANDFATHER WAS A REPUBLICAN, MY MOTHER AND FATHER WERE REPUBLICANS, AND I WAS A REPUBLICAN FOR ABOUT, I DON'T KNOW, A MONTH DURING THE PRIMARY ELECTION WHEN WE HAD HEINEMAN RUNNING AGAINST OSBORNE. CHANGED MY PARTY, SO I CAN'T SAY I'VE ALWAYS BEEN...ALWAYS BEEN ONE PARTY EITHER. I THINK THE ONLY FAIR WAY AROUND PRESIDENTIAL ELECTIONS IS THE POPULAR VOTE. AND I'M GOING TO TALK ABOUT THAT A LITTLE BIT BECAUSE I



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CARRIED THAT BILL A NUMBER OF YEARS. NATIONAL POPULAR, OF COURSE, PROBABLY THE BEST WAY TO DO IT WOULD BE TO CHANGE THE CONSTITUTION BECAUSE THE PRESIDENT SHOULD BE ELECTED BY POPULAR VOTE, BUT THAT'S A VERY DIFFICULT PROCESS, AND TAKES A LONG TIME. AND SO, THERE HAVE BEEN A NUMBER OF EFFORTS OVER THE YEARS TO ELECT THE PRESIDENT BY POPULAR VOTE. THE ONE THAT I BELIEVE WAS INTRODUCED THIS YEAR IN COMMITTEE AND DIDN'T GET OUT OF COMMITTEE...NATIONAL POPULAR VOTE IS A REALLY GREAT IDEA. AND BY THE WAY, MOST PEOPLE IN THE UNITED STATES, A VERY LARGE MAJORITY BELIEVE THAT THE PRESIDENT SHOULD BE ELECTED BY POPULAR VOTE. I KNOW THAT WINNER TAKE ALL, OR ACTUALLY THAT WASN'T THE WAY THE FOUNDING FATHERS DID IT, THEY SAID IT WAS UP TO EACH STATE TO DISTRIBUTE THEIR...HOW THEY WERE GOING TO DO THEIR ELECTORS. BUT THE AMERICAN PEOPLE WANT THE PRESIDENT ELECTED BY POPULAR VOTE. AND I THINK, YOU KNOW, WHEN YOU TALK ABOUT RISK, THAT MAY BE A RISK FOR DEMOCRATS, THAT MAY BE A RISK FOR REPUBLICANS, BUT IT'S WHAT THE AMERICAN PEOPLE WOULD LIKE. SO ACCORDING TO THE POPULAR VOTE SCHEME OF THINGS, AS WE KNOW, IT TAKES 270 VOTES, ELECTORAL VOTES, TO ELECT A PRESIDENT. AND ACCORDING TO THE POPULAR...NATIONAL POPULAR VOTE, IF ENOUGH STATES AGREE THAT WHOEVER GETS THE POPULAR VOTE, BECAUSE WE SEE THAT ON ELECTION NIGHT, WHOEVER GETS THE POPULAR VOTE WOULD GET THEIR STATE ELECTORS, THEN WE WOULD INDEED HAVE THE PRESIDENT ELECTED BY A POPULAR VOTE. AND, OF COURSE, AGAIN, THERE ARE STATES THAT ARE PRIDE...THAT HAVE PRIDE IN BEING RED STATES AND BLUE STATES. BUT ACTUALLY I'VE FLOWN OVER THE UNITED STATES AND I'VE NEVER SEEN THAT COLOR, RED OR BLUE. I THINK ALL OF OUR STATES HAVE A WIDE RANGE OF POLITICAL VIEWPOINTS. FOR EXAMPLE, IN NEBRASKA, USUALLY I VOTED FOR A DEMOCRAT FOR PRESIDENT. AND I FEEL MY VOTE DOESN'T COUNT. BUT I GO TO THE POLLS, OR RECENTLY I'VE BEEN USING MY WRITE-IN BALLOT BECAUSE THERE'S SO MANY OTHER ELECTIONS TO VOTE FOR. BUT I SOMETIMES WONDER WHETHER BEING IN NEBRASKA, WHETHER MY VOTE COUNTS OR NOT. AND, OF COURSE, THERE ARE VERY CONSERVATIVE VOTERS IN CALIFORNIA WHO MUST WONDER WHETHER THEIR VOTES GET COUNTED OR NOT. SO ONE WAY OR THE OTHER, WE HAVE TO GO TO ELECTING THE PRESIDENT OF THE UNITED STATES BY POPULAR VOTE. AND SOME OF THE POINTS THAT HAVE BEEN BROUGHT UP IN EARLIER DISCUSSION, FOR EXAMPLE, THE STATES THAT ARE OVERLOOKED, THAT ARE JUST TAKEN FOR GRANTED, AND FRANKLY, THAT'S MOST OF THE STATES, NEVER GET VISITED BY PRESIDENTIAL CANDIDATES. AND IT'S... [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR HAAR: THANK YOU. IT'S NOT EVEN SO MUCH THAT PEOPLE...THAT THERE'S NOT THE ECONOMIC DEVELOPMENT THAT COMES FROM IT, BUT IT'S CANDIDATES NEED TO LEARN THE...THE NEEDS OF EVERY STATE. THEY NEED TO GO AFTER EVERY VOTE IN EVERY STATE. AND UNDER THE CURRENT SYSTEM OF ELECTORS, THAT DOESN'T HAPPEN. AND WE'VE SEEN THAT A NUMBER OF TIMES, FRANKLY, IN TERMS OF ISSUES THAT ARE...THAT ARE BROUGHT FORWARD BY ONE PARTY OR ANOTHER BECAUSE THEY KNOW IT'S GOING TO AFFECT THOSE

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STATES THAT COULD BE SWING STATES. IT'S NOT A GOOD SYSTEM. IF WE WERE TRYING TO INTRODUCE A POPULAR VOTE OR VOTING SYSTEM, DEMOCRACY IN SOME COUNTRY, WE WOULD CERTAINLY NOT SUGGEST THE WAY OF ELECTING PRESIDENT THE WAY WE DO IT. [LB10]

PRESIDENT FOLEY: TIME, SENATOR. [LB10]

SENATOR HAAR: AND I THINK WE OUGHT TO...MY TIME IS DONE? [LB10]

PRESIDENT FOLEY: THAT'S TIME, SENATOR, YES. [LB10]

SENATOR HAAR: THANK YOU VERY MUCH. [LB10]

PRESIDENT FOLEY: THANKS, SENATOR HAAR. SENATOR GROENE, YOU'RE RECOGNIZED. [LB10]

