

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

Floor Debate
January 26, 2017

[LB18A LB46 LB58 LB178 LB188 LB191 LB289 LB403 LB404 LB419 LB602 LB666
LB667]

PRESIDENT FOLEY PRESIDING

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

SENATOR ALBRECHT: (Prayer offered.)

PRESIDENT FOLEY: Thanks, Senator Albrecht. I call to order the sixteenth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

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

CLERK: Mr. President, Senator McCollister would like to withdraw LB419. Senator Stinner would like to withdraw LB403. Those will be laid over. Hearing notice from the Revenue Committee signed by Senator Smith. And a communication from the Executive Board regarding the appointment of the Election Qualifications Challenge Committee. That's offered by Senator Watermeier as Chair of the board. That's all that I have, Mr. President. (Legislative Journal pages 353-354.) [LB419 LB403]

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

CLERK: Mr. President, permanent rules. The motion is to adopt permanent rules...I'm sorry. Mr. President, I apologize to the body. First of all, Natural Resources Committee confirmation report. Senator Hughes, I have three appointments to the Games and Parks Commission. (Legislative Journal page 322.)

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

Floor Debate
January 26, 2017

PRESIDENT FOLEY: Senator Hughes, you're recognized to open on the confirmation report.

SENATOR HUGHES: Thank you, Mr. President, members of the Legislature. I do present for your approval today three persons to the Nebraska Game and Parks Commission. All three of these gentlemen participated in their confirmation hearings before the Natural Resource Committee on January 20. All three gentlemen impressed the committee with their enthusiasm and extensive backgrounds. They also answered the questions posed to them to the satisfaction of the committee. All three appointees were very passionate and excited to serve in the Game and Parks Commission. The first candidate we heard from was Patrick Berggren from Broken Bow, Nebraska. Patrick is a reappointment to the commission as the District 6 representative. He took his father's position on the commission in 2016 when his father passed away. He is a construction owner of Berggren Home Builders in Broken Bow. Next the committee heard from Henry "Rick" Brandt from Roca, Nebraska. Henry goes by Rick and is a new appointee to the commission as the District 8 representative replacing Dr. Kent Forney. Rick is the president and owner of Brandt Excavating and he was an outfitter in Montana for seven years and now serves as a volunteer for the Nebraska Game and Parks monitoring big game in the Fort Robinson area. He and his wife have a passion for wildlife and wild places like Nebraska and want to pass it on. And lastly, the committee heard from James Ernst from Columbus. Jim is also a new appointee to the commission representing District 3 and replacing Mick Jensen. Jim is the president of Ernst Auto Center and Ernst Toyota in Columbus. Jim is a lifelong advocate of the commission and of conservation and is looking forward to serving the state. The committee approved all three appointments by a 7-0 vote with one committee member absent. I ask the body for your confirmation of Patrick Berggren, Henry "Rick" Brandt, and James Ernst to the Nebraska Game and Parks Commission. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Hughes. Debate is now open on the confirmation report of the Natural Resources Committee. Senator Chambers, you are recognized.

SENATOR CHAMBERS: Thank you, Mr. President. I would like to ask Senator Hughes a question or two if he will yield.

PRESIDENT FOLEY: Senator Hughes, would you yield, please?

SENATOR HUGHES: Of course.

SENATOR CHAMBERS: Senator Hughes, do you know how the districts from which these people are selected were drawn and by whom?

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

Floor Debate
January 26, 2017

SENATOR HUGHES: I believe the Legislature did that a few years ago when we went from confined districts to an at-large position.

SENATOR CHAMBERS: Now, these commissioners are not elected from these districts, are they?

SENATOR HUGHES: No, sir.

SENATOR CHAMBERS: How, then, do they arrive on that commission? And this is all for the record. I know, but I want to put it on the record.

SENATOR HUGHES: They are appointed by the Governor.

SENATOR CHAMBERS: Senator Hughes, as the Chairperson of the Natural Resources Committee, had you ever thought about the possibility of an elected commission?

SENATOR HUGHES: I have not.

SENATOR CHAMBERS: Were any of these gentlemen asked their view as to whether or not they think the wildlife in this state is, in fact, a natural resource?

SENATOR HUGHES: I do not believe that question came up during the committee confirmation process, but I have had private conversations with these gentlemen, and I do believe they are very concerned about the wildlife and the parks and other charges of the Game and Parks Commission.

SENATOR CHAMBERS: I don't know if they discussed this with specificity when they talked to you, but did you get the impression that they believe that wildlife belongs to all citizens of the state and not just those who hunt, trap, and fish for the wildlife?

SENATOR HUGHES: From my impression from my conversations with them, they are concerned about protecting and managing the wildlife and the Game and Parks areas in the state for the benefit of all Nebraskans.

SENATOR CHAMBERS: And this is a question to you. Do you believe that the wildlife, which comprises a natural resource, belongs to all of the citizenry or just those who hunt, trap, and fish with reference to the wildlife?

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

Floor Debate
January 26, 2017

SENATOR HUGHES: It belongs to all the citizens of Nebraska.

SENATOR CHAMBERS: Thank you. Members of the Legislature, I could anticipate every answer that Senator Hughes gave, but by asking him it's not necessary for me to launch into a discussion of those points. I am considering bringing a bill, not this session obviously, requiring the election of these people by district. Animals, wildlife, do belong to all people. In the old days the king owned everything. Right now it is acknowledged that wildlife does not belong to the persons on whose land the wildlife might happen to pass through or take up residency on or in. If deer are on your property, you cannot at any time and on a whim go out and kill those deer because they are on your property. They don't become a part of your property which you own because they are on your property.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: I do not think there has been proper representation on that commission, and I say that because I look at some of the rules and regulations they adopt. I became more interested in this entire area and concerned when I saw that they created a hunting season for mountain lions primarily to give hunters a chance to kill some of these animals. That is not satisfactory to me. I will stop at this point and turn on my light to complete it. Thank you, Mr. President.

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

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. I rise briefly to endorse the appointment of Jim Ernst from Columbus to the commission. I've known Jim for a long time. He is a really, really concerned citizen who wants to make sure that our game is properly managed in this state and to protect the resources of the state. He has operated Ernst Automobile in Columbus for years and years, highly respected in the community, and I think that Jim will listen to all sides on these issues that Senator Chambers has raised and do a conscientious job on the Game Commission. Thank you.

PRESIDENT FOLEY: Thanks, Senator Schumacher. Senator Harr, you're recognized.

SENATOR HARR: Thank you, Mr. Speaker...Mr. President. I want to rise and thank those who came before these nominees for their hard work that they did on the Game and Parks. So often there's an emphasis on the game parts and less often on the parks. And this last group that are leaving and the new members who I had the privilege of meeting last weekend, they understand the importance of our parks as well. They're working hard to update our parks around

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

Floor Debate
January 26, 2017

Columbus...excuse me, not Columbus, around Mahoney State Park, Platte River State Park, and there's a third one in there, Schramm. So I want to thank them in their work and in addition for their work on helping protect our game in this state both for the hunters and for the natural wildlife of our state. And with that, I would yield the remainder of my time to Senator Chambers.

PRESIDENT FOLEY: Senator Chambers, 4:00. Thank you, Senator Harr.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Harr. And to put Senator Hughes at ease, I have no objection to any of these gentlemen and I intend to vote in favor of these appointments. My concern goes beyond any individual, but my contacts with the Game and Parks Commission have not been wholesome. They have not been positive. They have been adversarial. There is now a mountain lion preservation plate. The Game and Parks spoke against that plate. They appeared at the committee hearing and spoke officially against that plate. They were not speaking against the plate, they were speaking against Senator Chambers. But Jim Douglas, the executive director, had to acknowledge at their most recent Game and Parks Commission public meeting that these plates have sold beyond anybody's expectation with the exception of myself. When the bill was introduced, the fiscal note estimated that they might bring in \$20,000. More than \$28,000 have been brought in. More will be brought in. The sales have been a surprise to people in the Motor Vehicles Department and other places, because there's a blind spot in the eye of people who currently run the Game and Parks Commission. And I will be quite frank with you all, the last time I was term limited out of the Legislature, I immediately, the day after the session ended, took a seat on the Learning Community Council and I'd helped create it. I don't like to be idle. In the interest of full disclosure, I'm going to bring that bill to elect members by district. I could never get an appointment. And should that bill succeed in being enacted, I may, if I'm still hail and hearty, have a sound mind and a sound body, and am so disposed, I will run for a seat on the Game and Parks Commission. I have never been one to take pot shots from the outside when there is an issue in which I take a strong interest. So that is ultimately what I may do. But I noticed the other day...just yesterday that a mountain lion that had been captured in Omaha around 114th and Dodge Street died after spending years in the zoo. They tranquilized the animal. They don't have to kill these animals in Nebraska. Not one time since these animals began to be reintroduced into Nebraska in the early 1900s, not one record of any mountain lion attacking or menacing a human being. Although not confirmed, there may have been two times in all of that period when livestock were attacked by mountain lions. I think it is vicious. I think it is unwarranted. I think it is immoral to kill these majestic animals just so hunters can have a chance to do so. And beyond that, when the Game and Parks conducts a lottery, these animals are tracked down by dogs.

PRESIDENT FOLEY: Senator Chambers, you're now on your time. You may continue.

Floor Debate
January 26, 2017

SENATOR CHAMBERS: I'm sorry that I overshot...thank you....so to speak.

PRESIDENT FOLEY: No, you're on your time. Go ahead.

SENATOR CHAMBERS: Thank you, Mr. President. And when my light goes off, I'm going to turn it on one more time. It is not hunting in the sense of what that term means when people want to glamorize and lionize hunters. Dogs should not be allowed. The first so-called hunting season they had in this state, the ones who had gotten one of these lotteries and then there is a drawing for somebody, they were allowed to use dogs because they were not smart enough. They were not capable enough to behave as you would think a hunter would want to behave, matching wits with the quarry even though the hunter is armed and the animal is not. So this kid who had some kind of rare disease was taken on the hunt. And they treed a mountain lion. The mountain lion behaved in accord with the nature that that God, which you all claim to believe in, had imbued that animal with. It did not try to attack the hunters. It tried to elude the hunters. It climbed a tree which should have been a place of refuge and safety. The hunters knew this because that intellect which the God you all claim to worship had been given to them allowed them to know how these animals behave. The animal was not aware that it was an uneven contest and that those who were imbued with a higher spirit, a higher worth than this lower form of life would behave in this manner. So having resorted to what your God had imbued this animal with, it was perched in a tree. The man, with this boy who had this disease which might have endangered his life, had as his uppermost goal to kill an unoffending, beautiful beast. That's what he wanted to do. That's how he was raised. That was the core values that he had from the rural areas; kill, kill, kill, and do it in a way that is not sporting. I don't think it's ever sporting to kill an animal unless you're going to match that animal hand to hand, mono a mono. But they don't do that. And if the animals were armed, you wouldn't have any hunters out there. So the daddy helped this boy steady this rifle on a branch, and it happened that the name of the weapon was also descriptive of the nature of the kid and his daddy; it was a Savage. That was the name of the rifle. Daddy helped him steady the gun. Then they shot the animal out of the tree, and there was great joy in the community that they hailed from because of this great act by the great white hunters. And I was tremendously outraged and offended. And since then, I have had a burr under my saddle, so to speak, as far as Game and Parks is concerned and I'm not going to relent. And did you say my time, I had a minute? If so, will stop at this point.

PRESIDENT FOLEY: You have one minute and then you have one more opportunity, if you care to use it.

SENATOR CHAMBERS: Say it again.

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

Floor Debate
January 26, 2017

PRESIDENT FOLEY: You have one minute remaining and you have one more opportunity of five minutes, if you care to use that.

SENATOR CHAMBERS: Should I just continue then?

PRESIDENT FOLEY: Just continue on, Senator.

SENATOR CHAMBERS: Thank you. I am saying this because I have a bill before Senator Hughes's committee, which they will kill, I know. But I'm going to keep that issue before the Legislature. And I've tried to give signals that are not subtle to my colleagues that when I make up my mind to keep something before the body, I know how to do it and I shall do it. The removal of one problem that faced the entire Legislature does not cause me to sit back and say, now is time to rest. It's time for me to move to the next item, the next item of business. And I want the new people who don't know me to be introduced to who I am and what it is that I believe in based on what I say and what I do. What you see is what you get. You might misconstrue it, you might misinterpret it, but it's out there to be understood by anybody who has sense enough to see and eyes with enough acuity to perceive. This that is before us this morning right now, I've stated and I'll state it again, I intend to vote for it. It gave me an opportunity near the beginning to say what my inclination is at this time. And I'm not condemning Senator Hughes or his committee by saying they'll kill the bill. That's what they're there for. That's what they do. Should I be surprised if a pig gets caught under the gate and goes, oink? No, the oink is in the pig. So I know what that Natural Resources Committee is going to do and I am prepared for it. But when things come on the floor, that becomes an arena where I have the opportunity to do what it is that I'm able to do, and I intend to do that. I am not going to get tired. I'm not going to get discouraged. I shall not run out of things to say. And to give you another heads up, there are court cases that I intend to read when we come to certain issues and portions of certain court cases so that the record will be clear. One of those issues is abortion. People talk about Roe v. Wade, the signature U.S. Supreme Court decision which carved out, some people say, a privacy right for women that allows women to be women and control their own bodies, their own reproductive activity. But ever since that happened, male dominated churches, male dominated political parties have said to women, you don't own your body. You don't own yourself. You are like a chattel. You are background noise. When have you ever heard of a trophy husband? But you hear of trophy wives. Trump has had three of them, and one of them is smart enough not to spend time at the White House in Washington, D.C. You wouldn't even know she existed. She is at home rearing her son. And I think one of the worst things that happened, forget Trump, was when somebody took out after that 10-year-old little boy. He didn't choose his father. If he had a choice, do you think he would have been Trump's son? They don't have a choice. And anybody who would attack a child because the parents are not liked is like God, just like God. You know what God said? The fathers have eaten sour grapes and the children's teeth are set on edge. When the fathers offend, the punishment shall be visited on the children down to the third generation.

