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Transcriber's Office

Floor Debate
February 03, 2017

[LB22 LB135 LB276 LR22 LR23 LR24 LR31]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-second day of the One Hundred Fifth Legislature, First Session. Our chaplain today is Monsignor Daniel Seiker from the St. Gregory the Great Seminary in Seward, Nebraska, in Senator Kolterman's district. Please rise.

MONSIGNOR SEIKER: (Prayer offered.)

SPEAKER SCHEER: Thank you, Monsignor. I call to order this twenty-second 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.

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

CLERK: I have no corrections.

SPEAKER SCHEER: Thank you. Are there any messages, reports, or announcements?

CLERK: Mr. President, a hearing notice from the General Affairs Committee signed by Senator Larson; a lobby report as required by state law to be inserted into the Journal; and an acknowledgment of a series of reports received available on the Legislative Web site for the members' review. That's all that I have, Mr. President. (Legislative Journal pages 407-409.)

SPEAKER SCHEER: Thank you. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR22, LR23, and LR24. Mr. Clerk, for today's activity. [LR22 LR23 LR24]

CLERK: Mr. President, LB22 on General File; bill offered by the Speaker at the request of the Governor reduces appropriations; has been discussed. When the Legislature left the issue yesterday, Senator Krist had pending a motion to recommit. Senator, I understand you wish to withdraw that motion. [LB22]

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SPEAKER SCHEER: Without objection, it's withdrawn. [LB22]

CLERK: Senator Krist, I have AM135. I have a similar note that you wish to withdraw, Senator. [LB22]

SENATOR KRIST: That's correct. [LB22]

CLERK: Mr. President... [LB22]

SPEAKER SCHEER: Without objection, it's withdrawn. [LB22]

CLERK: Excuse me, Mr. President. I have nothing further pending to committee amendments, Mr. President. [LB22]

SPEAKER SCHEER: Senator Stinner, if you would like to review LB22 and AM13 for the group. [LB22]

SENATOR STINNER: Thank you, Mr. President. Members of the Legislature, to remind you, LB22 is part of the Governor's expedited fiscal year, 2016-'17 budget adjustment recommendations. The bill makes adjustments to appropriations and reappropriations for state operations, aid, and construction programs in the current fiscal year ending June 30, 2017, provides for transfers and modifies intent language and earmarks accompanying appropriations approved in the One Hundred Fourth Legislature. I've passed out exhibits detailing the financial status at sine die in April of last year. We were balanced and had a \$4.5 million cushion over and above the 3 percent reserve. I've also provided an exhibit to show the chronology of events relative to the state's financial status that brought us our current fiscal dilemma. I commented on the proactive steps our executive branch executed in response to the state's deteriorating revenue. An exhibit was also supplied that summarized the Governor's overall General Fund adjustments focusing on three key areas: reappropriations, across the board cuts, and strategic reductions. I have also included an exhibit summarizing the Governor's recommendations with the Appropriations Committee's recommendations which does roll forward actions to be taken next biennium. Finally, I've provided a summary of proposed adjustments to LB22 as recommended by the committee. I would also like to take time to put on the record and I want to clarify a few points. One of them was a question I was asked, and I think I was asked by Senator Harr. And the question was, did the Legislature receive any notification from the Governor about what the plans were? And I had said no, and I apologize for that. I do not have the letter that was sent, but we did get notification in the summertime of the deteriorating position of steps taken by the Governor...or intended steps taken by the Governor. And I will try to find that letter and have it