SENATOR GROENE: THANK YOU, MR. PRESIDENT. JUST A FEW THOUGHTS I HAVE ON THIS BILL, LB10, WHICH I SUPPORT. WE ARE A FEDERAL SYSTEM OF STATES. OVER 220 YEARS AGO, OUR FOUNDING FATHERS AS DELEGATES OF STATES CREATED THE FEDERAL GOVERNMENT, JUST AS SENATOR CHAMBERS KEEPS TELLING US THAT...AND HE'S ACCURATE, THAT THE STATE CREATED THE COUNTIES. ON THE FEDERAL LEVEL, IT IS BACKWARDS, IT IS BACKWARDS OF THAT. THE FEDERAL GOVERNMENT COULD BE ARGUED IS THE FUNCTION OF THE STATE GOVERNMENTS. IT WAS INTENDED THAT STATES WOULD SELECT THEIR CHIEF EXECUTIVE TO PRESIDENT OVER THE...TO PRESIDE OVER THE FEDERAL GOVERNMENT. WHEN WE VOTE FOR CONGRESSMEN, THEIR NAMES ONLY APPEAR IN THE BALLOTS WITHIN THE BOUNDARY OF ONE OF OUR THREE CONGRESSIONAL DISTRICTS. I HAVE NEVER SEEN FORTENBERRY OR ASHFORD'S NAME ON MY BALLOT WHEN I VOTE. WHEN WE VOTE FOR PRESIDENT, WE AS NEBRASKANS SHARE THE SAME BALLOT STATEWIDE. IN TRUTH, WE DO NOT VOTE FOR A PRESIDENT BY CONGRESSIONAL DISTRICT. THE VOTE IS TABULATED STATEWIDE. IT IS REPORTED BY ALL NATIONAL NEWS MEDIA BY STATEWIDE TOTALS, NOT BY CONGRESSIONAL DISTRICT. WE DECIDE AS A STATE WHO WE WANT AS PRESIDENT AND OUR ELECTORAL COLLEGE SHOULD REFLECT THAT IN TOTALITY. IF A CANDIDATE WINS THE MAJORITY STATEWIDE, THEN HE SHOULD GARNER THE REWARDS OF THE STATE TOTAL OF OUR ELECTORAL COLLEGE. THIS IS NOT A PARTISAN ISSUE. FOR EXAMPLE, WHEN A CONFUSED CONSERVATIVE WITH THE CONVICTIONS OF JOHN F. KENNEDY RUNS AS A DEMOCRAT FOR PRESIDENT, I BELIEVE THEY WOULD WIN THE STATE OF NEBRASKA'S VOTE. I WOULD PROBABLY BE ONE OF THOSE WHO VOTED FOR HIM, OR HER. IT GOES BOTH WAYS. IF YOU WIN THE STATE, YOU GET THE ELECTORAL COLLEGE. THERE'S NO PARTISANSHIP HERE AT ALL. WE ARE A UNIQUE NATION WHERE WE ELECT LOCAL CANDIDATES TO REPRESENT US BY DEMOCRACY, BUT THROUGH THE ELECTORAL COLLEGE, WE STILL HAVE A VESTIGE OF THE REPUBLICAN FORM OF GOVERNMENT. WE SHOULD NOT BE MAKING DECISIONS

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THAT AFFECT THE DIRECTION OF OUR STATE'S NATIONAL ELECTION POLICY ON WHETHER 100,000 AMERICANS WATCHING CNN GET TO SEE A PRESIDENTIAL CANDIDATE IN OMAHA. I DOUBT THERE ARE SIGNS IN ANY NEBRASKA HOTELS IN THE LAST 20 YEARS THAT SAY, PRESIDENT SO AND SO SLEPT HERE. THEY FLY OVER. THEY MIGHT STOP. WE ARE A STATE OF 1.8 MILLION PEOPLE OUT OF 300 MILLION AMERICANS. I KIND OF LIKE THAT FACT. I HAPPEN TO LIKE OPEN SPACES. WE...CROWDS BRING MANDATES AND LAWS. SO I KIND OF LIKE IT WHERE WE'RE OPEN AND MAYBE A LITTLE LESS LAWS, A LITTLE LESS MANDATES. BUT THE FACT IS, WE DO NOT PLAY A LARGE PART IN PRESIDENTIAL ELECTIONS, BUT FIVE SOLID VOTES DO HAVE AN EFFECT IN LIEU OF SPLIT VOTES. GIVE YOU AN EXAMPLE. WOULD THIS BE RIGHT? IF THE SITUATION AROSE, WOULD COME UP, THAT A MAJORITY OF NEBRASKANS VOTED FOR CANDIDATE A, AND "A" GARNERED MORE VOTES THAN CANDIDATE B BUT ONE ELECTORAL COLLEGE VOTE FROM NEBRASKA GAVE CANDIDATE B THE NATIONAL VICTORY, WOULD THAT BE AN ACCURATE REPRESENTATION OF THE WILL OF THE MOST NEBRASKANS? NO, IT WOULD NOT. WE ARE A FEDERAL STATE, FEDERAL, A COUNTRY ORGANIZED UNDER STATES WHO ELECT A CHIEF EXECUTIVE AND WE DO THAT BY OUR ELECTORAL COLLEGE. [LB10]

PRESIDENT FOLEY: ONE MINUTE. [LB10]

SENATOR GROENE: WINNER TAKE ALL IS THE CORRECT METHOD TO PROPORTION OUR FIVE ELECTORAL COLLEGES AND I URGE MY FELLOW SENATORS TO SUPPORT LB10. THANK YOU. [LB10]

PRESIDENT FOLEY: THANK YOU, SENATOR GROENE. SENATOR CRAWFORD, YOU'RE RECOGNIZED. [LB10]