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

Floor Debate
January 26, 2017

So I don't have respect for that kind of god. Just like I don't have respect for that person who took out after that little boy, his name is Barron--with two r's in the middle of his name--and maybe there should be an e before the n instead of an o because his life is going to be barren indeed.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: He has nothing in the way of a role model. His daddy talked about how women should be grabbed, how to make fun of people who are disabled, how to condemn and mock the family who had a son who gave his life for this country, but not directly so, to save the men who were under his command. And he could be mocked and ridiculed. Do you think anybody in Nebraska would care about that? No, because they love Trump more than they love their God, more than they love their Jesus, more than they love these hypocritical, phony principles they bring up. And that brings me back to the Game and Parks Commission. I'm not going to state everything I intend to do with reference to that organization, but I do have some plans and ideas of my own. The "Bible" says that the fervent prayer of a righteous man availeth much.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Since there are no righteous men, I don't have to worry about any of the prayers said here.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hughes, you are recognized to close on your confirmation report.

SENATOR HUGHES: Thank you, Mr. President. I would just urge my colleagues to vote to affirm all three of these gentlemen. They are fine individuals and will do a good job for the Game and Parks Commission. Thank you.

PRESIDENT FOLEY: Thank, Senator Hughes. Members, you've heard the debate on the confirmation report. All those in favor of the adoption of the confirmation report, please vote aye; those opposed vote nay. Have all voted who care to? Record please, Mr. Clerk.

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

Floor Debate
January 26, 2017

ASSISTANT CLERK: (Record vote, Legislative Journal pages 354-355.) 42 ayes, 0 nays on the adoption of the report, Mr. President.

PRESIDENT FOLEY: The confirmation report is adopted. Next report, Mr. Clerk.

ASSISTANT CLERK: Mr. President, the next report is from the General Affairs Committee, involves five appointees to the Nebraska Arts Council. (Legislative Journal page 335.)

PRESIDENT FOLEY: Senator Larson, you are welcome to open on the first of the two confirmation reports.

SENATOR LARSON: Thank you, Mr. President. On Monday we had five members of the Nebraska Arts Council come before the General Affairs Committee. I'll go through all five of them. First was Stephen Bader. Stephen Bader is a resident of Omaha, Nebraska, and is applying for his first appointment to the Nebraska Arts Council. Stephen has shown great interest in the political and artistic communities while being part owner of the local family-run business. Stephen is currently a delegate of the 31st Legislative District and a recognized member of the International Thespian Society. Second was Paula Pflueger. Paula is seeking a reappointment to the Nebraska Arts Council. Ms. Pflueger is a resident of Norfolk, Nebraska, and a financial adviser. Ms. Pflueger is a former Miss Nebraska and holds membership to a multitude of artistic councils. Ms. Pflueger has won a number of community service awards and has been a model citizen for the state of Nebraska. Next was Ms. Melissa Marvin. Ms. Marvin is seeking a reappointment to the Nebraska Arts Council. Ms. Marvin is a resident of Omaha and a graduate of the University of Kansas. Ms. Marvin has (been) an influential member of the art community for over two decades and has held significant roles on boards and organizations such as the Jocelyn Art Museum, Omaha Theater Company, and many more. Next was Candy Henning. Ms. Henning is seeking reappointment as well to the Nebraska Arts Council. Ms. Henning is a resident of Lincoln, Nebraska, and is currently the chair of the Nebraska Arts Council and a prominent member within the art community. Ms. Henning currently holds board memberships in the Lied Performing Arts Center, as well as the Museum of Nebraska Art. And lastly to the Nebraska Arts Council was Ms. Reven Wright. Ms. Wright is seeking a reappoint to the Arts Council as well. Ms. Wright is a resident of Kearney and a mother of three. Ms. Wright volunteers for a number of organizations within and outside her community. Such organizations include the Rowe Sanctuary, Kearney Public Schools, Kearney Catholic Schools, and many more. Ms. Wright is also a board member of the Museum of Nebraska Art. Thank you, Mr. President, and I'd urge the body to support these five nominations to the Nebraska Arts Council.

PRESIDENT FOLEY: Thanks, Senator Larson. Debate is now open on the confirmation report of the General Affairs Committee. Senator Chambers, you're recognized.

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

Floor Debate
January 26, 2017

SENATOR CHAMBERS: Thank you, Mr. President. As you might come to expect, I will have something to say on any number of items. I am very pleased with the recommendations that Senator Larson presented us with this morning. I have respect...profound respect for anybody who appreciates the value of art. Art doesn't just consist of drawing, painting, sculpting, but anything that is creative in nature, theater, dance, drama...and the reason I say theater and drama, not all drama is good theater and not all good theater involves drama. But at any rate, people who are intelligent, whether they are devils or gods, have recognized the power of art. Study what happened under Hitler. Because somebody is portrayed to the people of this country who do not read as being a bad person, people in this country miss out on a lot they could learn from those supposed bad people. Donald Trump's hallmark is based on one of the tenets of Hitler. The big lie is believed more readily than the small lie. That you must gear--when you're dealing with propaganda--you must gear it to the lowest element of intelligence of those you're trying to reach. Then you repeat it and repeat it and you repeat it. Trump did that. He may not read much, but he reads or somebody talks to him about those people who in the real world achieved what he wishes and he hopes that he can achieve. He said he wants to unite this country. Hitler united all of Europe against Germany. There was a fellow named after a jelly roll who may have done the same thing at an earlier time, Bismarck. The Nazis knew the power of art, of music, and depictions through paintings, drawing, and graphic art. They made great use of this. When it is said that a picture is worth not a thousand words but more than a thousand words, whoever said that knew what he or she was talking about. It would take me far more than a thousand words to describe a great painting. All you have to do is look at that painting. You may not be conscious of all the gradations of color, the shading, the composition, the perspective, any of those things; but you see a totality that makes an impression on your mind and art has been successful. The word "art" is the basis for the word artificial. Anything that is artificial is something that does not occur in nature, it is something produced or modified by human beings. Artificial, art, they are the same. There's good art, there is bad art. As Lewis Armstrong and Ray Charles, two of the greatest musicians that I'm aware of, both made a similar comment when asked about...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...the difference between good music, but what kind of music did they like. And both of them said words to the affect, there are only two kinds of music, good music and bad music. They didn't break it down into bluegrass, hillbilly, jazz, rock, classical, semi-classical, none of that. All that music is at its best is a concord of pleasant sounds. People may label them and put them in various what they call genre, but music is music and is music. And music hath charm to soothe the savage breast, not beast, breast. But it will soothe the savage beast also.

PRESIDENT FOLEY: Thank you, Senator Chambers. (Doctor of the day introduced.) Debate continues on the confirmation report. Senator Chambers, you're recognized.

Floor Debate
January 26, 2017

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, any one of the persons being nominated this morning could tell you in greater detail what I'm saying here. But I want it on the record so that people who do those kind of things and promote those ideas are appreciated by at least one person who will not just perfunctorily vote yes. I recognize the work they do. Beauty in the world is useless in the sense of having no utility whatsoever. If you have trees growing and they are growing helter-skelter, willy-nilly in every direction, you have bushes that look as shaggy as sometimes my beard does, the tree is yet a tree, the bush is yet a bush. And both of them even though not trimmed and pruned and made to be pleasing to the eye will do what they are to do anyway. So the beauty that is imposed on them based on how human beings want them to look add nothing to what they do. The absence of that so-called or supposed beauty does not detract from these things doing what it is they do. Beauty when it comes to utility is absolutely useless and beauty is in the eye of the beholder. When I'm in committee hearings, things stream into my mind. And it goes through--if I accept what people tell us about how we function--it goes from my brain down through my arm, down through my hand, and through the pencil or pen that I have and expresses itself on paper in the form of what people call a drawing. Well, streamed to me the other day at one of my committee hearings was what human beings would describe as a creature. It had a roughly triangular-shaped head, not square, rectangular--by the way, if triangles had gods, their god would have three sides, people create their god in their own image--had a rectangular head, eyes that would strike terror into the hearts of human beings who cannot see beauty as others see it. Teeth that were uneven, jagged, and only at the top part of the mouth. Ears that looked like the ears of what we would call a beast. But you know what the caption was? On her planet...on her planet, she is deemed the most beautiful of all, because those on that planet have a different standard from those on this planet. And people on this planet are taught to see only certain configurations as being beautiful. And that's why so many women are mocked, are ridiculed, are insulted, who go to sleep in agony, wake up depressed because they don't look like what they believe they ought to look like in order to be acceptable. Women have come to feel now--and this may not be all women--that when somebody tells a woman, I appreciate you for your mind...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...hidden under that is the notion you have no physical beauty. You have nothing attractive about you, so to be able to say something nice, that's what is said. Even the so-called compliment is like the scorpion. There is a sting in the tail and that which is exuded is toxic. That's the kind of society this is. And what I am talking about are the things we as so-called leaders ought to be talking about. We should uplift this society, we should talk about those things that need and should be talked about. But we don't, so I shall. And when these opportunities present themselves, I'm going to do it. Was that my third time, Mr. President?

PRESIDENT FOLEY: I believe you have one more, Senator.

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

Floor Debate
January 26, 2017

SENATOR CHAMBERS: I'll put my light on one more time.

PRESIDENT FOLEY: Thanks, Senator Chambers. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. I just wanted to take this opportunity to rise and say I'll be supporting the confirmation reports, but since they're confirmations to the Nebraska Arts Council I just wanted to get up and make sure we thank and recognize the important work the Nebraska Arts Council does for our state. One of the things they do is the School Bus Grant for the Arts program. This is something I've been learning about via my wife who works for the Lincoln Community Playhouse and that there's lots of opportunities in the state for students in our K-12 programs to go to things like plays and museums and whatnot. And really the limiting factor there is the logistics of transportation, specifically, paying for school bus travel. So the School Bus Grant for the Arts is a very important program that the Nebraska Arts Council administers, and I just wanted to really commend them on their work. I'm specifically reminded of this. I'm sure other views have gotten some opportunities, but there's been a real focus on thanking people for standing up and supporting the arts, specifically referencing programs like being able to go to the Lied Center, being able to go to Lincoln Community Playhouse in our community. And I just wanted to make sure that we all noted that for the record. Thank you, Mr. President.

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

SENATOR CHAMBERS: Thank you, Mr. President. There has never been a time in history that I'm aware of, except maybe in Cuba, where there was a very, very high rate of literacy among the population. Oh, Cuba, you know that place of the come-in-ists (phonetically)...they don't even know how to pronounce communist. Americans are taught to hate communism, but the first Christians accepted communism. Their organization was based on communism. Those who had contributed according to their ability, those who needed took from the common pot according to their need. That was communism. They have communism in a lot of parts of the world where people see an interconnectedness among all of the people who are in that society. That does not mean that every individual is noble, that every individual is self-seeking not, but it means that overall there are principles which are honored that say, I am my brother's keeper, I am my sister's keeper. And for you bibliophiles--that just means you love books--but when I say it I meant you supposedly love the "Bible." Of one blood, God made all nations of men. Why don't I hear that when these prayers are given? Why don't I hear those things that might appeal to the ordinary person who is rejected, who is scorned, who feels there is no way out? No light at the end of the tunnel. Nobody cares. They're not even human. Stripped of the feeling of humanity, dignity to them is only a word in the dictionary. And we who are supposed to be the leaders make all of those fine speeches about why we should be in the Legislature will not even show by our

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

Floor Debate
January 26, 2017

conduct the way people ought to live. One thing you can say about that guy you all worship called Jesus, he practiced what he preached. And those who ran around with him never did, didn't even understand. And then the cowards all ran from him when he needed a friend. Every one of them ran. All of them ran. And the only one who helped him in his darkest hour when this little fella all alone deserted by everybody was dragging that heavy cross to be crucified on it; and crucifixion was the way that the Romans killed people. They didn't just do that because Jesus was the one. They'd never drive nails through the hand because the hands are not strong enough to support the weight of the body. And they would have a projection on which the person could semi-sit and there might even be a projection on which the feet rested, not to be kind, to keep him hanging on the cross. So here he is, people jeering, spitting. Then somebody of my complexion, a black man...and black people have been hated since the beginning. It was Noah's black son, after Noah got drunk, who was cursed by Noah and supposedly God honored Noah's curse, the curse of a drunken man, and said that my forebears would forever be hewers of wood and drawers of water for his other two sons. That's the "Bible." So this black man,...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...scorned, pushed those people aside and said, this is the way you treat one of your own? Well, let me show you how to treat anybody who is a man. And he took the cross off and put it on his shoulder with one massive arm and wrapped the other one around the little struggling fella and said, I'm not in favor of what they're doing to you but they're going to do it, but I'm going to make it as least painful as possible, and carried the cross. That's what black people have always done. You think that I'm going to come around a bunch of white people and let you demean and degrade me? No. I'm going to do my job here as I think I should. Stop me if you can. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Larson, you're recognized to close on the confirmation report. He waives closing. The question before the body is the adoption of the confirmation report from the General Affairs Committee. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal pages 355-356.) 36 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT FOLEY: The confirmation report is adopted. Senator Larson, you're recognized to open on the second of two confirmation reports from General Affairs Committee.

SENATOR LARSON: Thank you, Mr. President. My second confirmation report is for Helen Abbott Feller. Helen Abbott Feller is seeking a reappointment to the State Racing Commission.