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in my possession by the time we hit the Select File. The second thing, I think there has been some misunderstandings about notification to agencies--code and noncode. So I have a series of "memorandums" that were sent out by the Governor's Office to code and noncode agencies. And the code agencies I don't have to go through, but on July 14, a first memorandum was sent out that outlines what the economic conditions were of the state. It also talks about fiscal constraint, the 1 percent that they will withhold over a quarterly basis, so already they've got notification that they're going to be shorted on their allotments by 1 percent, and it talks about reappropriations as well. October memorandum also talks about the economic situation, actions to be taken, reappropriations...can I have a gavel, please? Thank you...and reappropriations, everything that we talked about. The 8 percent is in these memorandums and detailed out to noncode agencies. Now, all that memorandum talks about is we know we don't have control over you, but here is what's going to happen in our state; here is what's going to happen in the next budget process. Please be restrained. Take over your stewardship function. And if you think...a lot of you have been on boards, a lot of you have been county commissioners, when you think you got a revenue shortfall, you start to react. That is your fiduciary duty as a board person, as a commissioner or whatever. So those actions that we're taking today are actions that should have been worked upon very early in the process. Memorandums were sent, communication was sent out, everybody was put on notice. Houston, we have a problem. This is what you've got to do with it. And obviously the code agencies, much stricter memo, much more defined on what the expectations are. So that hopefully settles the communication question--Governor communicated to us, communicated to the various agencies at two different times. We've talked a lot about the allotment process. I think I've explained allotment process as a cash management tool. You have to have an allotment process because revenue comes in over a 12-month period of time, it's irregular. We have a 3 percent reserve. I have talked through that issue. So you know very well that they have the allotment capabilities. Now, you also know that in the fourth quarter that they have to hit 100 percent of what we appropriated unless we make changes. And that's what we're trying to do is make those changes in LB22. It would be helpful, too, maybe to take a look back at what happened the last time we were in this fiscal situation. Now, I was asked a question that, has this allotment ever been done before? Okay? And I went back and I went to the budget office and researched this and here, lo and behold, the last time we had a budget shortfall, a memorandum, August 31, 2010, talks about withholding 1 percent, 24 percent versus 25, same program under the Governor Heineman, Governor Ricketts instituted. We do have a precedent for it. The problem is they had a big shortfall. And this shortfall rolled over a period of time. It rolled from the fiscal year 2008-2009 through 2010-2011. Guess how they solved it. Here's how they solved it. They were \$911 million short on revenue. Spending increases were \$183 million. Shortfall originally was \$377 million. So really about a billion two is what they had to solve either with cuts, lapses, whatever. I mean, they had an Easter egg hunt, right? They were looking to cash funds that had excess balances in them so they could lapse it into the General Fund. But here is what they did. Cash fund, from the cash fund transfers in, the Easter egg hunt that you do, that was \$145 million. Cash reserve funds transfers, rainy day fund, transfers, \$259 million.

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Reductions, reappropriations from prior years, reaching into those savings accounts. There is no oops in this, that's the savings account that you go to to lapse into the General Fund when you have a problem. That amount was \$128 million. Guess what--the federal government threw in almost \$600 million. I don't think the feds are going to bail us out this time, folks. Then you had actual spending reductions of \$341 million, and they had two special sessions along with just regular sessions, so this was a rolling problem that they had to confront on a consistent basis. You know, the question about constitutionality, we talk about spirit of the law. Well, I've been to court numerous times in my career, mostly bankruptcy court, and I always get hung up on the letter of the law. I always lose. I try to tell them the spirit and intent is here. Okay. The letter says this; see you. I've lost a lot of money over that. Special session, talk about special session, TRR Committee; I was there, I told you what the takeaways were. Even a newspaper article says-- Mello says, no. Krist says, no. Guess what, if I polled Hadley, he would say, no. Gloor said, no. So what's the...what could possibly have happened at that point in time if we wanted a special session? Well, the Governor has to call it, but we could sure have written him a letter saying we need a special session; didn't do it. But in that article, Heath Mello talks about--we better be ready when we hit the floor with a plan, with a program. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR STINNER: Thank you...with a program. So what are we doing? We have a program. It just so happens that the Governor took the initiative because he had started this as opposed to the Legislature digging down through the Fiscal Office to try to come up with a program. We got the program. It's sitting in front of you. We've gone through the process. The last exhibit which, I'm sure I'm going to run out of time, is one that I passed out for your attention. It's mostly for freshmen and two-year people because the smart people in here know how the state government works. You'll have to excuse me because I like organizational charts and flow charts and numbers and all that kind of stuff, it's been stamped in my DNA, so you'll just have to excuse me. I especially like this one. Simply because on the front page it starts at the top--citizens... [LB22]