SENATOR CRAWFORD: THANK YOU, LIEUTENANT GOVERNOR. AND I RISE AGAIN IN OPPOSITION TO LB10. I GUESS I DISAGREE WITH MY ESTEEMED COLLEAGUE, SENATOR GROENE, WHO JUST SPOKE ON THIS BILL AND POSITION. I DON'T WANT THE PRESIDENTIAL CANDIDATES TO FLY OVER. I DO WANT THEM TO STAY IN NEBRASKA. AND I ARGUE THAT, AGAIN, IT'S NOT PARTISAN IN THE SENSE IT WILL BRING CANDIDATES OF BOTH PARTIES TO NEBRASKA, MAKE THEM SPEND TIME HERE. AND IF PEOPLE IN NEBRASKA WANT LESS GOVERNMENT OR LESS REGULATION, THAT'S WHAT YOU CAN TELL THEM WHEN THEY'RE HERE. WHEN THEY'RE FLYING OVER NOW, YOU DON'T GET A CHANCE TO TALK TO THEM. YOU DON'T GET A CHANCE TO MAKE THE CASE FOR NEBRASKA BECAUSE THEY ARE NOT SPENDING TIME HERE. AND, AGAIN, OUR CURRENT SYSTEM IS ONE THAT DOESN'T MAKE IT A GUARANTEE THAT THEY WILL. IT'S A...BUT IT DOES CREATE THE POSSIBILITY THAT THE CANDIDATES WILL SPEND TIME HERE AND COMPETE FOR ELECTORAL VOTE THAT THEY THINK THEY HAVE A CHANCE TO WIN. SO, YOU KNOW, IN SPEAKING OF, WOULD IT BE FAIR IF IT WAS A VERY CLOSE PRESIDENTIAL ELECTION AND A SINGLE ELECTORAL VOTE TIPPED THE BALANCE, AND THAT ELECTORAL VOTE WAS A VOTE IN ONE OF OUR CONGRESSIONAL DISTRICTS THAT WAS DIFFERENT THAN OUR OTHER FOUR

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VOTES? WELL, COLLEAGUES, ALL FIVE OF THOSE VOTES COUNT. SO ALL FIVE OF THOSE VOTES WOULD BE DETERMINING WHAT HAPPENS IN THE PRESIDENTIAL ELECTION AND SO THAT IT'S A ONE-VOTE DIFFERENCE DOESN'T NECESSARILY MEAN THAT THAT...DOESN'T REPRESENT WHAT HAPPENED IN NEBRASKA. WHAT HAPPENED IN NEBRASKA GETS REPRESENTED IN THAT SENSE, BECAUSE FOUR OF THOSE ELECTORAL VOTES WENT TO THE OTHER CANDIDATE AND ONLY ONE WENT TO THE CANDIDATE THAT WAS SUPPORTED IN ONLY ONE CONGRESSIONAL DISTRICT IN THE STATE. SO, I THINK THAT'S A FAIR REPRESENTATION IN TERMS OF MAKING SURE THAT THE PRESIDENTIAL VOTE REFLECTS WHAT'S HAPPENING IN THE STATE. I'LL SPEAK...WE'VE SPOKEN QUITE A BIT ABOUT THE IMPORTANCE OF ATTENTION OF PRESIDENTIAL CANDIDATES, SO I WANT TO SHIFT TO ONE OTHER FACTOR THAT I JUST BRIEFLY MENTIONED YESTERDAY THAT'S IMPORTANT ON THIS FRONT. WHY DO WE CARE IF PRESIDENTIAL CANDIDATES COME HERE? WE'VE TALKED ABOUT THE IMPORTANCE OF THEM SPENDING MONEY HERE. WE'VE TALKED ABOUT THE IMPORTANCE OF THEM HEARING FROM NEBRASKANS. WE'VE ALREADY TALKED ABOUT THE IMPORTANCE OF THIS BEING SOMETHING THAT MOBILIZES OUR CITIZENS AND GETS THEM ENGAGED IN POLITICS BECAUSE OFTEN PRESIDENTIAL RACES ARE ONES THAT REALLY CAPTURE PEOPLE'S ATTENTION. ANOTHER IMPORTANT REASON FOR PRESIDENTIAL CANDIDATES TO TAKE NEBRASKA SERIOUSLY IS THAT THE FEDERAL GOVERNMENT MAKES DECISIONS THAT ARE KEY AND IMPORTANT TO OUR ECONOMIC INTERESTS. AND IN MY DISTRICT, WE HAVE OFFUTT AIR FORCE BASE. WE WANT THE PRESIDENTIAL CANDIDATES TO CARE ABOUT WHAT HAPPENS AT OFFUTT AIR FORCE BASE. WE WANT THE GOVERNOR OF THE STATE TO INVITE, IN THIS CASE, REPUBLICAN PRESIDENTIAL CANDIDATES TO THE STATE, HAVE THEM TOUR, AND HAVE A DISCUSSION ABOUT HOW IMPORTANT IT IS TO HAVE INVESTMENTS IN THAT AIR FORCE BASE. I HAVEN'T DONE THIS ANALYSIS, BUT I WOULD HYPOTHESIZE THAT IF YOU LOOKED AT FEDERAL INVESTMENTS IN THINGS LIKE V.A. CENTERS AND BASES, AND YOU ANALYZED THE RELATIONSHIP BETWEEN A COMPETITIVE STATE IN TERMS OF PARTY COMPETITION AND THE INVESTMENT OF THE FEDERAL GOVERNMENT IN THOSE STATES, THAT YOU WOULD FIND THAT THE STATES WHERE THERE'S COMPETITION, VIABLE COMPETITION, GET MORE FEDERAL INVESTMENT IN THOSE THINGS THAT MATTER TO THE STATE LIKE THEIR BASES AND THEIR V.A. FACILITIES. [LB10]

SPEAKER HADLEY PRESIDING

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CRAWFORD: AND SO I WOULD ARGUE THAT THIS IS ANOTHER IMPORTANT REASON TO DEFEAT LB10 AND TO MAKE SURE THAT WE HAVE AN ELECTORAL COLLEGE SYSTEM THAT MAKES OUR STATE RELEVANT AND REQUIRES PRESIDENTIAL CANDIDATES IN CLOSE RACES TO COME VISIT OUR STATE IS SO THAT WE CAN MAKE SURE WE'RE MAKING THE CASE FOR THOSE FEDERAL INVESTMENTS IN OUR STATE. THANK YOU, MR. PRESIDENT. [LB10]

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SPEAKER HADLEY: NEXT IN THE QUEUE IS SENATOR SULLIVAN FOLLOWED BY SENATOR HARR, SENATOR BLOOMFIELD, SENATOR SCHUMACHER, AND SENATOR NORDQUIST. SENATOR SULLIVAN, YOU'RE RECOGNIZED. [LB10]