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

Floor Debate
January 26, 2017

Ms. Feller is a resident of Wisner, Nebraska, and a prominent member of the racing community. Ms. Feller is currently a Nebraska Racing Commissioner and has been involved in racing ownership as well as managing, breeding farm. Ms. Feller currently holds positions in several horse racing associations. I'd urge the body to support Ms. Feller to the Horse Racing Commission (sic: State Racing Commission). Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Larson. Debate is now open on the confirmation report. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, there are so many things that people take for granted and enjoy that I don't. I don't enjoy seeing animals degraded and demeaned and treated cruelly for the entertainment and amusement of people. And it never ceases--let me use a cliché--it never ceases to amaze me how many people seem surprised that one horse can run faster than another horse. These horses are not treated the way they ought to be. They are beautiful animals and they're worthy of something better than they receive at the hands of human beings. When you have several different horses...let's say you have a blooded Arabian, you have a Clydesdale, you have a plow horse, and you have a quarter horse--that's not a horse, one-fourth of which remains--and all of them are horses but they all look different. There are wild horses. They are small and some people want to kill them because they're not easily broken to the will of human beings. If you think one is broken and you get on its back, it may turn around and bite you. It may seem to be going along just like its brothers and sisters have done throughout their relationship with human beings, then all of a sudden will buck you off and on your head you fall. Then you condemn the animal and you want to beat it because of every failing in every human being, somebody else or something else is blamed for it. And yet human beings are the ones who have the superior intelligence. At Creighton and other Catholic institutions, they like to take you through a progression, the ladder of being. You have the plants, then you have the animals, then you have the human beings. At the top is always the human being. And they don't tell you this, the one most destructive is the human being. You would never have any animal species going extinct because those animals of the same species kill each other. Evolution or whatever it is put something in all of these animals that not only will prevent them from killing each other just because they can do it, one is stronger than other, but in order that the species may survive. So they become territorial, not like human beings where this is my land, stay off of it because I own it. But it takes a certain amount of territory to support a certain amount of that particular species' life. So if you put too many of them in one place, then none of them survive and they fight all the time. Most, not all, most species when there is a fight between them, it's for the purpose of one protecting its territory, its young, but not to merely kill the other. And often they will posture, they will make noise, they'll try to look big to avoid a fight if they can. But with all of that having been said, people might wonder then why is Mother Nature so cruel that when a male lion is going to take over the pride and manage to vanquish the lion who was in charge, and he won't kill that one if he doesn't have to. If that one will go on off, he will

Floor Debate
January 26, 2017

not be pursued and killed, he's gone. But if there were any offspring, that new boss will kill them...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...so that his genes will be perpetuated. So when you look at the individual, it could be cruel. But when you look at the survival of the species, it's a plan that will make sure that all of them as a whole survive, sometimes even at the expense of individuals. Human beings kill because they can. Why did that young black guy go in the church where he was invited into the prayer meeting? I will stop now, Mr. President, and turn on my light.

PRESIDENT FOLEY: Thank you, Senator Chambers. You may continue, Senator Chambers.

SENATOR CHAMBERS: Why would he go into a church knowing that there were these people praying to the white God? See, if you go in black churches, you'll see pictures of white Jesus, white Mary, white God, white angels. They've been suckered in by white nationalism. But at any rate, they're in there praying. He was welcomed in, then he took his gun and he killed nine of them. One of them he wanted to stay alive so that that one could tell what he has done. He has expressed no remorse. He did what radical white Christians do. You ever hear Trump talk about radical white Christianity? Who was the one who blew up the Murrah Building in Oklahoma City? White, clean-cut, Christian, McVeigh. Who went into the school at Sandy Hook--which one of these nuts says never happened--and killed all those children? A radical, white Christian. Who were the ones who have murdered so-called abortion doctors and medical providers at these clinics? Radical, white Christians. But while this hypocritical Trump can talk about radical Islamists...since others won't say it, I want him to talk about radical Christians who conducted these mass shootings. They'll tell you they're Christians. What about the radical, white Christians, because the white, radical Christian, the radical Christian whites are you? They're you. Just like you all. And that's why you don't draw the comparisons that I do. You don't even think about these radical, white Christians killing people. Who occupied federal land with guns, took up arms against the federal government, which is treason? Not one was charged with treason. They were radical white Christians out west. That's what we as black people worry about. As I've said before, I'm not worried about ISIS. Trump said, these people cut your head off and so forth. What about the radical white Christians? Won't even mention them. Won't even mention them. I often wonder to whom you all are praying, if you ever stop to give it a thought or are the prayers by rote, taught to you along with your mother's milk. This is what you say. You don't have to do it, just say it. Like abracadabra, means nothing. But if you're good enough with the abracadabra just like the magician, there's no magic. You can give the illusion of pulling a rabbit out of an empty hat and that's what the smart ones do. And you know what the smart Christians do? They become preachers. They get megachurches. They make the dumb white

Floor Debate
January 26, 2017

Christians support them lavishly and some of them in the church are impoverished. And their preachers won't come down here and tell this Legislature, you're to take care of the widows and the orphans. That's what you ought to be doing. Don't get up there and pray to the legislators. That's what these preachers do. You all pray to each other. When you say give them wisdom and all this, you're not praying to God. God told you, don't be as the hypocrites are, praying in the church corners and on the street corners that they may be seen and heard of men. But when you pray, you go into your closet and pray to your Father in secret who knows what you have need of before you even ask. So be not like the heathens who pray with vain repetitions.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: But there are churches and they have repetitious prayers, rote repetitious prayers. The very thing Jesus said don't do, you all do. He told you, don't swear at all; not by heaven, because it's God's throne; not by Jerusalem, it's his footstool; not by your own head, because you can't make one hair white or black. Let your yea be yea, your nay be nay; anything more than this comes of evil. Then what does the President do? Put his hand on a Bible and swears on the book which says in the book, don't swear at all. How does that look to somebody like me? Studying you Christians to see if you can show me a better way. You don't even respect the Bible. I'm not making this up. You don't like me to say it. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. And, Senator Chambers, you are recognized again. This is the third time.

SENATOR CHAMBERS: Thank you, Mr. President. And I am going to vote in favor of these recommendations. And I especially am grateful to them, because they give me the opportunity to speak. I wish that all you Christians were Christians in deed. I wish you believed what Jesus told you you were supposed to do, and I wish you would do it. You wouldn't have some of us having to stand on the floor over and over dealing with you all who hate President Obama more than you love Christ, because he produces a program that would allow medical care for your people in the rural areas who cannot get it. And these hypocrites in here say, we hate Obama so much, you all are going to be sick. You're working but can't afford insurance, that's tough. We got to fix Obama, but in the process we're going to fix all of you. And you all are so dumb you go along with it. You don't insist on anything from these people in this Legislature and they're not going to do any more than what you insist on. You all are lucky that Jesus was not a Christian. If Jesus were a Christian with the power that he had, he would be striking you all dead regularly just for the fun of it. But Jesus was different from you all. That's why he's better than a Christian. He didn't call himself a Christian. You all did. When they asked him, are you the Son of God? He said, thou hast said. What do you call yourself? Who do men say that I am? Then he's like

Floor Debate
January 26, 2017

Burger King: Have it your way. You say I'm a devil, have it your way. You say at least you know who your parents are, they were calling Jesus a bastard. His father and mother were not married. And if you read the Bible, you'll see it. That's why they said to him, we at least know who our father is. You don't know. So Jesus responded, I know who your father is, too. You are of your father, the devil. Jesus put some stuff back on them like I put on you all. You don't even know who's here talking to you now. The Bible tries to give you a hint. It says the devil...how do you all depict the devil? A glaring, steely, beady-eyed creature with horns, a tail, breathing smoke and fire, sharp teeth? That's not what Jesus in that Bible had his people say. You know what the Bible said? The devil comes as an angel of the light. If the devil came looking like what you all say he looks like, you'd be on your guard. The devil is a heck of a cat. So he comes to you suave, courteous, clever, accommodating, and he insinuates himself into your mind. And then he lures you. He doesn't compel you. He doesn't threaten you. Who threatens you with hell? Not the devil. You all say God did. Who created hell? Not the devil, God. You can't show any place in the Bible where the devil brought earthquakes, where the devil brought plagues. Even the Four Horsemen of the Apocalypse in Revelations were not the horsemen of the devil.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: They were the horsemen of God. Just like the four freedoms that Franklin Roosevelt talked about, go read the names of the four horsemen. But there was one that sat on a white horse and the name of him that sat thereon was death, whom all of you fear. And not one of you should have any fear of death because it's going to unite you with the one that you love. But you know you have been unfaithful to that one you claim to love. So when you feel or think you feel the chill, rancid breath of death, you're taken with fear and trembling. But you know everybody's got to die anyway. Why don't you get ready for it? You just don't know when. Isn't surprise the spice of life? If you all were lucky, I'd fall dead before I get through talking now. But I am your punishment. I am the scorpion that God is going to flay you with.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Was that my third time?

PRESIDENT FOLEY: Yes, sir.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Blood, you're recognized.

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

Floor Debate
January 26, 2017

SENATOR BLOOD: Thank you, Lieutenant Governor. I stand...I rise today in support of these nominations and I would like to add to my good friend Senator Chambers that really loves to read that Our Lady of Guadalupe is a brown Blessed Virgin Mary, and so you do stand corrected on that. Not all photos of the Virgin Mary are of white women.

PRESIDENT FOLEY: Thank you, Senator Blood. Senator Larson, you're recognized to close on the confirmation report. He waives closing. The question before the body is the adoption of the confirmation report. All those in favor say (sic: vote) aye; those opposed vote nay. Record please, Mr. Clerk.

CLERK: (Record vote, Legislative Journal page 356.) 33 ayes, 0 nays, Mr. President, on the adoption of the confirmation report.

PRESIDENT FOLEY: The confirmation report is adopted. Moving on to the agenda, a motion to withdraw. Mr. Clerk.

CLERK: Mr. President, Senator Hilkemann would move to withdraw LB667. [LB667]

PRESIDENT FOLEY: Senator Hilkemann, you're recognized on your motion. [LB667]

SENATOR HILKEMANN: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. I rise today to ask for your support to this motion to withdraw LB667. LB667 would have removed a sales tax exemption on pari-mutuel wagering (sic: wagering), a type of betting that is used on horse races. When I first introduced the bill, it seemed to me to be an appropriate vehicle to discuss sales tax exemptions in our state. As a member of the Appropriations Committee, I have seen firsthand the difficult position we are in regards to our budget crisis. I have heard direct testimony from agencies facing significant cuts. The task ahead of us is clear and the decisions we have to make will not be easy. I believe that in order to do our due diligence for Nebraska taxpayers we must constantly review our tax system to ensure that the state distributes the tax burden efficiently so that we continue to fund our essential services while still finding ways to keep taxes low for hardworking Nebraskans. Sales tax exemptions are a piece of that. Colleagues, as many of you have seen during the tax reform debates in the past, I firmly believe that they still need to be a part of that conversation. However, I do not believe that LB667 is the right bill to facilitate that discussion, which is why I stand before you today on this motion to withdraw the bill. I came to this decision in light of concerns how this bill would affect Nebraska's horse racing tracks, our tracks in Omaha, Columbus, Grand Island, Lincoln are important pillars of our state. And I have heard their concerns about the way this bill could impact these businesses, as well as those involved in track upkeep, the care of horses, and of course the surrounding communities. My intention was not for the bill to hurt the horse racing

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

Floor Debate
January 26, 2017

industry, and I certainly do not want to see horse racing end in Nebraska. If that is a potential consequences of LB667 as I have now seen it, I do not believe that we should pursue this measure any further. With that, I ask for your support for this motion to withdraw LB667. Thank you. [LB667]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Debate is now open on the motion. Senator Chambers, you're recognized. [LB667]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. I don't play favorites. The reasons Senator Hilkemann gave for withdrawing his bill are the very reasons I would like to see it stay before us and be enacted. I don't like horse racing. I don't like to see the public harm. Gambling harms the public. Gambling snookers the public. Gambling blinds the public. I once went out to Aksarben when they had horses running around the track with a friend of mine who foolishly bet on the horses. And I saw a guy out there, he looked very shabby and his heels on his shoes were run over and he had this little pamphlet-like in his hand and a pencil. And I asked the man I'd gone out there with, I said, who is that guy? He said, well, he's a tout. I said, a what? He's a tout. I said, I don't even know what that is. He said, well, he studies the races and he helps people pick horses. I said, he's dressed like that, asking people for some money to get a hot dog, and people actually listen to what he tells them they ought to bet on a horse? But that's how blind gamblers are. They're highly superstitious, very superstitious. There are people who will bet on a football game and don't even want to watch it if the team that they have bet on is in front because they think it will offend what they call the god and goddesses of football; because in their mind, against your own will, they'll begin to think I'm going to win. And as soon as that thought clicks in their mind the team loses. They believe that their thinking that made the team lose. So gambling cannot be shown to ever uplifted any society where gambling is found. Gambling benefits the house. It benefits those who are in charge of the gambling. People don't even know where the term pari-mutuel comes from; it's Paris-mutuel. And it's not m-u-t-u-a-l, e-l. It's where you have this common pot and everybody who's going to bet throw it into the pot. Then you win a certain amount based on how you bet; but before you get anything, the house takes its cut. The house never loses. The house is going to get its cut before you can even play. So as Kenny Rogers said, if you're going to play the game, boy, you better learn to play it right. How do you think the tracks can continue to function, the gambling houses can continue to function in Las Vegas or wherever you find them? Trump had some of them; he didn't even know how to run a casino; it went broke under him. Casinos don't go broke unless you got a fool in charge and you can see sitting in the White House now, an inveterate liar. That's what he is. But back to the gambling, the best thing that could happen to Nebraska would be for all these horse races, horse racing venues to go out of business. They even had one in Lincoln where on a cold day they might have two or three horses run on the track because they had to put on a race in order to exist as a racetrack. That's the way they snooker the public. So you all want to have that element in your society, your Christian society, which is demoralizing, which puts people into

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

Floor Debate
January 26, 2017

poverty. You want to keep that so the ones who run that devilish...I won't say devilish, that Christian enterprise, can make money... [LB667]

PRESIDENT FOLEY: One minute. [LB667]

SENATOR CHAMBERS: ...at your expense and the expense of desperate people who will wager and lose and wager and lose and in the hope of winning wager yet again and lose. The only two times I'm aware of gambling occurring in the "Bibble" was when lots were cast. But I will have to stop the serial at this time and put my light on and be called on again. Thank you, Mr. President. [LB667]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Larson, you're recognized. [LB667]