SPEAKER SCHEER: Time, Senator. [LB22]

SENATOR STINNER: The citizens are the stockholders. [LB22]

SPEAKER SCHEER: Time, Senator. [LB22]

SENATOR STINNER: Thank you. [LB22]

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SPEAKER SCHEER: Thank you, Senator Stinner. (Visitors and doctor of the day introduced.)
Going back to AM13, Senator Hughes, you're recognized. [LB22]

SENATOR HUGHES: Thank you, Mr. President; good morning, colleagues. I've not spoken on LB22 yet or AM13, but listening to the debate it has become very clear that there is a division within the body and the attempt to take a lot of time on something, in my opinion, that should be relatively easy for this body to move forward. There are a lot of moving parts in any piece of legislation that we bring to the floor and it's very important that we have that debate. But it's also very important that we adhere to the committee system and understand the power that we do give to our committees and especially to our chairmen. And I think Senator Stinner has done an excellent job in a very difficult situation and I appreciate his efforts as well as all of those of the committee, but I just wanted to make sure that I got on the record that I will be supporting LB22 and AM13. With that, I will yield the balance of my time to Senator Stinner. Thank you. [LB22]

SPEAKER SCHEER: Senator Stinner, 3:50. [LB22]

SENATOR STINNER: Thank you. Thank you, Senator Hughes. But anyhow, at the top it has the citizens, those are the folks that elect you. This is the state government. The left-hand side you see the Unicameral legislative branch. The executive branch runs right down the middle; and, obviously, the judicial branch is on the right-hand side. This shows you all of the funds that we have to cover in Appropriations and that's what I want to demonstrate. Like for an example, code agencies, when we talk about that, that's administrative agencies that the Governor is the head of and you can count how many they are. Then you take a look at the independent agencies, boards, and commissions, there is a lot of those. Then you got the constitutional ones and there is quite a few of those. Okay? So what does this bill...what does LB22, what's it deal with? Okay? Count it from the sheet. I counted 48. Forty-eight agencies out of that big list are affected by LB22. Forty-eight. Okay, so seven days before we had hearings, we sent notices to those 48 agencies and I'm trying to provide you an exhibit of who they are, what they did, what time they were there. But on the...and I did break it down between code and noncode. Code agencies, 17 of them were involved in LB22. Two of them showed up for hearings...two. But I got letters from the others. They said--don't need to come in, we're already headed in that direction; we know what we have to do; we're executing our business plan. Noncodes--noncodes also include Supreme Court, Attorney General, those types where I put those in noncodes. Thirty-one of those were affected. Sent a seven-day notice, asked to show up for a hearing about that, about what their needs are. Twenty-three of those showed up and had a hearing; they had their day in court. We listed down what...and every single one of those folks, and I have to look at the transcripts, but every one of them understood, understood what the state was incurring as far as the problem--the revenue shortfall. Understood that they had to make adjustments, but they came to explain where they were at, plead their case, take a look at these four items, take a look at these two items, take

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a look at these one items. And I did provide, the next page, a list of agencies not testifying so you could take a look at that and we deal with... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR STINNER: ...78 agencies in the appropriation process. Thank you. One minute? [LB22]

SPEAKER SCHEER: One minute, Senator. [LB22]

SENATOR STINNER: Thank you. The next page is the hearing schedule so you can take a look at who came in, what time, and assurances that they actually did show up. And the end result is the last two pages. We took the Governor's proposals as a proposal, as a template, as a starting point. We went through it line by line, talked about the agencies and what the requests are, who they are, how they worked, how critical they were to the state. Then we started...you can all know that the Supreme Court, you remember Chief Justice coming in. If you want a reinvestment program, guess what? I need 4 million bucks. Okay. We'll do that. I sat down with Senator Bolz, Senator Watermeier, myself, Corey Steel, his assistant, we worked... [LB22]

SPEAKER SCHEER: Time, Senator. [LB22]

SENATOR STINNER: Thank you. [LB22]

SPEAKER SCHEER: Thank you, Senator Hughes and Senator Stinner. Senator Krist, you're recognized. [LB22]