SENATOR SULLIVAN: THANK YOU, MR. PRESIDENT. I STAND IN OPPOSITION TO LB10 AND WOULD YIELD THE REST OF MY TIME TO SENATOR CHAMBERS IF HE SO CHOOSES. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 5:00. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. THANK YOU, SENATOR SULLIVAN. MEMBERS OF THE LEGISLATURE, WE HAVE TO CONTINUE TO REPEAT AND REPEAT AND REPEAT AND HERE'S WHY. EVERYBODY ALREADY KNOWS WHAT IT IS WE'RE TALKING ABOUT. THEY KNOW WHERE WE'RE GOING, BUT WE HAVE TO PASS A CERTAIN AMOUNT OF TIME, AND THAT'S WHAT WE'RE DOING. SO I THINK THE RECORD SHOULD BE FULL OF THE BEST ARGUMENTS THAT WE CAN GIVE EVEN THOUGH WE MAY BE TIRED OF REPEATING THEM. I WOULD LIKE TO ASK...OH, SENATOR GROENE. IS SENATOR GROENE HERE? IF SENATOR GROENE WOULD YIELD TO A QUESTION WHEN HE REACHES HIS DESK, I'D LIKE TO ASK IT. [LB10]

SPEAKER HADLEY: SENATOR GROENE, WILL YOU YIELD TO A QUESTION? [LB10]

SENATOR GROENE: YES. YES, I'LL YIELD, MR. PRESIDENT. [LB10]

SENATOR CHAMBERS: THANK YOU. SENATOR GROENE, UNDER THE CURRENT SYSTEM WITH AN ELECTORAL COLLEGE, WHAT DETERMINES WHO WILL BE PRESIDENT, THE WAY PEOPLE VOTE IN A STATE OR THE WAY THE VOTES ARE CAST IN THE ELECTORAL COLLEGE? [LB10]

SENATOR GROENE: THE WAY...SENATOR CHAMBERS, IT'S THE WAY THEY VOTE...THE WAY THE STATES ALLOT THEIR ELECTORAL COLLEGE IS HOW HE'S ELECTED. [LB10]

SENATOR CHAMBERS: SO, THEN, IS IT POSSIBLE, AND I'M PHRASING IT AS A QUESTION, IS IT POSSIBLE THAT A PERSON COULD WIN THE POPULAR VOTE IN TERMS OF HAVING MORE VOTES NATIONWIDE BUT LOSE THE PRESIDENCY BECAUSE THE OTHER PERSON GETS MORE ELECTORAL VOTES? [LB10]

SENATOR GROENE: YES, AND THAT IS THE PROPER WAY IT SHOULD BE OPERATED. [LB10]

SENATOR CHAMBERS: YOU SAID THAT'S THE WAY IT SHOULD OPERATE? [LB10]

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SENATOR GROENE: YES. [LB10]

SENATOR CHAMBERS: SO YOU DON'T THINK THE POPULAR VOTE SHOULD DETERMINE THE OUTCOME? JUST SO I UNDERSTAND YOUR POSITION. [LB10]

SENATOR GROENE: ON THE ELECTION OF THE PRESIDENT, YES, THAT IS THE WAY IT SHOULD BE. [LB10]

SENATOR CHAMBERS WHICH...OKAY, I'LL ASK ONE AT A TIME. SEE, THAT'S LIKE ME ASKING SENATOR GROENE, IS IT RAINING OR IS THE SUN SHINING, AND HE SAYS, YES. SO, I'M GOING TO BREAK IT DOWN. SENATOR GROENE, DO YOU THINK THE POPULAR VOTE OUGHT TO DETERMINE WHO IS PRESIDENT? [LB10]

SENATOR GROENE: AND, SENATOR CHAMBERS, I WAS BORN WITH THAT SKILL. I NEVER TOOK ONE LAW COURSE EVER IN A COLLEGE OF LAW. BUT, SHOULD THE PRESIDENT BE ELECTED BY THE POPULAR VOTE? NO. [LB10]

SENATOR CHAMBERS: OKAY. NOW, I AT LEAST...AND I'M NOT GOING TO QUARREL WITH YOU BUT I WANTED TO BE SURE I UNDERSTOOD WHAT YOU'RE SAYING. MEMBERS OF THE LEGISLATURE, HE'S CORRECT. YOU CAN WIN THE POPULAR VOTE AND NOT BE PRESIDENT. SO THE QUESTION IS, WHO SHOULD DETERMINE WHO IS TO BE THE PRESIDENT OF THE UNITED STATES? I DON'T KNOW IF EVERYBODY IS AWARE OF IT, BUT THERE WAS A TIME WHEN U.S. SENATORS WERE SELECTED BY THE LEGISLATURES, NOT BY POPULAR VOTE. THE PEOPLE VOTED FOR PEOPLE TO SIT IN THE LEGISLATURE, THEN THE LEGISLATORS DETERMINED WHO WOULD BE THE U.S. SENATOR. SO THERE HAVE BEEN CHANGES IN THE WAY THAT ELECTIONS ARE CARRIED OUT FOR HIGH OFFICES. THERE WAS A MAN FROM ENGLAND SITTING, LISTENING, WHILE THE MAKEUP OF THE CONSTITUTION WAS BEING DISCUSSED, AND WHEN THEY WERE TALKING ABOUT THE SENATE AS OPPOSED TO THE HOUSE OF REPRESENTATIVES, AND THEY GOT TO THE SENATE, HE SAID, IT SEEMS TO ME THAT WHAT THEY ARE TALKING ABOUT IS A HOUSE OF LORDS BUT THEY HAVE NO LORDS FOR THE PURPOSE... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...BECAUSE THEY LOOKED AT THE KIND OF PEOPLE WHO WERE, IN FACT, BEING CONSIDERED. SO, THERE IS NO ONE WAY TO DO SOMETHING, BUT THERE ARE SOME WAYS THAT ARE BETTER THAN OTHERS. AND THE WAY THAT THINGS ARE BEING DONE IN NEBRASKA NOW WOULD BE BETTER THAN TO GO TO WHAT IT USED TO BE BECAUSE THAT'S WHAT THE REPUBLICAN PARTY WANTS. AND THAT'S WHAT IT IS ALL ABOUT. THAT'S WHAT WE'RE TALKING ABOUT HERE. AND IF THIS BILL DOES NOT PASS, NOTHING OF CONSEQUENCE IS GOING TO HAPPEN, NOTHING OF CONSEQUENCE WILL

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CHANGE. AND IN MOST OF THE ELECTIONS FOR PRESIDENT...WELL, I DON'T KNOW. MY TIME IS UP. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR BURKE HARR, YOU'RE RECOGNIZED. [LB10]