SENATOR LARSON: Thank you, Mr. President. I have to rise and respectfully disagree with Senator Chambers in terms of what the horse racing industry offers the state of Nebraska. And I am glad to see Senator Hilkemann do the right thing and recognize what this bill could have done to that industry that is already suffering. It is no secret to any member of this body that I support all forms of gaming. But horse racing does have a place close to my heart and what it offers agricultural Nebraska, what it does for those breeders, those people that work at the track that may be constituents of Senator Chambers, the jobs that it offers, the jobs that it offers the people of Columbus and Grand Island. And probably I think Senator McDonnell has the Omaha horse track in his district. These are good jobs and they fight to keep this industry alive, and that's something that we need to continue to do and continue to work towards. So I'd also like to point out that horse racing is a type of gaming that is different than the normal casino gaming. I understand that gambling addiction is something that happens, as is alcohol addiction or cigarette addiction or any of those other addictions, a certain number of people will become addicted. But with horse racing, it's a pari-mutuel bet. You're not betting against the house, you're betting against someone else. Now, Senator Chambers will say, the house takes a cut. They do, but a majority of that cut goes to the handle. And where does that handle go to? To pay the winners of the horse races to continue to keep the industry alive. So this isn't gambling against the house. This is a pari-mutuel bet, one person against another, betting on what the horses will do. You have all types of information that is much different than slot gaming, if you want to say. You know historical times of a horse. You know what the horse has been running recently in his practice times. You know all this information to make more intelligent, as I would call them, investments, just like you invest in your 401k or your stock market. So I do think horse racing is in a league by itself as the type of gaming it is compared to other sorts of gaming. I would say horse racing and fantasy sports are very similar in terms of they're bets against other people. I understand Senator Chambers has a strong problem with all forms of gaming, but I

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

Floor Debate
January 26, 2017

guess I just wanted to be very clear that this is a different type. And I wholeheartedly support Senator Hilkemann's motion to withdraw and I hope the body does as well. Thank you, Mr. President. [LB667]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Chambers, you're recognized. [LB667]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I would like to ask Senator Larson a question or two. [LB667]

PRESIDENT FOLEY: Senator Larson, would you yield, please? [LB667]

SENATOR LARSON: Yes. [LB667]

SENATOR CHAMBERS: Senator Larson, why do you use the term gaming rather than gambling? [LB667]

SENATOR LARSON: I guess I don't have an answer for that. It's just how I refer to it. [LB667]

SENATOR CHAMBERS: It's a less objectionable word, isn't it, to be quite frank. [LB667]

SENATOR LARSON: I guess...like I said, I never had a...I guess I've never really thought about it. If that's the definition you want to say, yes, sure. [LB667]

SENATOR CHAMBERS: So then I've made you think about something this morning you hadn't thought about prior, correct? [LB667]

SENATOR LARSON: I've always just used gaming, yes. I've never thought about why I didn't call it gambling. [LB667]

SENATOR CHAMBERS: Thank you. That's all I'm going to ask you. Relax. Members of the Legislature, this is gambling. And I told you that when they first started it, the house takes its money out of the pot, then the rest of it goes to the suckers. They teach you all to kill off each other. For you to win, all these have to lose and not everybody can win. Now that Senator Larson has had a chance to relax and collect himself, I'd like to ask him another question, if he's still here. [LB667]

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

Floor Debate
January 26, 2017

PRESIDENT FOLEY: Senator Larson, would you continue? [LB667]

SENATOR LARSON: Yes. [LB667]

SENATOR CHAMBERS: Senator Larson, are you aware of any of the people who operate the tracks betting on the horses? [LB667]

SENATOR LARSON: I'm not aware of any instance of that. [LB667]

SENATOR CHAMBERS: Me either. Are you aware of bookies? Now, I don't mean just the ones ragtag and bobtail. Are you aware of any real bookies betting on the games that they put out there for the public to bet on? [LB667]

SENATOR LARSON: I don't know a bookie, so no. [LB667]

SENATOR CHAMBERS: Thank you. Thank you. They don't. In order for you to bet on a game, a football game or any athletic event, you have to put up 10 percent of what it is you're betting. If you're betting a dollar, you bet \$1.10 to win a dollar. Why do you do that? So the bookie gets his or hers off the top. Then your dollar that you lose will pay off Professor Schumacher who wins and the bookie is just the pass through. They call it juice, they call it vigorish, they call it the 10 percent or whatever you want to call it. But the bookie--who does not gamble himself or herself--will always come out ahead. They have even a method of reinsurance. If you live in Nebraska where all the suckers bet on Nebraska no matter what and Senator Larson lives in Oklahoma where they bet on Oklahoma no matter what, the bookie in Oklahoma gets a whole lot of Oklahoma money and if Oklahoma happens to win, he takes a bath. If the bookie in Nebraska gets a lot of Nebraska money and Nebraska wins, that bookie takes a bath. There's honor among thieves when they're bookies. But they're not thieves, they're honest people. They let you know what the odds are; they write it on a piece of paper. The bookie in Nebraska contacts the bookie in Oklahoma and they lay off their excess bets to each other so that the Nebraska bookie will have an equal amount of Nebraska money and Oklahoma money and the same with the bookie in Oklahoma. They will still get their 10 percent no matter which team wins. They don't care which team wins. They're going to get theirs, because to them it's a business; to the suckers it's the pot of gold at the end of the rainbow perhaps, but usually not so. The two times that I've seen gambling in the "Bible" was when this guy named Jonah was sent by God to do something. He disobeyed so...well, he wound up in a bad way. [LB667]

PRESIDENT FOLEY: One minute. [LB667]

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

Floor Debate
January 26, 2017

SENATOR CHAMBERS: But he wound up on a ship and bad things began to happen. And sailors are superstitious so they said, we got to find out who has brought this bad circumstance on us, so they drew lots. And Jonah got the short straw, so they threw him overboard and he was swallowed by a great fish, not a whale, but a fish. A whale is a mammal. Some people think that either the so-called fish was a submarine that rescued him or Jonah was a worm and the fish was a minnow. So they threw the worm overboard and the minnow ate the worm and that was that. But if you take it to be human beings, that was the first gambling. The second gambling, these guys sitting at the foot of the cross where Jesus was and they were fingering this robe, because they take your clothes off. They said, hey, this is pretty good. Who is going to get it? They cast lots to see who would get Jesus' robe. That's the gambling. [LB667]

PRESIDENT FOLEY: Time, Senator. [LB667]

SENATOR CHAMBERS: Thank you, Mr. President. [LB667]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Quick, you're recognized. [LB667]

SENATOR QUICK: Thank you, Mr. President. I'd like to thank Senator Hilkemann for pulling the bill or making the motion to do that and I will be supporting that motion. Fonner Park is a huge economic driver in Grand Island. I mean, not only aside from the gambling issues, it also brings people into the city that visit our restaurants, our hotels, they go shopping in our malls, and so it benefits Grand Island. So I would like to have everybody's support in voting to remove this bill. So thank you. [LB667]

PRESIDENT FOLEY: Thank you, Senator Quick. Senator Chambers, you're recognized. [LB667]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I am shocked at Senator Quick. Not really. But before I go on, I want to mention that Senator Blood is correct in what she said. You all weren't listening, so I'm not going to tell you what she said, but in Poland there is a famous depiction, it's called the Black Madonna. Madonna is black, as is the child. That's in Poland. Somebody told me though that Mary was not black, that Mary was white, Jesus was black, therefore it had to be an immaculate conception. That's what a Catholic told me. But at any rate, Senator Quick talked about all the money that this gambling brings into Grand Island and that makes gambling good. There was a song that the Temptations sang, it was called "Take a Look Around." It said, Junk man standing on the corner/selling death no conscience has he/pay close attention to my story/it's a matter of life and death, you see. It was a dope dealer. Desperate with no sense of values/just an evil mind lurking through the night. And you can get that song if

Floor Debate
January 26, 2017

you want the rest of it, but it would take all the time that I don't have. If you listen to these drug commercials on television, you will hear things like, it may lead to fatal bleeding, which means it can kill you. If you take that male pill that will help you perform, as they call it, and you experience a problem with your vision and your hearing, call the doctor. Now how you going to do that? You can't see how to dial his number and if you manage to dial it by feel, you can't hear him. You don't know if the doctor is on or not. So on the chance you got somebody on the other end you say, I took one of those pills. I can't see and I can't hear, but if you're there this is where I live, send somebody to help me. That's crazy. These drugs have to tell you the side effects or they are not allowed under federal law to advertise on television. So they put a whole lot of visuals to distract you when they start telling you about the side effects. People playing with little puppies, other family things, then you don't hear that. Why is it that in this Christian society, those drugs can be sold and you can be told it might kill you and they are sold? What about the small entrepreneur, Senator Quick, Senator Larson, and the rest of you, who happens to sell drugs? Why don't you let that person sell drugs? Why you going to put him or her in jail? Let them stand on the corner and sell drugs. They bring a lot of money into the neighborhood. They take a lot of money out, too, and people die as they die from these pharmaceutical products. But because the pharmaceutical people pay money to politicians they can sell you drugs where they have to admit, this might kill you. But then when we talk about a substance that's not going to kill you, that might help children who have these agonizing epileptic seizures that cannot be used because the pharmaceuticals don't want it and Bush, President Obama, President Trump, they don't want it. But the pharmaceutical companies sell death. If the junk man on the corner is selling death, no conscience has he, what is the pharmaceutical company that sells death to millions? [LB667]

PRESIDENT FOLEY: One minute. [LB667]

SENATOR CHAMBERS: The pharmaceutical company is the house, just like the gamblers who run the horse races or those who accommodate the gamblers. The horse races, the casinos, these are respectable people, supposedly, which shows what your morality consists of. If your moral person wears a suit and contributes to the right political party and the right church, he can sell death to you, your children, your elderly relatives, and you'll even buy the death and administer it and it's all right. Then some scruffy person, as you might call it--but not all those who sell marijuana are scruffy--selling marijuana and off to jail he or she has got to go. Again, straining at a gnat and swallowing a camel. And on this floor you have people supporting gambling because of the money. [LB667]

PRESIDENT FOLEY: Time, Senator. [LB667]

SENATOR CHAMBERS: Thank you, Mr. President. [LB667]

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

Floor Debate
January 26, 2017

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Krist, you're recognized. [LB667]

SENATOR KRIST: Good morning, colleagues. Thank you, Mr. President, and good morning, Nebraska. When you...this is a little off the subject, but I'll bring it back to the topic at the end. When you try to Google something today, you're going to see a tribute to a lady whose name was Bessie Coleman. She would have been 125 years old today. Many of you know I'm a huge aviation fan; that's how I make my living. Proud to say I have over 15,000 flying hours and this is one of the legends, one of the pioneers in aviation. This lady, a black woman, had to go to France to learn how to fly because the opportunity wasn't available to her here. She had to spend most of what she had to learn French in order to go to France to learn how to fly. And I think how easy it was for me to take lessons and to become part of the armed services and get a license. This lady did it right. She did it the hard way. But she was the first black woman to have a pilot's license in the United States. So she would have been 125 years old. Now, let me bring it back to the point. She wasn't a very big lady. Her other option was to be a jockey. I am glad she did what she did. [LB667]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Hilkemann, you're recognized to close on your motion. [LB667]

SENATOR HILKEMANN: Thank you, Mr. Speaker. I've come to the conclusion that the best thing that LB667 did was to get us off LB666 and I would ask you to give us a green light here so that we can withdraw LB667. Thank you. [LB667]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Members, you've heard the motion to withdraw LB667. All those in favor vote aye; those opposed vote nay. Have you all voted who cared to? Record please, Mr. Clerk. [LB667]

CLERK: 34 ayes, 0 nays, Mr. President, on the motion to withdraw the bill. [LB667]

PRESIDENT FOLEY: LB667 is withdrawn. Items for the record. Mr. Clerk. [LB667]

CLERK: Thank you, Mr. President. Hearing notices from the Government, Military and Veterans Affairs Committee and from Health and Human Services Committee, those signed by their respective Chairs. I have a new A bill. (Read LB18A by title for the first time.) That's all that I have, Mr. President. (Legislative Journal page 357.) [LB18A]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Moving on to the agenda, a permanent rules discussion. Mr. Clerk.

Floor Debate
January 26, 2017

CLERK: Mr. President, permanent rules: motion is to adopt permanent rules as offered by Senator Hilgers as Chair of the committee. Yesterday, the Legislature considered Rules Committee amendments. The fourth and final component of that was defeated, but Senator Bolz offered a motion, Mr. President, to reconsider the vote taken with respect to Proposed Rules Change 2 as offered by the Rules Committee. The motion to reconsider is before the body.

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Bolz, you are recognized to open on your reconsideration motion.

SENATOR BOLZ: Thank you, Mr. President. This is a sincere motion to reconsider because it was my read of the body that there was some confusion about exactly what our decisions were and what stage we were in the process. If we do not take up the motion to reconsider, the fiscal note process is status quo; is exactly the way that it is working now. Hearing notice is seven days; you'll get your fiscal note in 24 hours; and the agencies will continue to respond just as they are now. However, under Senator Harr's proposal and the amendment that this body adopted that was proposed by Senator Stinner, we have changes to consider. And those changes that were adopted in the Stinner amendment include requiring seven days of a public hearing notice, requirements about the agencies providing information within a specific period of time, which would allow for us as state senators to receive a fiscal note within 48 hours rather than 24 hours. Colleagues, I do prefer the Harr proposal with the Stinner amendment. I think it's a good option to try. I support it. But one way or another, I wanted the body to be clear about what our choices were--status quo versus Stinner amendment changes. So if you support the motion to reconsider, you support the changes and you'd like to try it a new way. If you don't support the motion to reconsider, you like it the way it is. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Bolz. Debate is now open on the reconsideration motion. Senator Harr, you are recognized.