SENATOR KRIST: Question. [LB22]

SPEAKER SCHEER: Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB22]

CLERK: 42 ayes, 1 nay, Mr. President, on the motion to cease debate. [LB22]

SPEAKER SCHEER: Motion is successful; debate ceases. Senator Stinner, to close for the committee amendment. [LB22]

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SENATOR STINNER: Thank you, Mr. President. I guess I'd just like to conclude that we went through a process. The Appropriations Committee came out 8-0 in favor of this plan. If there are adjustments to the plan that need to be added, by one at a time, we can do that with the deficit bill, the shell bill that I put in place. We're not locked in space. We have a shell bill that can collect deficit requests as we move along, as we found out information. But this needs to get done. This needs to pass. I would urge you to vote green. Thank you. [LB22]

SPEAKER SCHEER: Thank you, Senator Stinner. The question before us is the adoption of the committee amendments, AM13. All those in favor vote aye; all those opposed vote nay. Have all those voted that wish to? Record, Mr. Clerk. [LB22]

CLERK: 46 ayes, 0 nays, Mr. President, on the adoption of committee amendments. [LB22]

SPEAKER SCHEER: The amendment is adopted. Discussion returns to LB22 to E&R Initial. Senator Schumacher, you're recognized. [LB22]

SENATOR SCHUMACHER: Thank you, Mr. Speaker, members of the body. I'd like to call the body's attention to what is at least written in those red books as the law. We keep hearing about our obligations to balance the budget. Look through the law, see if there is such a requirement in the constitution. I don't think you'll find one. What you will find is in Article 8, Section 1, the state may, to meet casual deficits or failures in revenue, borrow up to \$100,000. That's all it says. You'll find Section 77-2715.01 where it tells us how we're supposed to behave when our revenues are short. It says the Legislature shall set the rates of tax, income tax, sales tax, so the estimated funds, plus the estimated receipts from the sales use income and franchise taxes will be not less than 3 (percent), nor more than 7 percent in excess of appropriations. The existing law on the books says we're not to handle it this way. We haven't repealed that law. It said we shall set the tax rates to match the expenditures. There is also another provision that says the Legislature shall make appropriations for the expenses of government during the regular session, and that's the Section 50-128. If there are other sections that are applicable to this situation, laws that bind us, I would like to hear them. What we are seeing is not a filibuster. You don't get a 40-some-plus vote in a filibuster. What we are seeing is a effort to come to grips with the situation and a genuine learning experience for all of us. Cloture, I don't think it would even be appropriate at this stage. We are setting a knowledge base and a philosophical base that we will come back to time and time again. This thing may very well pass with 40, 45 votes. That's not a filibuster. This is genuine debate. And I want to raise another way of approaching the problem. If, if you believe this is just a temporary dip in revenue and in three or four years away when the cycle changes and the winds blow a different direction we will be great again, and all the money that we are deferring into the future that we need will come in again, and then why lay off staff? Why forego services? There is a way that we can short-term finance, so to speak. And it is as

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constitutional as any of our income tax credit programs. I have a bill that I parked in anticipation of this situation in Revenue Committee, it is LB561, call it the taxpayer investment program. It's a very simple notion. When you file your taxes, if you got any money left over, send it in. And what do you get for sending it in? It's just like a tax overpayment. You get a credit against your future taxes. Okay? Well, why would anybody do that? Suppose the credit is equal to what you sent in, plus T-bill rate of interest on the ten-year T-bill, about 2 percent, and rate of inflation. All adds up to somewhere between 3 and 5 percent. Okay? Suddenly the state gets a surge of money. Now down the road, according to this bill, and it could be changed or altered, five years, you can start claiming your credits. Taxpayers get a way to invest in their government without having the services cut. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR SCHUMACHER: They get a reasonable return of investment, more than they can get playing the stock market. It is risk free because it's against their taxes, as long as they work and owe taxes, which is probably until they die. They can reclaim it, 100 percent secured. A heck of an idea. Idea we should discuss. We very well could easily raise the money to float us through this depression if, in fact, it is a temporary depression. It's certainly worth discussing rather than laying off people, cutting back on infrastructure, and having to make it all up again in the future. Something we can discuss. We are in the midst of a good debate, laying a good foundation for some hellish decisions that we will make this session, and the folks that are going to be here four, six, eight years down the road are going to have to make in a much harsher way. Thank you. [LB22]