SENATOR HARR: THANK YOU, MR. SPEAKER. I RISE TO SUPPORT THE RECOMMIT TO COMMITTEE. I WAS READING LAST NIGHT--THANK YOU--AND THERE WAS AN ARTICLE ABOUT THE 40th ANNIVERSARY OF SNL AND THEY HAD MIKE MYERS TALKING ABOUT LORNE MICHAELS AND HE'S TALKING ABOUT A JOKE, ONE OF HIS FAVORITE JOKES HE GAVE. AND LORNE MICHAELS SAID, YES, THEY LAUGHED, BUT DID THEY LAUGH FOR THE RIGHT REASON? I THOUGHT THAT WAS PRETTY INSIGHTFUL. LOOK, THERE ARE 25 VOTES TO PASS LB10 AND WE COULD PASS THIS, BUT ARE WE PASSING IT FOR THE RIGHT REASON? THAT'S THE QUESTION. I LOOK AT THIS...YOU KNOW, WHEN WE TRAVEL AROUND THE COUNTRY AND WE TALK TO OTHER STATE SENATORS, THE TWO BIG ISSUES THAT COME UP ARE, ARE YOU REALLY NONPARTISAN, AND HOW DOES THE ONE HOUSE SYSTEM WORK? AND OCCASIONALLY, YOU'LL ALSO GET ABOUT THE ELECTORAL COLLEGE. NOW, YOU KNOW, THE FIRST TWO, WE SAY, YEAH, WE'RE NONPARTISAN. WE KNOW WHAT EVERYONE IS. WE DEFINITELY KNOW WHAT EVERYONE IS. BUT THERE ISN'T CAUCUSING AND WE KEEP AN OPEN MIND AND WE...SOMEONE WHO IS YOUR ENEMY ONE DAY MIGHT BE YOUR BEST FRIEND THE NEXT AND YOU WORK WITH EACH OTHER AS A BODY TOGETHER. AND I LOOK AT THIS, AND IF WE WENT BACK TO WINNER TAKE ALL, AND SOMEONE CAME UP TO ME AND SAID, WELL, DO YOU GUYS DO... YOU GUYS HAVE THAT CRAZY ELECTORAL COLLEGE WAY, DON'T YOU, I'D HAVE TO SAY, NO. OH, YOU DON'T? WELL, WHY DON'T YOU? AND, YOU KNOW, I GUESS MY ANSWER WOULD HAVE TO BE, BECAUSE THEY HAD 33 VOTES. AND THAT'S THE ONLY THING THAT MAKES SENSE. YOU KNOW, WE TALK ABOUT IT. WE GET CANDIDATES, WHO NORMALLY WOULDN'T COME TO NEBRASKA, TO COME TO NEBRASKA. YOU KNOW. THEY'LL GO TO CALIFORNIA, EVEN IF THEY KNOW THEY CAN'T WIN, BECAUSE THERE'S MONEY THERE. OTHER THAN SENATOR WILLIAMS, WE DON'T HAVE THE MONEY HERE. SO, WE HAVE TO FIND A WAY TO GET PEOPLE TO COME TO NEBRASKA AND THIS IS IT. YOU KNOW, IN THE MEDIA WE TALK ABOUT EARNED PRESS AND HONOR IN PRESS AND SOME YOU PAY FOR AND SOME YOU GET FOR FREE. AND WE GET A LOT OF FREE PUBLICITY AND PRESS OF CANDIDATES COMING TO NEBRASKA. WE GET A LOT OF FREE PRESS, IN A GOOD WAY, ABOUT NEBRASKA. THE CANDIDATES COME IN GENERAL. IT MAKES INTO MOVIES. IT'S, YOU KNOW, BEFORE, AS SENATOR CHAMBERS TALKED ABOUT, PEYTON MANNING MADE THE FAMOUS STATEMENT, OMAHA, OMAHA, OMAHA. WE HAD RUSSERT WHO DID THAT ON HIS LITTLE PAD BECAUSE HE SAID THERE WAS A WAY, A SCENARIO HE'D WORKED OUT WHERE OMAHA WAS GOING TO BE THE DECIDING FACTOR FOR OBAMA. NOW THAT ENDED UP NOT BEING TRUE, BUT IT GOT US SOME PUBLICITY IN A GOOD WAY. IT MADE US RELEVANT AND IT MADE US PEOPLE THINK ABOUT, OKAY, WHAT DO PEOPLE IN NEBRASKA LIKE, WHAT DO THEY THINK ABOUT, INSTEAD OF, HOW LONG DOES IT TAKE TO FLY OVER NEBRASKA? THAT'S A GOOD QUESTION. WELL, LET'S FIND OUT. YOU KNOW, IT'S KIND OF LIKE, HOW MANY LICKS DOES IT TAKE TO GET TO THE MIDDLE OF A TOOTSIE ROLL POP? EXCEPT THEY'RE WILLING TO DO IT. THEY

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FLEW OVER. NOW THAT WASN'T A LAUGH FOR THE RIGHT REASON, GUYS, COME ON. BUT IT WAS... YOU KNOW, THIS MAKES US RELEVANT. THIS GETS MONEY INTO THE STATE, MONEY THAT NORMALLY WOULDN'T BE SPENT HERE AND THOUGHT ABOUT WHO WE ARE AND WHAT WE WANT TO DO. THEY DON'T JUST TAKE US FOR GRANTED. AND THAT'S BOTH PARTIES, DEMOCRAT OR REPUBLICAN. NOW THEY THINK ABOUT US. [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR HARR: THANK YOU, MR. PRESIDENT. AND THAT'S IMPORTANT BECAUSE NOW OUR VOTES DO MATTER. AND, YOU KNOW, I UNDERSTAND THAT MAYBE WE DON'T WANT TO BE THOUGHT ABOUT, WE JUST WANT THOSE VOTES TO GO AUTOMATICALLY. BUT I'M NOT AFRAID OF A LITTLE COMPETITION OF THE MARKETPLACE OF THOUGHT WHERE PEOPLE THINK ABOUT US AND PEOPLE DEBATE ISSUES THAT ARE IMPORTANT TO NEBRASKA. THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR BLOOMFIELD, YOU'RE RECOGNIZED. [LB10]