SENATOR HARR: Thank you, Mr. President, members of the body. And thank you, Senator Bolz, for the reconsideration motion. You did a nice job of saying what this is about. It appeared to me yesterday that I tried to sneak this in before...sneak isn't a proper word, to finish this proposal before lunch so we could go on to other issues. And a lot of people were missing including the Chairman of Appropriations. And I notice that almost to a "t" no member of Appropriations voted on this, and they are the ones that work hand in glove with Fiscal. There was a lot of confusion about this, and that is probably my mistake, I should have been more available to talk to people. What we're trying to do is improve the fiscal note situation. If you are new here, ask a senior member if they like the current way we do fiscal notes. If the current 24 hours is enough time, if you disagree. If you agree, it is enough time. If you disagree, it is not. You don't have time to talk to...you may have time to talk to the Fiscal Office; you may not, but

Floor Debate
January 26, 2017

you don't have time to talk to Fiscal and have them talk to PRO or the administration as to how they came with their number which does include assumptions in there. If your bill is halfway complicated, there will be assumptions. And you better make sure you know what those are because we constantly ask how these fiscal notes came about in committee hearings. So be prepared if you're a freshman to be able to be able to defend your fiscal note because you will be asked, especially in this climate. So this was a compromise work out with Fiscal. The Fiscal Office who makes the fiscal notes agrees that this is a good compromise. This was my amendment, proposed rule change. I agree with the Stinner amendment. And I would ask if you have any questions or concerns to come see me, go talk to Chairman Stinner of the Appropriations, or I see Mike Calvert from the Fiscal Office has walked in, talk to him. But what you're going to find is, this is an improvement. You're not going to find one person who thinks there is a problem with this, other than those chairmen, chairs, excuse me, of the two-day committees or one-day committees that meet on Monday and Tuesday. It's going to require a little forethought on their behalf and a little talk about how they want to do their bills and making sure that certain bills get introduced in the beginning. But the first week is never that controversial. It shouldn't be at least. Talk to them. I think one of the chairs may be coming with a compromise. If we do vote up this reconsideration to address their concerns, unfortunately, that amendment can't be heard until we vote yes on this reconsideration motion. So with that, I would ask to please vote green on the reconsideration motion. If you have any questions, come see me or go see Senator Stinner. Thank you very much, appreciate it.

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Crawford, you are recognized.

SENATOR CRAWFORD: Thank you, Lieutenant Governor. And I do want to thank Senator Bolz for putting in the reconsideration motion. I think this is an important rule change to consider. And there has been a lot of hard work by the committee, by the Fiscal Office, and by Senator Harr in terms of making sure that we can give people more time on their fiscal notes. I think what happened yesterday is sometimes what happens in floor debate. All of us in this room are problem solvers, and so sometimes we see something that may need to be fixed and we are engaged in enthusiastic conversations about that change and then it can be easy to lose perspective and that issue that you're trying to solve takes and becomes in the forefront. And I believe that...I will humbly admit that happened in my case yesterday in the conversation. And so I want to note that I think our conversation was important because it laid on the record the issue that we will need to work on as we move forward, and that is finding a way to make sure that this important change doesn't create a challenge in terms of those hearing processes in the first couple of days. But as I think Senator Harr noted in his closing and has acknowledged again now, that's an issue that we can actually work on. So I think that we need to take advantage of this opportunity to make this important change. And then it's...I think yesterday some of the conversation got into a false choice of adopting the change or having an interim conversation about how to make changes in a fiscal note. And it is important to recognize that we can go

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

Floor Debate
January 26, 2017

ahead adopt this change, which the Fiscal Office has said they can manage, and then we can also adopt an interim study to have a conversation about if there needs to be any adjustments to make a change in that fiscal note. It's also the case, I want to bring to your attention, I mean it is also the case that there is a process in our rules that allow us to have a hearing on a rule change during session if there is a need or a decision that there is some adjustment to make to...make sure we address that problem. All in all, I want to say I think it is very important for us to reconsider this vote. And so I urge your green vote on reconsideration. I think it's an important move forward and I believe that we can move forward with this rule change and also consider how to make sure that we can have that process cause as little encumbrance...as little damage as possible in terms of those early hearings. But those are a few days at the beginning and this rule change really improves that process in terms of having that fiscal note for more time throughout that whole session. So I believe it...I urge you to vote green on reconsideration. I urge us to move forward with this rule change, and then work on any adjustment we may need to make to make sure we address the challenges that we discussed yesterday. I don't want those challenges to come in the way of making this important change that we can make now. So I urge your green vote on reconsideration. And again, acknowledge and recognize that we may have some other conversation about addressing those first hearings. But that's a problem I believe we can work on and can solve, so let's not let that get in the way of this important change that the Rules Committee has agreed to and Fiscal Office has agreed to.

PRESIDENT FOLEY: One minute.

SENATOR CRAWFORD: And that is an important change that will give us more time with those fiscal notes so that we have a chance to have conversations and make changes, if necessary, before our hearings. So again, I urge your green vote on reconsideration. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Stinner, you are recognized.

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, I will support and ask you to vote green on this, that is the negotiated settlement that we talked about, 48 hours, 10-day notice. I think that works for the Fiscal Office. And I would encourage you to vote yes. Thank you.

PRESIDENT FOLEY: Thank you, Senator Stinner. Senator Schumacher, you're recognized.

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Senator Stinner may very well have cleared up the point of my discussion, but just to make it clear, would Senator Harr yield to a question or two?

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

Floor Debate
January 26, 2017

PRESIDENT FOLEY: Senator Harr, will you yield, please?

SENATOR HARR: Yes, I will.

SENATOR SCHUMACHER: Thank you, Senator Harr. Just so everyone...people have been coming and going from the Chamber and sometimes when you come into something in the middle of it, you get confused. So our choices, as I understand it, are the old way which is seven and 24...seven days hearing notice and 24 hours?

SENATOR HARR: Yes and no. What we're debating now is whether to reopen to that debate. If this fails, then yes, we would stay at 24/7. If you vote green, excuse me, when you vote green, what will happen is then we will bring it up to debate again whether we should be at 24/7 or 48/10.

SENATOR SCHUMACHER: Okay. So this step is simply to get us back where we were yesterday about this time.

SENATOR HARR: Yes, that is correct.

SENATOR SCHUMACHER: Okay. And then we will then debate the merits, some of which have been negotiated already, between a 7-day and 24-hours lead time on the...seven days for the hearing and 24 hours deadline on the fiscal note?

SENATOR HARR: That is correct versus ten day public notice...giving the public more of a chance to be alert as to what legislation is coming up; and 48 hours which gives us more of an ability to prepare that fiscal note.

SENATOR SCHUMACHER: Okay. So that's a judgment that if we vote yes on reconsideration, we will then next be asked to vote to choose between those two systems.

SENATOR HARR: That is correct.

SENATOR SCHUMACHER: Thank you, Senator Harr.

SENATOR HARR: Thank you.

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

Floor Debate
January 26, 2017

SENATOR SCHUMACHER: It appears to me that since the parties and interests are, at least so far, represented to be in agreement on this, that reconsideration would be proper and should, in fact, resolve this issue in the next stage of the discussion when we choose between the two types. So that being the case, I think that it would be wise to support the motion for reconsideration, particularly noting that the issue is rather confused at the time we voted just before lunch and adjournment yesterday. Thank you.

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Hansen, you are recognized.

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I will be supporting the reconsideration motion as well, and thank Senator Bolz for making sure that got filed. As we know, often times reconsideration motions are not going to change the final result or change things here. However, I just wanted to point out, if you remember from yesterday or take a look in the Journal at the vote count, this is an instance where "present and not voting" and "excused and not voting" combined to be 18 people, so 18 people did not vote on this bill one way or the other, which is greater than the group of people who voted for or the group of people who voted against. So if more than a third of our body didn't know how to vote, wasn't understanding the voting, or wasn't in the room, I think this is a highly appropriate motion for the reconsideration motion. I include myself, I was included in one of those people who did not vote. I think I was as confused as anyone and was trying to ask Senator Harr on the microphone yesterday. I think we have done a great job of explaining what is going on this morning and what the stakes are today. And so I hope you will join me in supporting the reconsideration motion.

PRESIDENT FOLEY: Thank you, Senator Hansen. Seeing no other lights, Senator Bolz, you're recognized to close on your motion for reconsideration.

SENATOR BOLZ: Thank you, Mr. President. In an effort to be as clear as possible, I will try to state this simply. If you vote red on the reconsideration motion, you want nothing to change. You want the status quo. You want it exactly as it is now. That is what red means. Green means you want to continue to discuss something else, some other process, possibly the process laid out by Senator Stinner in his amendment. Red is status quo. Green is discussion of something else. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Bolz. Members, you have heard the debate on the motion. The question for the body is the reconsideration. Senator Harr, for what purpose do you rise?

SENATOR HARR: I would request a call of the house, please.

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

Floor Debate
January 26, 2017

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

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

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Looking for Senators Wayne and Groene, Senator Brasch. Senator Groene, the house is under call, please return to the Chamber. Senator Harr, would you like us to proceed with the vote? Actually, I have to go to Senator Bolz for that question, I believe. Senator Bolz, would you like us to proceed to a vote or wait for Senator Groene?

SENATOR BOLZ: Let's proceed, Mr. President.

PRESIDENT FOLEY: Let's proceed, okay. The question for the body is the reconsideration motion of the vote taken just prior to adjournment yesterday afternoon. All those in favor of the reconsideration motion vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk.

ASSISTANT CLERK: 37 ayes, 5 nays on the motion to reconsider, Mr. President.

PRESIDENT FOLEY: The reconsideration motion is adopted. I raise the call. Senator Hilgers, that takes us back to committee amendment 2. Would you like to refresh us on that committee amendment?

SENATOR HILGERS: On proposed Rule 2?

PRESIDENT FOLEY: Yes, sir. As amended by the Senator Stinner amendment. That's where we are at this point.

SENATOR HILGERS: Rule Change 2 as amended by the Stinner amendment is a change to the interim...I'm sorry, the fiscal rule process where we are at ten days for committee notice and two days prior...48 hours prior to the hearing for when the fiscal note will be provided.

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Stinner, you are recognized.

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

Floor Debate
January 26, 2017

SENATOR STINNER: Thank you, Mr. President, members of the Legislature. I would encourage you to vote green on this Rule (Change) 2. This a negotiated settlement. It gives you 48 days (sic)...we just...or 48 hours--48 days would be pretty good, too, wouldn't it? (Laughter) Forty-eight hours, and we...but we need the notice at 10 days in order to accomplish that. So please vote green. Thank you.

PRESIDENT FOLEY: Thank you, Senator Stinner. Seeing no other lights on, Senator Hilgers, you may close on proposed Rule Change 2 as amended. He waives closing. The question before the body is the adoption of proposed Rule Change 2. All those in favor vote aye; those opposed vote nay. Have you all voted who cared to? Record, please, Mr. Clerk.

CLERK: 30 ayes, 7 nays, Mr. President, on the adoption of the Rules Committee amendment 2 as amended.

PRESIDENT FOLEY: Proposed Rule Change 2 as amended is adopted. Other amendments, Mr. Clerk.

CLERK: Mr. President, that completes the Rules Committee proposals. I now have the first amendment. Senator Harr, your amendment, Senator, would move to amend Rule 8, Section 5.

PRESIDENT FOLEY: Senator Harr, you are recognized to open on your proposed amendment.

SENATOR HARR: Thank you, Mr. President, members of the body. The reason I brought this is I had a bill a couple of years ago, and what happened is it allowed for a new property tax exemption. And that property tax exemption had no fiscal note to the state because all along because we don't collect any property taxes, right? Contrary to popular belief, we do not get a penny of property tax. So everything was fine and dandy. We went through a couple of cloture motions. I think it was three of them brought by Senator Chambers. And we finally got to vote. And when...well, two, and then on the final day when we went to Final Reading, the Fiscal Office said, hey, there's a fiscal note on this because the property that you are voting to exempt is in Omaha and that property is part of OPS. And because OPS receives TEEOSA funding, there's a fiscal note because now OPS will have less money and they'll receive more funding and, hypothetically, the way TEEOSA works is we have a formula and we fund it no matter what it costs. In reality, it is a little different. We say how much we're going to spend and then we play with the numbers to get back. But be that as it may, the way it should work is--here's what we think we should fund education and here's the cost and now you have a fiscal note. So my bill was pulled from Final Reading. And the reason it was pulled, and this is what I want to get in a little conversation with some members of Appropriations is we don't vote on Final Reading on bills that have a fiscal note until we get to the budget and we know how much money has been

Floor Debate
January 26, 2017

reserved for the floor. And so they are all put on hold. If your bill has a fiscal note, folks, don't expect it...even if you have an e-clause or whatever, expect it to get signed in the next 20 days, 30 days. Budget comes out on day 70. And then we have to vote on it. And then we can vote on bills with fiscal notes. Well, my bill was pulled from the agenda because it had a fiscal note, not until Final, but on Final there's a new fiscal note...a fiscal note put on it. And I went to the Speaker at the time and I said--why did you pull this? He said, well, there is a fiscal note. And he said, there an effect, the rule says you pull it if there is an effect to the General Fund. Now to me, effect to the General Fund means money going in. I said--mine had an effect from the General Fund. It didn't cut off any dollar going into the General Fund. What it did was change how the money went out. And as it went, we had a debate back and forth. I sat next to the Speaker for a good 10 minutes; he hemmed and hawed and said, well, I'm going to let it go this time, but you need to clarify that rule. So I said, okay. And as things happen, you forget about it. You know what? You always remember your defeats, you don't always remember your victories. And you don't remember your lessons you learn from your victories. And that was my mistake. And so I didn't introduce the rule. And as you have seen over the last couple of days, I have had some conversations with Fiscal. And I made this agreement with the Speaker; I didn't make it with Fiscal, but Fiscal was more than willing to work with me. And so I thought, you know, I'm going to offer this amendment. I'm going to extend an olive branch. That's what this is; nothing more, nothing less. It is rather arcane, it's more of a technical fix than is of concern; it comes up very, very seldom, if at all. I am the only...that one bill is the only time I have even really seen it. So, I am going to the ask for your support. Mr. President, am I allowed to ask questions during my opening?

PRESIDENT FOLEY: Yes, you may.

SENATOR HARR: Okay, thank you. I don't see...is Senator Bolz available?

PRESIDENT FOLEY: Senator Bolz, will you yield, please?

SENATOR BOLZ: Certainly, Mr. President.

SENATOR HARR: Thank you. And can you, because you are better or more knowledgeable at how fiscal works than I am, can you explain to the body how it works when you start...how and why bills are held up in Rule 8, Section 5, and what the purpose for that is?