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Harr, you're recognized. [LB22]

SENATOR HARR: Thank you, Mr. Speaker. Thank you, Senator Schumacher, for those thoughtful words. I just want to clarify the record a little bit. And we need to have good debate on this. But..."and" I should say, folks, when you hear we funded it, normally we give it quarterly, 25 percent, and instead we gave it at 24 percent, and that's a 1 percent cut? That's the funny game we can play with numbers. Right? It looks like it's 1 percent less. But think about it. It's really a 4 percent cut. It's not a 1 percent cut. It's 4 percent...24 of 25 is 4 percent. So it is a 4 percent cut and it's important. Yes, we received memos. Yes, we received letters. But did we have any conversation? Were any of you contacted? Those of you who weren't elected...or who were elected, were you contacted by the Governor's Office to say, what should we do? Senator Stinner referenced a couple senators who said we shouldn't have a special session. You know where that was quoted from? The newspaper. Do you know who called those individuals? Right over there in the corner--reporters. It wasn't the Governor's Office. Don't buy into that hooey. He never reached out to us. He bypassed us. He said, I don't care. I'm going do what I think is right. Now, I

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don't necessarily disagree with what he did and I keep saying that. What I disagree with is the process and we need to talk about that. He usurped our power and our authority. We control the purse strings. We control where the money is spent. It's not as though we say, hey, here is our budget; you may spend up to a certain amount. You decide, Governor. If you don't think someone deserves all the funding that we've allocated, feel free, sit back, don't give it to them. That's not the way our constitution works. But that's what he did. That's wrong. That's the problem, folks. That's what we need to have a serious debate about is, what do we want to do about that? LB22, it's a fine bill, as amended with AM13. Are there things I disagree with in it? Sure. If I were writing it, would I do it differently? You bet. But I'm not the Governor. I apparently can't unilaterally write my own budget as the Governor tried to do. He cut everyone 4 percent...everyone. Now, some play games. I shouldn't say play games. Some adjusted their budgets to allocate to make sure they had funds from other sources so they could be fully funded because they knew we had fully funded them. Some did different accounting tricks. But folks, make no mistake, this was not his authority to do. And if he thought we should be doing this, he should have called a special session. Now, take yourself back to last summer. Why wouldn't the Governor call a special session when he first sent these memos out and first noticed problems? I'll tell you why. It's because that blank line up there on the board. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR HARR: Thank you. He didn't want a special session because he was afraid of what would happen with Senator Kintner. He didn't want to have to address that issue. That's the elephant in the room. That's what we need to talk about is he was afraid to make the tough choices. Did he want what he wanted to do with Senator Kintner. It's simple. We should have had debate on this last fall. If it was the right thing to do, why didn't he do it in the right way? That's the question you have to ask yourself. This is good debate. And ask yourself, we have a memo that says what he did was unconstitutional. We have the constitution we can all read as a primary source and ask yourself, is what he did the proper thing? That's what we need to talk about, not whether LB22 is correct or not. I trust the committee process. We're going to have a discussion here in a little bit about the committee process. And I trust what comes out of committees and I will go with that. Whether it's rules, whether it's education or whether it's appropriations, I think it's important that we trust our committees. [LB22]

SPEAKER SCHEER: Time, Senator. [LB22]

SENATOR HARR: Thank you. [LB22]

SPEAKER SCHEER: Thank you, Senator Harr. Seeing no one left in the queue, Senator Stinner, you're welcome to close on LB22. [LB22]

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SENATOR STINNER: I'll pass. [LB22]

SPEAKER SCHEER: Senator Stinner waives closing. The question before us is adoption of LB22. All those in favor vote aye; all those opposed vote nay. Have all those voted that wish? Record, Mr. Clerk. [LB22]

CLERK: 46 ayes, 1 nay, Mr. President, on the advancement of LB22. [LB22]

SPEAKER SCHEER: LB22 is advanced to E&R Initial. Mr. Clerk, any messages? [LB22]

CLERK: Mr. President, one item, thank you. New resolution: Senator Watermeier offers LR31. That will be laid over at this time. That's all that I have. (Legislative Journal pages 409-410.) [LR31]

SPEAKER SCHEER: Mr. Clerk, we'll go back to the agenda. Next item, please.