SENATOR BLOOMFIELD: THANK YOU, MR. PRESIDENT. GOOD MORNING, COLLEAGUES. I RISE IN OPPOSITION TO THE RECOMMIT AMENDMENT AND IN FULL SUPPORT OF LB10. I SERVE ON THE COMMITTEE THAT VOTED IT OUT. I WAS NOT SWAYED BY THE SECRETARY OF STATE IN HIS COMMENTS. WE HAVE HEARD AD NAUSEAM HOW THE SECRETARY OF STATE SWAYED ALL OF US VULNERABLE FOLKS IN THAT COMMITTEE--NOT TRUE. I VOTED FOR THIS LAST YEAR OR TWO YEARS AGO WHEN IT WAS THERE. IF IT COMES AGAIN IN TWO YEARS, IF WE FAIL IN OUR EFFORT TODAY TO GET BACK TO WHAT I BELIEVE WE SHOULD BE DOING, I WON'T BE HERE TO VOTE FOR IT. SENATOR CHAMBERS WILL PROBABLY BE HERE TO VOTE AGAINST IT. BUT LET IT BE KNOWN THAT I SUPPORT THIS, NOT BECAUSE OF WHAT SENATOR GALE DID...OR SECRETARY GALE, BUT BECAUSE I TRULY BELIEVE IT'S IN THE BEST INTEREST OF THE STATE OF NEBRASKA. THAT BEING SAID, AND WITH FULL REALIZATION THAT WE'RE NOT GOING TO GET IT TO A VOTE ON THIS TODAY, AND THAT WE'RE NOT GOING TO CHANGE ANY MORE MINDS, I WOULD YIELD THE REMAINDER OF MY TIME TO SENATOR CHAMBERS. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 3:30. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT AND MEMBERS OF THE LEGISLATURE, THAT WAS ONE OF THE BEST NOMINATING SPEECHES I'D EVER HEARD IN MY LIFE. BUT AT ANY RATE, SENATOR BLOOMFIELD IS RIGHT. WE'RE NOT GOING TO CHANGE ANYBODY'S MIND AND MY DISCUSSION OF SECRETARY OF "STAKE" GALE WAS BASED ON THE NOTION THAT BECAUSE OF THE POSITION HE HOLDS AND THE TYPES OF DUTIES THAT ARE GIVEN TO HIM UNDER THE LAW AND THE CONSTITUTION, HE SHOULD NOT TAKE A PARTISAN STANCE ON



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LEGISLATION BEFORE THE BODY. SO I DON'T THINK THAT ANYBODY WOULD BE SWAYED ON THAT COMMITTEE AND THAT'S WHY I SAID, WITH THE KIND OF COMMENTS HE MADE, IT SHOWED A DISRESPECT FOR THE INTELLIGENCE OF THE COMMITTEE MEMBERS. WHAT HE TALKED WAS NONSENSE. IT WOULDN'T PERSUADE ANYBODY OF ANYTHING EXCEPT THAT HE MIGHT BE MASQUERADING AS THE SECRETARY OF "STAKE" BECAUSE ANYBODY WHO REALLY IS THE SECRETARY OF STATE WOULDN'T HAVE SPOKEN IN THAT ROLE. BUT AT ANY RATE, IT IS KNOWN BY THOSE WHO CARRY THAT "R" INITIAL WHAT THAT PARTY WANTS. AND WHAT THEY ARE FOCUSING ON IS DOUGLAS COUNTY AND THEY'VE DONE ALL THAT THEY COULD IN GERRYMANDERING AND CUTTING UP THAT DISTRICT TO TRY TO ENSURE THAT THE "REPELICANS" GOT EVERYTHING. THEY DON'T KNOW HOW TO BE FAIR. THEY DON'T EVEN TRY TO BE FAIR. THEY ARE IN YOUR FACE AND SAYING, WE DON'T CARE WHAT THE CONSTITUTION SAYS OR THE SPIRIT OF IT, WE WANT TO HAVE THIS BE A RED STATE FOREVER AND EVER, WORLD WITHOUT END. I WAS SO NAIVE THAT WHEN PRESIDENT OBAMA WAS A MEMBER OF EITHER...MAYBE HE WAS U.S. SENATE OR SOMETHING, AND GAVE A SPEECH BEFORE THE DEMOCRATIC CONVENTION AND SAID THERE ARE NO RED STATES, NO BLUE STATES, BUT PURPLE STATES, I HAD NO IDEA WHAT HE WAS TALKING ABOUT. I DIDN'T KNOW WHAT A RED STATE WAS OR A BLUE STATE, BUT I KNEW IF YOU MIXED THE TWO COLORS TOGETHER IN THE RIGHT PROPORTION, YOU'D GET PURPLE, YOU COULD GET LAVENDER. YOU COULD GET MAROON, BUT I DIDN'T KNOW THAT IT MEANT IF YOU ARE IN A RED STATE, THAT YOU'RE COMMUNIST INSPIRED--NOW THAT I DIDN'T KNOW FOR SURE--AND THAT IF YOU'RE IN A BLUE STATE... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...YOU REPRESENT NOBILITY. I THINK NEITHER CHARACTERIZATION FITS ANY STATE IN THIS COUNTRY. SO MAYBE ALL OF THEM ARE SOME OF EACH, BUT THE FACT IS THAT THE DIRECTION OF THE PARTY WITH THE "R" IS KNOWN. THE POWER OF THE KOCH BROTHERS GOES TOWARD THAT PARTY. AND IF ANYBODY WOULD STAND ON THIS FLOOR AND TELL ME THE KOCH BROTHERS DO NOT HAVE POWER IN THIS COUNTRY AND IN THAT "REPELICAN" PARTY, I'D SAY THAT PERSON IS TOTALLY OUT OF TOUCH WITH REALITY, TOTALLY OUT OF TOUCH. AND THE KOCH BROTHERS DON'T MAKE ANY SECRET OF WHAT IT IS THEY'RE GOING TO DO. THEY'RE GOING TO RUN THIS COUNTRY AND TO A GREAT EXTENT THEY'RE DOING IT RIGHT NOW. BUT IT SHOULD TAKE MORE THAN \$2 BILLION TO RUN THE ENTIRE COUNTRY. BUT WHEN YOU SPEND THAT MONEY IN THE RIGHT WAY... [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: ...YOU GREASE THE RIGHT PALMS. OH, YOU SAID TIME? THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: SENATOR SCHUMACHER, YOU'RE RECOGNIZED. [LB10]