SENATOR BOLZ: Sure. The way our legislative process works is that the budget needs to move forward before we make any other spending decisions. So we have certain rules about the time frame in which the budget needs to come out of committee so that we can move and approve a budget and then discuss any appropriations that relate to the policy changes that have been

Floor Debate
January 26, 2017

brought by the other committees. So as an Appropriations Committee, we will bring you a budget to the floor. That budget will include things for everything ranging from the Department of Education to the Department of Agriculture and it will match up our committee's recommendations as it relates to expenditures based on the amount of money we have in the General Fund and will also include expenditures related to cash fund transfers and capital projects and all of those things. Once the budget moves forward, then the body can start addressing the individual bills that have been brought by the committees of jurisdiction that have a cost, that have some sort of fiscal impact. That is reflected on what we refer to as the green sheet. And the green sheet is updated every day so that you can see what the balance remaining is; how much money we can still spend out in the rest of the legislative session. That green sheet is updated both related to the impact of expenditure bills and revenue bills. So if I bring a bill to appropriate \$100,000 to the "Puppies and Kitties Fund of Nebraska," that will be reflected in the green sheet and our ongoing balance. If Senator Harr brings a bill to create a tax credit for the "Puppies and Kitties Fund" that will also be reflected in the green sheet. So I think what Senator Harr is trying to get at is to make sure that our rules and the way that we do our appropriations process reflects both the impact of revenue and expenditures. I hope that I'm answering your question, Senator Harr, but that is in simplified terms how our budget process works. And I think that the status quo does adequately address both sides of the ledger. But if there is a change that is necessary in terms of process or timing or reporting out, we can certainly have that dialogue. Do you have any clarifications that you need Senator Harr?

SENATOR HARR: No, that's very good. Thank you very much, I appreciate it; it's a good lesson. I've been here seven years, I'm still learning every day trying...and I think I have it. It's funny, while I was talking to you, Senator Stinner came up to me and said, I get what you're trying to do, son, but your words are wrong, and he's right. My amendment doesn't do what I intended it to do. So I am trying to talk to him back there and see if we can amend...now that they understand what I'm trying to do and why I'm trying to do it. So I'm working on a little bit of an amendment to my amendment. If you can be patient, and maybe we will work something out here, because this is something that I think is important so that we can make sure that we have the money to spend that we're trying to spend and that we don't overspend and sneak things through, not that I did...or intended to, I should say, but that everything is properly accounted for at the time...

PRESIDENT FOLEY: One minute.

SENATOR HARR: ...when we go to spend our money, which is really the taxpayers' money. Thank you, Mr. President. I look forward to discussing this a little bit more and, maybe, coming with an amendment or, maybe, withdrawing it, but thank you.

Floor Debate
January 26, 2017

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Crawford, you're recognized.

SENATOR CRAWFORD: Thank you, Lieutenant Governor. And I rise to just ask some questions about the Harr amendment, and so I appreciate the conversation, the introduction, and I appreciate Senator Bolz's explanation of that process as well. I wonder if Senator Harr would yield to some questions?

PRESIDENT FOLEY: Uh, Senator, I believe...yeah.

SENATOR CRAWFORD: I'm sorry. So he may not be available because he is working on the amendment that he just mentioned. So I wanted to do, members, is to make sure that we understand what's available in the Rule Book in terms of changes in our rules. As I understand the Harr amendment, I think it is really a technical fix, and that's how he introduced it as well. So I consider his amendment to be something that is more of a technical change than perhaps something that we would really talk about as a proposed rule change. But I wanted to just draw members' attention, and especially new members' attention, to the Rule Book, and you have the Rule Book in your desk, and it's important that you get more and more familiar with that Rule Book and the rules in it. And so I just want to draw your attention to page 17. And page 17, at the top of page 17, has a discussion about the Rules Committee. And at the top of page 17 notes that all proposed rule changes shall be set for public hearing within five legislative days after their referral to the committee. And the hearing shall take place within 15 legislative days after the referral. And that the committee shall take final action on the proposal within ten legislative days after that hearing. So, colleagues, we have this process at the beginning of each session where we have a deadline for proposed rules so there can be a hearing. And we look at proposed rules that have been brought at the beginning of session so that we can efficiently manage that process and consider those rule changes and get those rule changes made at the beginning as we're moving from our temporary to permanent rules. But, as you'll note in the rules, there is an option should a change be considered necessary or desired during session to refer that to the Rules Committee, have a hearing and have that conversation. And so it is the case that, should that be necessary, even for this technical fix, it isn't as if today or by Friday is our last time to consider any possible rules. I think this highlights also, as we're making this technical fix, highlights that when we bring proposed rules on the floor that haven't had that committee hearing, we sometimes run into the situations like we are right now, and that's why that committee process is so critical and so important. And so I believe that it would be very valuable to the body to move forward with those rule changes that were approved by the committee that had a hearing and get to our business of passing bills and addressing the budget problems. This may be a simple technical fix and that we can fix quickly, and if so, it is perhaps fine that we spend a bit of this morning to get to that resolution, but I really wanted to bring this...

Floor Debate
January 26, 2017

PRESIDENT FOLEY: One minute.

SENATOR CRAWFORD: Thank you, Mr. President. ...I wanted to bring this rules...section of the rules to your attention so that you could see that this, if they are really proposed rule changes, as some of the amendments that we have in front of us are, really the proper procedure for that is for them to be...to have a hearing and come through the Rules Committee. And, again, we have just really adopted those changes that did go through that process. And so if other proposed rule changes were dropped or withdrawn, we could move forward in terms of passing those changes that were made by the Rules Committee with or without this technical change that we can consider this morning; we could actually move forward in terms of adopting those rules and get on with the business of addressing our budget needs and our bills that we have on our agenda. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Groene, you're recognized. Senator Groene, you're recognized.

SENATOR GROENE: Thank you, Mr. President. I asked Mike Calvert how long has this present system been in effect? He said as long as he can remember; as long as he can remember. You got nine people in the body; we've caused two of the most important ones to be on the floor. They're not doing fiscal notes right now, they're here defending foolishness. I told the story to Senator Harr about have you ever whittled, have you ever taken a block of wood and whittled something? You get a good product, and then you look at it and you say, oh, maybe a nick here, a nick there, and you do it and the arm falls off. Leave well enough alone. The system works. We run a tight ship here. We have nine individuals doing fiscal audits; they do it well; they know what they're doing; they've been there...I don't know what the combined years of service is, but I would bet you it's pushing 200, 150 years. This is a waste of time. And you're welcome to tell me when one of my bills is a waste of time, I will not be insulted. Sometimes we need to be reminded. Let's put an end to this; let's leave well enough alone, the system works; let's let Mike go back to work in his office and concentrate what we have him here for to do fiscal notes. Thank you.

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. Let me say I'm interested in this rule change, looking more at how it was proposed. I'm glad Senator Harr has already gotten up and explained that his rule change doesn't, as written in the introduced copy, did not do what he wanted it to do, because I was following along with what he was saying and reading the rules change and I was trying to figure out how changing...how he...how a net reduction of revenue from the General Fund is different from a net reduction of revenue to the General Fund, and just the...as a non-Appropriations member, the series of cash flows and whatnot, and what a reduction from a fund

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

Floor Debate
January 26, 2017

would look like as opposed to a reduction to a fund. I wondered if that was a meaningful difference, which it looks like. So that's why I was going to get up. I'm just going to echo some of the other importance earlier of...you know, we've been debating our rules changes and we've been spending some time on this. You know, I'm always hopeful when we have an opportunity to talk about things like this, but I would have to disagree with Senator Groene. This is the business of the state; this isn't a waste of time. Debating how we function as a body, especially if we could do something that clarifies how General Fund dollars and tax dollars and revenues go, those things are all pretty important to the state of Nebraska and pretty important to the business of the people. When we're talking about the budget and what Appropriations Committee does, that is one of our two constitutional duties is to pass a balanced budget and how the A bills interact in all that and go on from there. With that, I see Senator Harr has returned to his podium or thereabouts, would he yield to a question?

PRESIDENT FOLEY: Senator Harr, will you yield, please?

SENATOR HARR: Yes.

SENATOR HANSEN: Senator Harr, are you currently working on an amendment?

SENATOR HARR: No.

SENATOR HANSEN: Okay. Would you...all right. Would you like to elaborate what we're doing then? (Laughter)

SENATOR HARR: Yeah, let's do it quickly. So contrary to popular belief, I actually listened to Senator Groene, and when he told me to leave this well enough alone, the rules work, that the system works, that this continued debate on changing the rules is a waste of time, I had an aha moment. That, and I talked to Senator Stinner, and I talked to Mike Calvert, and they said--what you're trying to do, you're not doing, this isn't the time or the place to do it. And I said, well, if I don't have Senator Stinner with me or Senator Groene, then who do I have? So with that, Mr. President, I'm going to go ahead and pull my amendment, ask that it be withdrawn.

PRESIDENT FOLEY: Thank you, Senator Harr. The amendment is withdrawn. Other amendments, Mr. Clerk, when you have a moment.

ASSISTANT CLERK: Mr. President, the next amendment offered by Senator Hansen.

PRESIDENT FOLEY: Senator Hansen, you're recognized to open on your proposed amendment.

Floor Debate
January 26, 2017

SENATOR HANSEN: Okay. On deck faster than I expected. All right, my next amendment, and I will read the text of it. I do know the clerk and the staff have passed out copies of it in the past few days. I'll read the text of it and the context and the rules as well and explain my thought process here. So what I'm doing is moving to amend Rule 3, Section 20(b) at line 3, to change the words "a vote of the majority" to "a vote of three-fifths of the elected members." So it's striking the words "vote of the majority" and changing "three-fifths." So functionally, that is raising a vote threshold that we do as a body, it's raising it from 25 to 30 members, that's the function of our change. So what that particular vote is, is it's Rule 3, Section 20, and the full section is as currently written is that: "Any senator may move a bill be placed in General File 20 calendar days or more after the committee hearing, if the committee has not taken final action on the bill, and by a vote of the majority of elected members, said bill shall be placed on General File. Final action taken by the committee following a motion (filed) pursuant follow-sic to this subsection, and prior to when debate is initiated on motion by the Legislature, shall take precedence over such motion." and it goes on from there. There are several different time components and things in here, but I'll just kind of get to the point. This is what's commonly referred to as a "pull motion." A pull motion is something we have not done as a body, and so it's not come up, at least in my tenure, but it's always been something that I've heard talked about or mentioned or an opportunity of something we can do. Functionally, what this does is allow for, currently, a majority of members of the body to pull a bill out of a committee if the committee is not reporting it to the floor. Specifically, if the committee has not taken final action, not to my understanding, indefinitely postpone the bill, but is, in fact, sitting on a bill. Sometimes this has come up before in a committee where there's a couple eight-member committees and you will encounter a 4-4 deadlock. And so the thought is that the body will have the opportunity to then retrieve a bill from deadlock via a vote of a majority of the elected members, 25. And my thought is, that's too low. I understand why we as a body have the opportunity to step in when a committee is not doing its business, is not either IPPing a bill or kicking it out. I understand that, why we should have that option. I just think that threshold should be high. And three-fifths is a commonly used threshold throughout our laws and our statutes and is just a little bit higher than a majority of the members. I respect the committee process, and this is why I wanted to introduce this amendment and have this discussion here today. I think we have committees for a reason. I spoke on this in the Committee on Committee Report, and this is why I attempted to have other amendments to the Committee on Committee process. But I really respect the importance of our committees. That's something I've learned over my time here. I started off my freshman year on the Government Committee; Government, Military and Veterans Affairs Committee. Senator Murante wouldn't want me to leave the rest of those off. That was not, necessarily, an area of mine that I knew I was going to do an...had much expertise in and whatnot. And from time to time, you know, I got to know more and got to know more about how the committee worked out and had the opportunity to interact in things like election laws and how we run our counties and things like that, things that face the Government Committee. However, when I was a freshman, and as I said in our First Congressional District Caucus

Floor Debate
January 26, 2017

meeting several years ago...two years ago when I was a newly elected freshman, my passion was, or my top choice of committee was Judiciary. The subject matter to there was what I wanted to get on to. And so that's why I made the move this year to exercise the opportunity to jump and take a...what was previously Senator Coash's spot on Judiciary. And that's been a great opportunity for me, even in just the two weeks that I've been there. It's one of the committees that I've had the most bills on in front of the past two years, it's a lot of the issues that are a passion to me and I'm happy to be working on things related to Corrections and our justice system. The point of that is, is though, is I have a worry that we have bodies of expertise and bodies of influence in our committees, and that I have spent time and effort, you know, and waiting an opportunity to get to the Judiciary Committee, thinking that I had the opportunity to do all sorts of different things that were available to me there. And there's already been some changes this year as a body. We've talked about them, we've experienced the motions to rereference; we've talked about the Committee on Committees process. And so some of the bills I expected to be on in Judiciary Committee all of a sudden went to Government this year or to HHS. I'm worried that the committee process isn't as strong, and there is more will and mood in the body to override the committee process. I think that's the wrong instance. I talked about during the rereferencing debate when we were talking about the...Senator Hilgers' bill, the expertise of the committee that they've heard the bill before, they've heard similar issues before, they have worked with likely proponents and opponents before, and have an expertise in that area. And so if a committee has expertise in an area, I think we should provide them strong deference. And that's why I think raising this vote threshold from 25 to 30 is. I understand the frustrations on why somebody might want to do this. I remember Senator Crawford had a bill two years ago in the Government Committee, which I served on. I think she had well over 35, 38 members of the body cosign it. Just unfortunately, four of the people that didn't cosign it happened to serve on the Government Committee, and there was not the votes to get it out of committee. And despite really liking that rule, despite really thinking that provided some clarity on conflict of interest, making sure that our campaign bank statements were accurate, making sure there was full transparency for the body, I understood that if I could not as a member and Senator Crawford could not as a member convince five of the Government Committee members that there might actually be enough concerns there to wait and respect the process, despite the fact that the bill, had it ever made it to floor, would have likely had overwhelming support, if everybody who had added their names stuck through it. So those are my concerns. I just really respect the committee process and want to protect the committee process. I think we as a floor, obviously, have an opportunity to change things, to step in if a committee is not appropriately acting on a bill, and I understand why Rule 3, Section 20 is there. I just think we should make sure we have a very high standard for ourselves, and that if we're going to kind of change some traditions this year, change some ways we operate this year, I want to make sure that this is not an avenue that we start going down. So with that, I would ask all my colleagues to support my amendment to Rule 3, Section 20. Thank you, Mr. President.

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

Floor Debate
January 26, 2017

PRESIDENT FOLEY: Thank you, Senator Hansen. Mr. Clerk.

ASSISTANT CLERK: Mr. President, I do have amendments to the Hansen amendment, the first offered by Senator Chambers.