CLERK: Mr. President, the motion is renewed to adopt the permanent rules. Indicate to the membership that the committee...the proposals that came out of the Rules Committee have all been considered, and I believe adopted. When the Legislature left the issue pending as an amendment to the permanent rules was one by Senator Hansen. It would amend Rule 3, Section 20(b). Senator Chambers then offered an amendment to that Hansen amendment. Senator, your amendment would change the three-fifths vote and insert a vote of 26. That amendment to Senator Hansen's amendment to the permanent rules is pending.

SPEAKER SCHEER: Senator Hansen, you're recognized to open.

SENATOR HANSEN: Thank you, Mr. President. As the clerk said, my rule to the permanent rules is moving to amend Rule 3, Section 20(b), specifically line b to strike out the words "vote of majority" and replace them with the words "three-fifths vote." Rule 3, Section 20(b) is what's often commonly referred to as the pull motion. It is the opportunity to pull a bill from a committee that the committee has not voted on either reported to General File or indefinitely postponed. So in other words, there is a stalemate in the committee of some kind, whether it's 4-4, whether it's some other number, depending on the size of the committee. We, under our current rules, have a right by a majority of the voters, a majority of the votes of the body of the Legislature to pull that from committee and advance it to General File on our own, skipping the committee process. And I would want to raise that to a three-fifth vote, so three-fifths vote of the elected members, which when we have a full floor at 49 is 30 votes. That is what I'm attempting to do with this rule. I think this is an opportunity to strengthen and protect the committee

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process. When I did my first introduction to this amendment, I expressed some of my concerns that the committee process, the Committee on Committee, committee chairmanships are changing in terms of the tradition and procedure that we want to do in this body. And as being such, I still have a great respect for the work that committees do and I want to make sure that they are well protected, which is why I wanted to raise the threshold to pull a bill out of a committee from 25 to 30. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Hansen. Senator Chambers, would you please review and refresh our memories on your amendment.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, the three-fifths vote would be 30. We often, when we discuss the number of votes for some item, we'll either say a majority of the elected members without giving a number, we'll say three-fifths without giving a number, two-thirds without giving a number, I'm going to use or offer some numbers. If we wore seven league boots, we could cover a huge amount of distance with one step. But those of us who wear maybe large boots, but not that large, have to do things incrementally and take smaller steps. I don't think the rule ought to be changed. The majority in most instances ought to prevail. If there are very serious critical matters related to the functioning of the institution itself, a greater number of votes, in my opinion, definitely is merited. For example, in invoking cloture, we must get 33 out of the 49 members. Some people try to create an analogy where there really is not a valid reason for doing so. It has been said that between things disparate in nature, there can be no comparison. That's the way they educated people say it. Ordinary people say you cannot compare apples and oranges. Actually you can, but it would be called contrasting then probably. What I want to do here is take the small steps on this rule. But the reason I don't want a bare majority to be able to invoke cloture is because of the profound significance and consequences of that vote. It cuts off every legislative activity we can engage in--no debate, no amendment, no motions. And that, to me, is one of the most significant votes that can be taken in this body. Voting to clip its own wings is not a wise thing for a bird to do if by having wings that are fully functional it can either escape predators or obtain prey, which is necessary for sustenance. I am offering 26 to see whether the body is of a mind to change this rule at all. There is no cloture when we're debating the rules. If you read the rules themselves, you will see which items are amenable to cloture. We have in place temporary rules, meaning we haven't adopted them as permanent rules yet. But those temporary rules are the rules currently in our rule book. I'm operating under those rules, and we will have to operate under those rules while we have this rules debate. There is no cloture when we come to debating the rules. Possibly the debate could go the rest of the session. That would not be a wise thing to do, because if we could achieve that feat, the Governor would be compelled to call a special session. I'm putting the number 26. I will then, even if you adopt that, offer a motion to strike that and replace it with 27. In other words...