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SENATOR SCHUMACHER: THANK YOU, MR. SPEAKER AND MEMBERS OF THE BODY. THIS IS A UNIQUE, UNIQUE BODY. IT EXISTS IN AN ATMOSPHERE ON THE OUTSIDE OF THESE WALLS OF INTENSE PARTISANSHIP, UGLY POLITICAL SPENDING BY SPECIAL INTERESTS ON BOTH SIDES. AND WE ARE SWORN TO AN OBLIGATION TO UPHOLD OUR NEBRASKA CONSTITUTION, WHICH DECLARES US TO BE NONPARTISAN. AND THAT TAKES MORE THAN A LITTLE EFFORT TO KEEP THAT TRUST WITH OUR MISSION. IT IS IN THE NATURE OF PARTISAN POLITICS AND PARTISAN PARTIES TO GET PEOPLE WHO ARE RATHER HEAVY ADVOCATES OF THE PARTY, EITHER ONE OF THEM, TO GET TOGETHER AND START PASSING RESOLUTIONS AND MOTIONS AND, RAH, RAH, AND USUALLY SOMETIME IN THAT PROCESS, THE THOUGHT PROCESS STOPS AND THE HERD PROCESS KICKS IN. TODAY, WE FACE SOMETHING THAT HAS VERY CLEARLY BEEN ARTICULATED AS A LITMUS TEST FOR BEING REPUBLICAN. WE ALL KNOW LITMUS TESTS ARE PRETTY RIDICULOUS THINGS, BUT SOMEHOW THAT WAS ADOPTED. AND IF ANY OF YOU HAVE GOTTEN AN E-MAIL SAYING THAT THAT RESOLUTION HAS BEEN WITHDRAWN BY THE GOVERNING AUTHORITY OF THE REPUBLICAN PARTY, PLEASE LET ME KNOW. I HAVE NOT GOTTEN SUCH AN E-MAIL. WHEN WE START YIELDING, EVEN IF WE MIGHT AGREE WITH IT UNDER...IN PRINCIPLE, TO THE IDEA OF LITMUS TESTS, THEN WHAT IS NEXT? WE KNOW THAT A PARTISAN LEGISLATURE MAY BE THE NEXT LITMUS TEST. WE KNOW THAT A BILL EVEN MORE SEVERELY GERRYMANDERING DISTRICTS MAY BE THE NEXT LITMUS TEST. WHEN YOU YIELD TO THREATS, EVEN IF YOU WOULD HAVE DONE IT WITHOUT THE THREAT, IF YOU YIELD TO THREATS, YOU REINFORCE THE ISSUANCE OF THREATS AND LITMUS TESTS, AND WEAKEN THE ROLE WHICH WE HAVE BEEN ASSIGNED. THIS IS A LITMUS TEST, AND WE, THOSE OF US WHO ARE CARRYING THE LABEL "REPUBLICAN" IN HERE, NEED TO SEND OUR PARTY A MESSAGE: YOU DO NOT USE THE WORD "LITMUS TEST" IN THE CONTEXT OF THE NEBRASKA UNICAMERAL, PERIOD. YOU DO IT, YOU LOSE, AND THAT WILL PUT COLD WATER ON ANY IDEA THAT THAT TYPE OF PARTISAN ACTIVITY BELONGS WITHIN THE SANCTITY OF THESE HALLS. THAT IS OUR PRIMARY OBLIGATION. AS A PRACTICAL MATTER, WE ALL KNOW THIS DOESN'T MEAN BEANS IN POLITICAL AND PRESIDENTIAL POLITICS. WE'RE TALKING ABOUT A TINY PROBABILITY THAT THE OMAHA DISTRICT, AS IT'S NOW BEEN REGENERATED AND GERRYMANDERED, AND THAT WAS A RATHER SEVERE PROCESS, VERY TINY PROBABILITY THAT IT WILL NOT VOTE REPUBLICAN. AND WE KNOW IT IS AN ASTRONOMICALLY TINY PROBABILITY THAT ONE VOTE WOULD EVER MAKE A DIFFERENCE IN THE ELECTORAL COLLEGE. THE ONLY PLACE THAT'S EVER EVEN BEEN TALKED ABOUT IN THE LAST HUNDRED OR SO YEARS IS WHEN POLITICAL PUNDITS ON TV HAVE NOTHING ELSE TO TALK ABOUT THAT DAY. SO, AS A MATTER OF PRESIDENTIAL POLITICS, THIS IS... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR SCHUMACHER: ...A NOTHING PROPOSITION. AS A MATTER OF THE SANCTITY OF THE UNICAMERAL, A MESSAGE THAT THOU SHALL NOT USE THE WORD "LITMUS TEST," THOU SHALL NOT ISSUE THREATS, THOU SHALL NOT TRY TO FORCE A COMMITTEE VOTE OR SENATOR TO CHANGE HIS MIND WITH A THREAT OF WITHHOLDING IN ANY MANNER, FINANCIAL OR OTHERWISE,

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SUPPORT. THIS IS IMPORTANT. THIS IS WHAT WE NEED TO DO AS LEADERS IN THIS STATE. THIS WENT OVER THE LINE. IT HAS NOT BEEN RETRACTED. THOSE OF YOU THAT ARE FACING ELECTION IN TWO YEARS, OR FOUR YEARS, HAVE GOT TO HAVE IT ON THE BACK OF YOUR MIND WHEN YOU PUSH THAT BUTTON. PUSH THE BUTTON RED ON LB10... [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR SCHUMACHER: ...AND SEND THE MESSAGE. THANK YOU. [LB10]

SPEAKER HADLEY: SENATOR NORQUIST. [LB10]

SENATOR NORDQUIST: I YIELD MY TIME TO SENATOR CHAMBERS. [LB10]

SPEAKER HADLEY: SENATOR CHAMBERS, YOU'RE YIELDED 5:00. [LB10]