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your amendment to the amendment.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, with all due respect to what Senator Hansen is trying to do, I would call on a superannuated individual such as myself who was created by Charles Dickens. I would like to quote him at this time, and his words are very famous "bah, humbug!" This that Senator Hansen is offering might make sense if our system had not been so corrupted. It is corrupted, it has been rigged, and it is not trustworthy, it is not reliable, and people have behaved in a way that I consider to be dishonest, underhanded, and scheming. And I want to say it on the floor and to their face or wherever they happen to be. They know what happened that first day. People who had shown competency in handling chairs, handling committees as chairpersons were summarily shunted aside because the Republican Party said--thus it shall be. Well, if Republicans had shown themselves to be honorable people and their party had shown itself to be one, that was for the uplift of society and not just to advance its narrow political agenda, maybe I wouldn't be so outraged as I am. Competency counted for nothing. Experience counted for nothing. All of the principles that would be necessary to be in place for Senator Hansen's proposal to seem reasonable, if all of those factors were in place, it would at least be reasonable. I still wouldn't support it. But he would have a basis for a reasonable argument. Not so now. Bills have been deliberately misreferred to the...I don't even want to say the name of the committee, to Senator Murante's committee, the Government Committee, the mis-Government Committee. I sit on the Reference Committee, which is the Executive Board serving as a Reference Committee. I've watched the Speaker and the chairperson of that board participate in the deliberate misreferral of bills to the Government Committee only because they had a better chance to come out. And it's always the same five. I know how they're going to vote. So I now have adopted the practice of letting them know I want my position to be on the record, and I'll fight these things on the floor. Since we may presume that that 27 people may hold together because they've been ordered to do so by the Governor and the Republican Party, I've got to fight this stuff on the floor. So I will save my energy. You saw how long I could talk this morning on matters that I did not even disagree with. I voted for every one of those Reference reports that was presented. Imagine what I can do with things I disagree with. Send those bad bills to the Government Committee and watch me. I don't care what you try to do, like Senator Larson, doing the dirty work of the Republican Party, and thinks he's smart by trying to diminish the number of votes it takes to invoke cloture. The one who makes the motion to invoke cloture should make sure he or she has the votes required under the rules so he wants to reduce the number so that they can bulldoze their way. I'll tell you what I'll do, I will take every

Floor Debate
January 26, 2017

issue that comes before us in the form of a bill to cloture, and I can do it. But there will be other people helping me. But if they don't, I'm prepared to do it myself. On every one of those things we dealt with this morning, we ran out of time, I ran out of time before I ran out of things to say because I could only speak three times. But you put a bill up here, and if it's got three words, and one of them is a number, I will keep us on that three-word bill all of a morning. You don't think I can do it. You think I'm like you, that I'll say it because of emotion. I've thought this thing through. But it didn't take long, because what was done was so clear that Stevie Wonder, who is blind; Ray Charles, who is blind, could see through it. So do whatever you want to do. But I'm going to speak against this proposal that Senator Hansen has because I don't have any use for the committee process. I've watched chairpersons for whom I had some degree of hope. That's gone. I was just...and Senator Brasch, she's gone today, I guess she's not up to listening, and if she's under the weather, I wish her a speedy recovery. I argued on this floor as to why a bill that went to Ag should go to the Judiciary Committee because they were creating a new offense. You all went along with them. You all, in your genius, went along with them. Fortunately, I'm also on the Ag Committee. When we heard the bill, I was in a discussion with a man who was from the Ag Department, and I presume he was the lawyer. He wasn't the lawyer. He couldn't deal with the issues that I raised. The lawyer, I find out today, was in the room and never came up to speak on the bill and confront me at the committee. He wouldn't do it. Misinformation was coming to Senator Brasch about what I didn't know. I didn't know what I was talking about. Well, as it turned out, because I wasn't limited to the five minutes of speaking here, and talking to people who have been corrupted already, I was able to discuss thoroughly and go word by word, line by line, and show that new offenses had, in fact, been created. When the people from the Ag Department testified, not the lawyer, all of a sudden, well we...that's not what we really need, we don't need that. And what it would have done is to make the threat of violating a law a crime. Just saying I intend to violate it--that was a crime. Well, that's not what the Ag Department wanted. If anybody is about to violate the law, it's a crime. The Ag Department, that's not what we wanted. And I had to go through all of that at the committee that didn't understand, and nobody else on that committee understood. That's what you all did that first day. You made my job hard. I quoted part of this song to a friend of mine this morning. Donna Summer sang it--"she works hard for her money." Look at me when I say that he works hard for his money, harder than anybody on this floor because I have to deal with all of the garbage that all of you bring in here and don't even understand what you're bringing. And if you understand, you don't tell the truth about it because you've got the votes here to get it done.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: And if I'm not on the other committee, which is the Ag Committee, then it will come out here on the floor, and I'll deal with it out here. Why won't you listen? Because they have convinced all of you, especially you newbies, that I don't know what I'm talking about, that you have to be opposed to everything I say. Be opposed to it, and pay on the

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

Floor Debate
January 26, 2017

floor. And I assure you that this morning was just a small foretaste of what can and will be done. Now we're dealing with the rules. This is a substantive debate. Because the committee structure has been so corrupted, so diminished in trustworthiness that we should not underscore and strengthen the wrongfulness that has been done by making it harder to snatch a bill from one of those committees.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Erdman, you're recognized.

SENATOR ERDMAN: Thank you, Lieutenant Governor. Good morning, Nebraska. Senator Hansen, will you yield to a question?

PRESIDENT FOLEY: Senator Hansen, would you yield, please?

SENATOR HANSEN: Yes, I would.

SENATOR ERDMAN: As Senator Chambers referred to us as newbies, I happen to be one of those, so this rule that you're discussing here today would change the vote required to bring a bill from committee if the committee doesn't advance it, is that correct?

SENATOR HANSEN: Correct.

SENATOR ERDMAN: And right now it's 25 votes, and you want to change it to 30?

SENATOR HANSEN: Yes.

SENATOR ERDMAN: Okay. You've served many more days in the Legislature than I have. Can you tell me how often that procedure has been used?

SENATOR HANSEN: Not in my tenure.

SENATOR ERDMAN: They have not used it when you've been here?

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

Floor Debate
January 26, 2017

SENATOR HANSEN: Correct.

SENATOR ERDMAN: So why do you see the need all of a sudden to change it from 25 to 30?

SENATOR HANSEN: Um, this might take up a little bit of your time, if that's okay. But I guess...what I was trying to get to in my introduction is, I'm worried that the way committees might be handled this session are going to be different than they were in prior years. And I wonder if that, especially since we've already had extensive concerns with rereferencing, and extensive concerns with the appointment of Committee on Committees that if the next fight about committees is going to be over when a committee does not take final action on a bill.

SENATOR ERDMAN: Okay, all right, thank you.

SENATOR HANSEN: Thank you.

SENATOR ERDMAN: I should have maybe asked the longest serving member, Senator Chambers, maybe I would ask Senator Chambers a question.

PRESIDENT FOLEY: Senator Chambers, will you yield, please?

SENATOR CHAMBERS: Yes.

SENATOR ERDMAN: Senator, I know you might find this hard to believe, but I think you and I are on the same page on this one. But my question is to you, how many times have you seen this happen?

SENATOR CHAMBERS: Well, I have used it myself, and I don't remember how many times. But on one occasion, I actually pulled a bill to abolish the death penalty from the committee. So it has been used before, and it has been used successfully.

SENATOR ERDMAN: Okay. All right. Thank you very much. So in light of what I've said there, I'm red on this one. And just for the record, I would like to see us move forward and get something done and do the work of the people instead of wasting time. Thank you.

PRESIDENT FOLEY: Thank you, Senator Erdman. Senator Crawford, you're recognized.

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

Floor Debate
January 26, 2017

SENATOR CRAWFORD: Thank you, Lieutenant Governor. I wonder if Senator Hansen would yield to some questions.

PRESIDENT FOLEY: Senator Hansen, will you yield, please?

SENATOR HANSEN: Yes, I would.

SENATOR CRAWFORD: Thank you, Senator Hansen. Senator Hansen, were you aware that there was a process by which you could have proposed this rule so that it could have gone before the Rules Committee and had a hearing?

SENATOR HANSEN: Yes, I was aware that there was a process.

SENATOR CRAWFORD: Was there a reason that you did not put this rule proposal in for that process?

SENATOR HANSEN: Yes.

SENATOR CRAWFORD: Would you care to elaborate on why you did not put it in during that process?

SENATOR HANSEN: Sure, sure. Yes. So when I was talking to people when I was running for Chair of Rules Committee, I had come to the determination that I, myself, was not going to submit any rules changes this year, assuming that I was going to be elected, in the effort to, kind of, focus my effort on shepherding whatever the committee recommends. However, that, obviously, changed when I was not elected and I submitted a couple of rules changes. I regret that I was not able to submit this rules change as, kind of, that turnaround from when I decided I was going to submit a rules change to that...I believe it was a Monday deadline, it was only 24, 48 hours, I guess 48 hours over the weekend, and did not have the opportunity to propose it at that time.

SENATOR CRAWFORD: Thank you, Senator Hansen. So I find it a bit ironic, I think that this proposal is coming to adjust the rules out of a concern to respect committees and yet it is happening through a process that is not respecting that Rules Committee process that we have in place. And I understand, you know, you have a particular situation that you're going through this year that may have caused you to miss that deadline. However, I think that committee process is important. We have had the Rules Committee consider proposed changes and rules. Those have been vetted by the committee. We have now had extensive debate on those rule changes that

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

Floor Debate
January 26, 2017

were vetted by the committee. And we are now on Thursday and our temporary rules expire on Friday, and we have bills in front of us, and the budget in front of us, and so I would agree with Senator Erdman that it would be important that we move on. And I know there are multiple amendments, proposed changes that are being brought to the floor. And I would urge the body to consider dropping those so that we could adopt the rules as proposed by the Rules Committee and move forward with our work at hand. Thank you, Mr. President.

SENATOR LINDSTROM PRESIDING

SENATOR LINDSTROM: Thank you, Senators Crawford and Hansen. Senator Linehan, you're recognized.

SENATOR LINEHAN: Good morning, colleagues. This is the first time I've spoke so. I have a question for Senator Chambers.

SENATOR LINDSTROM: Senator Chambers, would you yield to a question?

SENATOR CHAMBERS: Yes.

SENATOR LINEHAN: Senator Chambers, do you feel it's...the reason we have this rule is so four people could not bottle up a subject that we all thought was important in committee, and there would be a chance for floor debate?

SENATOR CHAMBERS: The rule was in place when I came here all those years ago. But in most instances, a majority vote, or a vote by a majority of the senators can do practically anything that we do. So I think that principle was in place with reference to this. If a majority of the senators wanted that bill on the floor, that majority vote would bring it from the committee. And however many were on the committee, whether it's nine, eight, or seven, they would not be able to defeat the will of the body by simply holding a bill.

SENATOR LINEHAN: And you think it's a very important for the body to have that ability to pull a bill from committee if the majority, just the majority of the body believes that that conversation debate should take place on the floor?

SENATOR CHAMBERS: Even at the risk of the body in its lack of wisdom going against what I think ought to happen, I'm looking now at the process the Legislature at an institution and how there ought to be rules that would facilitate it doing what its goal should be. And rather than being the obstructionist in every way, I can be that no matter what the rule is, it would seem to

Floor Debate
January 26, 2017

me that this is one of those notions to defeat the will of the majority. The majority says it should be out here, the committee says no, so the majority is overridden or frustrated by eight, or however many people are on the committee. So it's for the sake of the institution and the process that I think 25 votes should be enough, even though it's probably going to come back and bite me at some point.

SENATOR LINEHAN: Thank you, Senator Chambers. I would agree with you. I'll yield the rest of my time back.

SENATOR LINDSTROM: Thank you, Senator Linehan and Senator Chambers. Senator Morfeld, you are recognized.

SENATOR MORFELD: Thank you, Mr. President. I raise today to discuss a little bit about what Senator Chambers brought up earlier about some of the concerns, particularly with the amendments that have been proposed, and I don't see Senator Larson here, but I'm particularly concerned about his amendment. I know that it was redrafted as of yesterday, and I need to read the new draft, but I heard that it's about the same thing. My concern with lowering the cloture number, the votes required to invoke cloture, is that we are going back on a tradition and a rule that has been in place for many decades. And whether or not you agree with Senator Chambers, and how many times he brought us to cloture last session, or the nine other senators that did that as well, that did not include Senator Chambers, it is an important tool and function to allow minority rights. And when I say minority rights, I don't mean progressives or conservatives or whatever the case may be, it is an important tool for minority interests to be able to stop legislation that they feel is harmful to their constituency. And we had a list of the cloture votes from last year. I counted 18, and I just did the math quick, so I might be off one or two, but I counted 18. Half of those were led by Senator Chambers, and in Senator Chambers'...to Senator Chambers' credit or his defense, one of those was led by Senator Chambers, but I had a hand in as well, the gun bill last year. But the other half were led by mostly conservative individuals-- Senator Groene on the meningitis vaccine...I'll go through them here...Senator Groene on the meningitis vaccine; Senator Davis on the Competitive Livestock Market Act; Senator Kintner and (Senator) Bloomfield on the nonpartisan redistricting, which was Senator Murante's bill; Senator Williams on the use of medical cannabis for certain conditions, which was Senator Garrett's bill; Senator Friesen--provide compensation of certain Nebraska Power Review Board members; Senator Groene on my bill, allow food stamps for certain felons accused of drug crimes. That being said, Senator Groene and I are working on a compromise on that bill as well. I think we just ran out of time. Senator Krist on the Learning Community changes, which was Senator Sullivan's bill; Senator Kuehn and Senator Schnoor on (inaudible) the practice of shifting real estate to heirs, and using Medicaid for long term. It's a complicated bill from Senator Schumacher, otherwise known as the professor. I don't...quite sure anybody still understands what that bill does, but it was filibustered, none the less, by Senator Kuehn and

Floor Debate
January 26, 2017

Senator Schnoor. The list goes on and on. And, colleagues, I understand that there are many people that are concerned about this body functioning in a way that Nebraskans can look at and understand that we are addressing the tough issues of our state. I understand that, and I get that. And I think everybody can look back to last session and go--that was probably too many cloture votes, too many filibusters. And I agree. And that's why I'm working with Senator Hilgers, who just came in here, on his gun bill that I helped filibuster last year to see if we can't find compromise with the police officers and with some of the gun advocates. That why I'm working with Senator Groene on my food stamps for drug felons bill. And working with many others to have constructive dialogue to make sure that we come to some kind of common ground if it's possible. Now, granted, there are going to be bills where we draw the line in the sand, and I get that. That's going to happen from time to time. But the problem is not the amount of votes needed for cloture. The problem is more fundamental.