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SPEAKER SCHEER: One minute, Senator.

SENATOR CHAMBERS: ...there are 27 people in this Chamber who have decided to vote as a bloc. That's the game they want to play. I can play any game that anybody starts when the rules are made clear. They have indicated the rule by which they will play. And I suspect that the other six "Repelicans," or seven, however many, will go along with those 27. They need to know that at least one person is prepared to fight them every step of the way. Don't tell me about let's getting together and work together after you've swept everything off the board that is worth anything and now make it easy for you. I don't know if somebody slipped something into the mint that I was given, but I feel a tremendous urge to cough, which never has happened to me before, even when I had the flu. So I have to proceed with a little more restraint...

SPEAKER SCHEER: Time, Senator.

SENATOR CHAMBERS: ...than ordinarily is the case. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers. (Visitors introduced.) Going back to the queue, Senator Morfeld, you're recognized.

SENATOR MORFELD: Thank you, Mr. Speaker. I rise today to talk a little bit about the cloture vote and Senator Larson's amendment. And while Senator Chambers has submitted his amendments to Senator Hansen's proposed rule change, I think that the rub here is whether or not we should reduce the amount of votes needed for cloture. I want to reiterate what I talked about last week and refresh particularly the 17 new members that sit in this body today's memory as to what happened last session. There was an unprecedented amount of filibusters last session. But it was not ideologically motivated. Nine of those filibusters were led by conservatives and nine of those filibusters were led by Senator Chambers, one of which I assisted with. Some of those bills that were killed were my bills. A bill that in particular I cared a great deal about which was my food stamps for formerly convicted drug felons bill, an issue that a lot of people in my district face transitioning out of incarceration and trying to be successful members of our society. The filibuster rule, the cloture rule is an important tool for all of us to use when we feel as though there is an important issue that deserves, number one, a lot of debate, and, number two, deserves a super majority in order to pass. As Senator Pansing Brooks brought up last week, we had a very productive session last session despite having extended debate on 18 bills. We can do the business and the work of the people of Nebraska and still maintain our traditions that have served this body well for many years. I think it's also important to note that I, too, want to move on past this debate of adopting the permanent rules. If that wasn't the case, I wouldn't have introduced 20 bills and worked very hard over the interim to craft a legislative agenda if all my goal was to come here and be an obstructionist. I have several bills that are near and dear to

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my heart and to my district's concerns and needs that I want to see pass this session. That being said, I am prepared to debate the rules for the rest of the session if need be if maintaining our nonpartisan tradition, if maintaining our system that has served Nebraskans well for decades is what is at stake. So Senator Chambers will not be alone. We should maintain and adopt the current rules--it has served this body well, it served people from both political spectrums well, when necessary--and move on with the rest of the session, because just like you, I have a lot of priorities that I feel are important to the people of the state of Nebraska. But if the line in the sand is changing the rules so that it impacts the way we do business for thousands of bills after this, then I'm prepared to go to the mattresses with Senator Chambers on this. Or we can adopt the current rules as they stand and move on with the session and do the people's business. Thank you, Mr. President.