SENATOR CHAMBERS: THANK YOU. MR. PRESIDENT, MEMBERS OF THE LEGISLATURE, SOMETIMES I USE THE WORD SYMMETRY AND SINCE I STARTED THIS MORNING, IT'S APPROPRIATE THAT MAYBE I END IT. IN FIVE MINUTES IT WILL BE 11:53, JUST ABOUT THE TIME FOR US TO WRAP THINGS UP IN HERE. I WANT TO MENTION SOMETHING THAT IS A REALITY TO ME. SENATOR SCHILZ IS THE CHAIRPERSON OF THE NATURAL RESOURCES COMMITTEE. HE HAS MADE IT CLEAR TO THE MEDIA AND OTHERS THAT MY MOUNTAIN LION BILL WILL NOT COME OUT OF THAT COMMITTEE. BUT DO YOU THINK THAT'S GOING TO DETERME FROM DOING WHAT I NEED TO DO ON THIS FLOOR? NO. BUT IT WILL DETERMINE HOW I WILL PRESENT MY BILL TO THAT COMMITTEE. I WILL TELL THE PEOPLE WHO WILL COME TO SPEAK FOR THE BILL TO SPEAK SO THAT WHAT THEY SAY WILL BE A MATTER OF RECORD. BUT I WILL NOT WASTE MY TIME OR THE COMMITTEE'S TIME WITH THE KIND OF PRESENTATION I MADE WHEN SENATOR CARLSON WAS THE CHAIRPERSON OF THAT COMMITTEE. SINCE I'VE BEEN MADE AWARE BEFORE A HEARING WHAT THE COMMITTEE CHAIRMAN HAS IN MIND, AND WHAT I'M SURE THE COMMITTEE MEMBERS WILL FOLLOW ALONG AFTER, I WILL OPEN, I WILL GIVE A FEW COMMENTS ABOUT WHY THE BILL IS BEING PRESENTED, AND I WILL SAY TO ALL THE PEOPLE WHO ARE THERE, THIS BILL HAS NO CHANCE TO GET OUT OF COMMITTEE, BUT GIVE YOUR VIEWS ANYWAY. SENATOR SCHILZ WON'T BE HERE NEXT YEAR. AND IF THERE ARE PEOPLE WHO FOLLOW BEHIND HIM, THEN THEY'RE NOT GOING TO HAVE HIM TO PROTECT THEM IF THAT'S WHAT HE'S DOING RIGHT NOW. BUT HE CAN SOW SOME SEEDS WHICH ARE GOING TO BEAR A BITTER FRUIT. I TALKED THIS MORNING TO THE DIRECTOR OF GAME AND PARKS AND WHAT I TOLD HIM, AND I'LL MENTION IT BEFORE THAT COMMITTEE IF I REMEMBER TO DO IT: IF THE COMMISSIONERS ARE PULLING THE STRINGS, LET THE COMMISSIONERS CONFRONT ME, LET THEM COME TO THAT COMMITTEE HEARING AND LET THEM SPEAK AGAINST THE BILL. THE LAST TIME WHEN THE BILL WAS BEFORE THAT COMMITTEE, AND SENATOR CARLSON WAS THE CHAIRPERSON, GAME AND PARKS SPOKE IN A NEUTRAL

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CAPACITY. NOW, HE HAS TO SPEAK AGAINST THE BILL, AND HE TALKED TO ME IN MY OFFICE THIS MORNING. I EXTENDED MY CONDOLENCES AND I SAID, WHEN AN EMPLOYEE HAS TO BE ON THE FRONT LINE, THEN THE EMPLOYEE IS THE ONE WHO HEARS WHAT'S BEING SAID, BUT THESE COMMISSIONERS ARE THE ONES WHO OUGHT TO COME TO THIS COMMITTEE AND SAY WHAT THEY'VE GOT TO SAY. AND I'M SAYING THAT ON THE RECORD SO IF SOMEBODY WANTS TO GIVE THEM THE WORD, THEY CAN. AND I AM CONSIDERING LEGISLATION TO MAKE THE COMMISSION AN ELECTIVE OFFICE BASED ON DISTRICTS. THEN THROUGHOUT THE STATE, PEOPLE WILL HAVE THE OPPORTUNITY TO SAY SOMETHING. IT WON'T BE A MATTER OF A FEW HUNTERS, SENATOR SCHILZ, CABELA'S DICTATING WHAT WILL BE DONE WITH A NATURAL RESOURCE OF THIS STATE, AND THAT'S WHAT WILDLIFE CONSTITUTES. WILDLIFE DOESN'T BELONG JUST TO THOSE WHO WANT TO KILL IT FOR SPORT, AND IT'S MY JOB TO FIGHT AGAINST THAT. AND I'VE SAID ON MANY OCCASIONS THAT I HAVE BILLS THAT MEAN SOMETHING TO ME AND THEY CAN DO WHATEVER THEY WANT TO WITH THEM. BUT I JUST WANT PEOPLE TO KNOW THAT I'M AWARE OF WHAT IS GOING ON BECAUSE THERE'S BEEN NO ATTEMPT TO CONCEAL IT. I KNOW IT. OTHERS KNOW IT. SENATOR SCHILZ WON'T DENY IT. HE SAID IN AN ARTICLE, THERE'S NOT...IT'S GOING TO BE VERY HARD TO GET ANYTHING DONE ON THAT BILL FROM MY SIDE, BUT I DON'T QUIT. AND HE WON'T COME BACK... [LB10]

SPEAKER HADLEY: ONE MINUTE. [LB10]

SENATOR CHAMBERS: ...IN FOUR YEARS. HE'S OUT OF HERE. AND THE REST OF THE SESSION IS GOING TO HEAR A LOT ABOUT MOUNTAIN LIONS BECAUSE AFTER THAT COMMITTEE DECIDES THAT THEY'RE NOT GOING TO SEND THE BILL OUT, I'M GOING TO MAKE A MOTION TO PULL IT. AND THE BODY MAY NOT WANT TO DO THAT. BUT WHAT I KNOW HOW TO DO IS TO CONVERT THAT BILL INTO AN AMENDMENT WHICH WILL BE ATTEMPTED TO BE ATTACHED TO BILLS THROUGHOUT THE SESSION, AND WOE TO THOSE WHO ARE HERE ON THE LAST DAY IF WE HAVE A LOT OF BILLS ON FINAL READING. I'M BEING BLUNT, I'M BEING FRANK, AND LETTING PEOPLE KNOW THAT I GOT THE MESSAGE FROM SENATOR SCHILZ AND THAT I ACCEPT WHATEVER IT IS HE'S TRYING TO GET ACROSS TO ME. MESSAGE RECEIVED, BUT I'M NOT A SHRINKING VIOLET. IN FACT, THAT KIND OF THING MAKES ME STRONGER. IT GIVES ME A REASON FOR BEING. [LB10]

SPEAKER HADLEY: TIME, SENATOR. [LB10]

SENATOR CHAMBERS: THANK YOU, MR. PRESIDENT. [LB10]

SPEAKER HADLEY: MR. CLERK. [LB10]

ASSISTANT CLERK: MR. PRESIDENT, SOME ITEMS. SENATOR CHAMBERS HAS AN AMENDMENT TO LB10 TO BE PRINTED. NAME ADDS: SENATOR COOK TO LB167;

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

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SENATOR MORFELD TO LB485. (LEGISLATIVE JOURNAL PAGES 639-640.) [LB10  
LB167 LB485]

AND A PRIORITY MOTION: SENATOR GLOOR WOULD MOVE TO ADJOURN UNTIL  
THURSDAY, FEBRUARY 26, 2015, AT 9:00 A.M.

SPEAKER HADLEY: YOU'VE HEARD THE MOTION TO ADJOURN. ALL IN FAVOR  
SIGNIFY BY SAYING AYE. OPPOSED, NAY. MOTION PASSES.