SENATOR LINDSTROM: One minute.

SENATOR MORFELD: It is our ability to sit down and build relationships with each other and work together to find common ground. That's what we need to be spending time on, not changing the cloture-vote rule. I challenge all of us to do that. I've already taken some steps on doing that myself. And in doing that, I may anger some of my constituency when it comes to Senator Hilgers' gun bill, and maybe when it comes to Senator Groene's compromise bill for food stamps for drug felons. But that's our duty as a deliberative body. But it's also our duty to uphold the traditions that have worked well for this state for many decades. Now, I know that we're not on the cloture vote amendment yet, but we will be, and I think that that's the genesis of some of the amendments that Senator Chambers...

SENATOR LINDSTROM: Time, Senator.

SENATOR MORFELD: Thank you, Mr. President.

SENATOR LINDSTROM: Senator Hansen, you are recognized.

SENATOR HANSEN: Thank you, Mr. President. So I get that there's passion of this issue, and just know that I'm right passionate back. Although, seemingly, the opposite way than many of the people who have spoken so far. But I wanted to address a couple of things. One, you know, comparing this to bills in committees, so my amendment is dealing with the committee process for bills. This is the motion to the rules. And there is a fundamental difference there. What I'm trying to do...to Senator Crawford's point, what I'm trying to do here to prevent what I'm trying to do later in the sense that when we have the rules, we adopt the permanent rules once at the beginning of session. I had one shot to get this into committee, which I fully admit that I missed,

Floor Debate
January 26, 2017

and I have one shot to amend it on the floor. But if I have a bill idea or a change I want to make, I have both a longer period of time that's well established well before hand. I knew before we started this year when day 10 was, as well as through the committee process and through the floor, many opportunities to do something with a bill, to put a bill somewhere or whatnot. That's something we have seen or will see this session when...actually, we've already seen it. I believe Senator McCollister had the opportunity to talk about his bill in relation to Senator Watermeier's military license plates bill. Well, that was a bill we had already adopted that hadn't gone through the committee yet. And if that's the will of the body, that's the will of the body, but that's different from this situation, because Senator McCollister is going to have multiple opportunities on his bill and just took the first one. I, to amend the permanent rules, to my understanding, have this opportunity, basically, today to propose this idea. And that's why I filed it, I filed it and I want to talk about it. Now, I'm sorry we didn't, necessarily, have the whole committee discussion, but with the Rules Committee, but I guess I feel strongly enough that I wanted to make sure that this issue was heard on this floor and people talk about it on the floor. And I'm willing to go spend some time justifying my position, and I'd like to, hopefully, have some allies on this floor, because I step up and get going. In terms of wasting time, I was saying this earlier with the other rules, I don't think talking on the permanent rules is wasting the time's business. This is going to, hopefully, make us a faster and more efficient body throughout the rest of the session. We have permanent rules we all understand and we all agree upon, and that once we adopt we adopt. And, hopefully, that eliminates a whole bunch of concerns and strife and debate throughout the rest of the session, so if my amendment...we talk about it for, you know, 45 minutes today, I think that's a very good use of time. You know, there's times where we'll see throughout the body, and I know people have in past years, someone has an issue they want to talk about, sometimes they'll just get up and talk about the issue in relation to some bill or some idea on the floor, and that's an important way that we can make sure we foster debate. I mean, last year, if you remember, if you were here, or if you were watching while taking a break from your campaigns, we had the Governor's...some of the Governor's proposals, the Education bill and Revenue bill. On that Revenue bill, we, basically, had a filibuster by people just talking about their own personal experiences with property taxes for six hours. I think that was a fair use, that was a fair, you know, that was a fair use...people were alleviating concerns that were intense and personal to them and sharing them with the Legislature. I feel passionately that we really need to protect the committee process and I think this does that. So that's why I brought it and that's why I'm advocating for it here on the floor. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Hansen. Senator Kolterman, you are recognized.

SENATOR KOLTERMAN: Thank you, Senator. You know, I'm opposed to this amendment and I think 25 is enough. But I have a question that I'd really like to ask Senator Chambers. Would he entertain a question?

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

Floor Debate
January 26, 2017

SENATOR LINDSTROM: Senator Chambers, will you yield to a question?

SENATOR CHAMBERS: Yes. Yes.

SENATOR KOLTERMAN: A couple of times ago back at the mike you were talking about Senator Brasch and about that she might not be up to listening, I think that was your exact remarks. Do you really think people would leave this floor because they don't want to listen to you? Could you explain that to me?

SENATOR CHAMBERS: I cannot explain such an irrational move, but I definitely believe it happens because I know that all these empty chairs are not empty because they had something important to do. Because when I listen to them on the floor, they don't say anything that's important, so maybe it's in their office. But my doing as I'm doing is what empties the Chamber.

SENATOR KOLTERMAN: Thank you. I just wanted that clarified. I do like to listen to you. So, thank you.

SENATOR LINDSTROM: Thank you, Senators Kolterman and Chambers. Senator Chambers, you are now recognized.

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature. I'm going to do this a lot this session. I've told you what I do, now I have to prove that I mean it. I sometimes quote Abraham Lincoln when he was criticized for signing the Emancipation Proclamation. Lincoln spent time talking to this guy, this racist who told him he shouldn't have done that because he didn't think black men ought to be fighting in the Army of the Union because they'd be killing white guys who are trying to destroy the Union. Lincoln said that there'd be black men who with a steady hand and a clear eye used that weapon in defense of the Union and could be proud of it later, I'm paraphrasing, whereas white men would have to look back to the time they tried to destroy it. And black men, as all men, act from interest. So a promise was made to those black men that if you will fight to preserve this Union, you can procure your freedom. And in talking to my generals, if we gave back every bit of land that the black soldiers have won for us and now hold for us, we can give up the effort because we would lose the war in two weeks. Black men with a balance of power in the Civil War, and you all don't know it and you don't accept it and you don't believe it, but I know it. That's why I get so disgusted with what I have to listen to on this floor. And the things black people have to go through. You heard Senator Krist talk to you about a black woman just trying to get a license to fly a plane. They made a movie about the four black women who made it possible for that white man to be launched into space and come back safely. And they caught racist h-e-double l because they were black. And there are many other things black people have done. Then white people, when they're talking about

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

Floor Debate
January 26, 2017

Russia or some other country, that they say violates human rights they want to say look at the progress of the black people. That so-called progress was fought every inch of the way by the white people in this country. They didn't voluntarily do it. I know how much I sweated when I was a young man. I'm going to bring a picture to show you all where I was in handcuffs being put in a paddy wagon, not because I committed a crime, but because I was a black man and I was willing, even as a young man, to stand up for our rights and these white cops took me to jail-- wasn't convicted. They didn't care about that. They hated me and they wanted to make it as inconvenient for me as they could. You all love the police. My experiences with them have been different from yours. And now Lincoln said--the promise being made must be kept. And that's what he was doing when he signed the Declaration of...the Emancipation Proclamation. And when he was signing it he said, let me pause and make sure that I have control of my hand lest it shake and my signature give the impression that I was not determined in what I was doing in signing this document. You all don't read. You don't know anything. I waste my time, but I have to do it again and again and again, and I'm going to make you pay. I'm extracting my pound of flesh. Senator Crawford mentioned the committee process for reviewing rules.

SENATOR LINDSTROM: One minute.

SENATOR CHAMBERS: Why is Senator Larson's motion out here to undo a vote that was taken in the Rules Committee? And we're going to stay on his three or four days when we get to it, if we get to it. And I'm going to stay on every amendment that I'm offering. Senator Watermeier has a bill. He thought he was clever, and he and the Catholics got together and said, I believe they did, maybe I'm wrong, but they supported it. Hurry up and get this "Choose Life" bill into this committee because we know they'll put it out here because they're part of our 27 and they got it out here, LB46. When you look at the journal you'll see that 20-something amendments have been put on that bill; 20-something amendments by me. If I spoke only ten minutes, let's say there are 24 amendments; 10 times 24 is 240. If you divide 240 by six, that's four hours. If I just talked ten minutes...

SENATOR LINDSTROM: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR LINDSTROM: Senator Harr, you are recognized. I do not see Senator Harr. Senator Pansing Brooks, you are now recognized.

SENATOR PANSING BROOKS: Thank you, Mr. President. I am just rising to talk a little bit and support some of the comments made by Senator Morfeld. I've had people coming and talking to me and saying, well, we aren't getting anything done, nothing's happening. And that's

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

Floor Debate
January 26, 2017

pretty much true, because there's such an effort to silence some voices right now. And that's something we have to decide. Are we going to turn into Congress or not? Are we going to turn into a body that is partisan and only cares about certain issues or not? Last year at the end of the session, in 2016, I looked at the bills and added them up. And...would Senator Groene be willing to answer a question? Sunshine.

SENATOR LINDSTROM: Senator Groene, would you yield to a question?

SENATOR GROENE: Yes, Senator Pansing Brooks.

SENATOR PANSING BROOKS: Thank you. Thank you, Senator Groene. Senator Groene, how many bills do you think, out of the 210 that were approved by the Governor, how many bills were there that had no opposition in our body?

SENATOR GROENE: Oh, with all the Select File versus the...

SENATOR PANSING BROOKS: I'm just saying with no opposition, how many bills out of 210?

SENATOR GROENE: I would say 70.

SENATOR PANSING BROOKS: Okay. Thank you, Senator Groene. Would Senator Brasch be willing to answer a question?

SENATOR LINDSTROM: Senator Brasch, would you yield?

SENATOR BRASCH: Yes, I will yield.

SENATOR PANSING BROOKS: Thank you, Senator Brasch. What I was...I don't know if you heard my question, but there were 210 bills approved by the Governor last year in 2016. Do you know how many were approved with no opposition and passed with no opposition?

SENATOR BRASCH: I have not...

SENATOR PANSING BROOKS: Could you wager a guess, please?

SENATOR BRASCH: With no opposition?

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

Floor Debate
January 26, 2017

SENATOR PANSING BROOKS: Yes, no opposition.

SENATOR BRASCH: And there were 270?

SENATOR PANSING BROOKS: 210.

SENATOR BRASCH: Oh, 210.

SENATOR PANSING BROOKS: That were approved by the Governor.

SENATOR BRASCH: I can't wager. I'm sorry. I would need to look at the numbers. You must know...tell us, please tell us.

SENATOR PANSING BROOKS: No even...good guess. I want to ask one more person. Thank you so much, Senator Brasch. I'd like to ask a question to Senator Smith, since we just see him walking in.

SENATOR LINDSTROM: Senator Smith, would you yield to a question?

SENATOR SMITH: I will, but you caught me cold here, I'm not certain of the topic. (Laughter)

SENATOR PANSING BROOKS: Thank you for being willing, Senator Smith. What I asked was, I have some concerns about the maneuvering that's going on and what some people are seeing as an attempt to silence minority voices in this body and to cause this body to go into a more partisan trajectory. I've heard from both sides, and a determination that if we have to just talk rules the rest of the session, that's what we'll do. And so what I'm asking, though, is because I think it's good for the newbies, I really do think...we were called newbies, and now they're called newbies, but the new senators to have a little bit of a feel for this. Of the 210 votes (sic-bills) that were approved by the Governor last year, could you just wager a guess how many you think went forward without opposition. Senator Groene has suggested around 70. Senator Brasch didn't want to wager a guess. I'm just interested if you have a feel for how many that is.

SENATOR SMITH: Anyone who has been here with me for the last six years know that I do not like wagering, (laughter) so I'm not going to go there.

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

Floor Debate
January 26, 2017

SENATOR PANSING BROOKS: I could go into the children's story, Chicken Little, but I will not do that right now. So what I...thank you very much, Senator Smith. I will let you know that there were 187 out of 210 without opposition. One hundred and seventy-nine passed...

SENATOR LINDSTROM: One minute.

SENATOR PANSING BROOKS: Thank you, Mr. President. One hundred and seventy-nine passed with abstentions. One hundred and seventy-nine votes of bills out of the 210 that were approved by the Governor passed with just abstentions. We had eight bills that were 49-0 and 0, zero abstentions, zero opposition. So, again, some of you are coming in new and hearing, oh my gosh, we have such opposition in this body; we've got to hang tough. The gang of 27 really needs to move together, and we've got to silence them. We've got make sure that they have less power, so let's make sure that those 17, you know, they have to get their 17. We had 187 bills with no opposition that were approved by the Governor out of the 210. I haven't figured the percentage, but it's pretty high, and...

SENATOR LINDSTROM: Time, Senator.

SENATOR PANSING BROOKS: Thank you very much, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Pansing Brooks. Mr. Clerk for announcements.

ASSISTANT CLERK: Mr. President, some items: the Retirement Systems Committee offers notice of committee hearing. Amendments to be printed to LB46, those from Senator Chambers. And a series of name adds: Senator Hansen to LB178, Senator McDonnell to LB178, Senator Blood to LB178; Senator Kolterman to LB188; Senator Lowe to LB666; Senator Craighead to LB58; Senator McDonnell to LB191 and to LB289; Senator Morfeld to LB404; Senator Brewer to LB602; Senator Hilgers to LB46. In addition to that, the Executive Board will be meeting at noon in Room 2102. (Legislative Journal pages 358-361) [LB46 LB178 LB188 LB666 LB58 LB191 LB289 LB404 LB602]

A priority motion, Senator Howard move to adjourn until Friday, January 27, at 9:00 a.m.

SENATOR LINDSTROM: Motions for adjournment: all those in favor vote aye; all those opposed vote nay. Excuse me, say aye. All those opposed say nay. All those in favor for adjournment say aye. All those opposed say nay. The ayes have it. We are adjourned.