PRESIDENT FOLEY PRESIDING

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

SENATOR CRAWFORD: Thank you, Lieutenant Governor. And good morning, colleagues, good morning, Nebraska. I stand in opposition to Chambers' amendment and the Hansen amendment and all of the amendments that are right now in our way of adopting the permanent rules that we have already debated with all of the amendments that came out of the Rules Committee. Colleagues, we've had a good debate about some of those changes that came out of the Rules Committee in terms of making sure that we have attention to our future and that we allow our Planning Committee that is designated to bring research and questions about our future to bear, allowing them to have a committee priority, make sure that we're attentive to ensuring that we spend time on at least one bill per session that really looks at our long-term future and asks what we should be doing, what we may need to do in terms of passing bills to address long-term and long-range issues that face our state. The other important change that we made that came out of the Rules Committee was the change in...two changes in terms of fiscal notes. And one is to allow us to have a fiscal note in the interim and that's going to be very valuable, colleagues, as you work on complex issues that...where the fiscal impact is difficult to gauge. If you get that fiscal note in the interim, it gives you a chance to work on that issue and try to find ways to make sure that you can create or craft a bill that has a fiscal impact that's affordable for the state and can meet those objectives you're trying to meet. And the other change we've already debated and voted on and added to our motion for...to adopt our permanent rules is one to give us more time with those fiscal notes, to have 48 hours. I just appreciate the hard work of the Rules Committee and the hard work of the Fiscal Office and Senator Harr in bringing those forward. Those have been important changes, changes that were both vetted by the committee and debated on the floor. They're going to be valuable changes in the future, and I believe it's time for us to adopt the permanent rules as they have been amended here on the floor and drop the other amendments that are in the way of us doing that and getting back to debating all of the other bills

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that we have in our queue that we are...have approved in our committees and are sitting ready for us to debate and I look forward to getting to work on those bills. We've had discussions with people who have been here for a while, been here in other years, and really, colleagues, there are other ways to reduce the number of filibusters and the time spent on filibusters than changing this cloture rule as proposed in the Larson amendment. It is possible for the Speaker to pull people into the office, have conversations. We've heard lots of conversations about different ways that different speakers and leaders in the body have facilitated conversations to make sure that we protect the filibuster possibility and protect those minority interests, whether they be liberal or conservative or rural, but still make sure that we're attentive to being responsible with the time we're spending on the floor and getting to those issues that we need to get to.

PRESIDENT FOLEY: One minute.

SENATOR CRAWFORD: Thank you. Thank you. So, colleagues, I urge us to not adopt any of these amendments that are in the queue in front of the permanent rules and instead push forward and adopt the permanent rules as we've amended with those amendments that came out of the committee and on which we've had full debate and so that we can move on and debate our other bills and do the work of the state. Thank you, Mr. President.

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

SENATOR HARR: Thank you, Mr. President and members of the body. I want to thank Senator Hughes and Senator Linehan for their comments they've made in the last two days about the importance of committees and that we have to trust our committees. There has been a lot of talk about partisanship in this building and outside this building and are we a partisan body or are we a nonpartisan body? By rules we are nonpartisan. What that means is we don't recognize parties. Do we know what people's political affiliations are? Yes, we do. Do people vote along their political ideology that they're registered with? Sometimes yes, sometimes no. I've been accused of not being a loyal Democrat many times. And the answer is I'm not. I am not. I am a member of this Legislature and I want to listen to every bill that comes up and make my own decisions. We have a process of how we pick chairs. We have a process of how we pick members of committees. That's called Committee on Committee. And we have...each caucus picks who they want their members. We assign seats on committees not based on political parties, but on Congressional districts. Congressional District 1 has four members who pick four of their members--two Republican, two Democrat. CD 2 has four members--two Democrat, two Republican. CD 3 has four members--four Republicans. Now, we don't sit there, we choose. We don't see at the end and say oh, by the way, this committee has too many of this or too many of that, we got to make our committees proportional to the political ideologies. We don't do that. What we do is we say they have to be proportional to the Congressional districts. We do not put

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in our rules what the parties are. That's intentional. That's what when we passed...not we, but for me, my grandparents, passed this unicameral system, this was one of the checks and balances that they put in there. And it's worked. And then we have committees and we have to trust those committees. One of the committees that the Committee on Committees picks is the Rules Committee. That committee, if you want to know, if you want to talk political ideology, is made up of five members. Is that right or is it six? Five, that's right, it's five. Of those, four are Republican, one is a Democrat. I am that sole Democrat on that committee. But we don't do it by political ideology. We do it by Congressional district again. We had a hearing. We heard, should we switch the burden from 33 to you have a minority negative vote that carries the day? We heard should you move it from 33 to 30? The committee listened to public input, listened to the debate, and after that we voted and it was killed in committee. And now Senator Larson is coming to the floor, bypassing the committee process. He didn't introduce a bill to say, hey, like his amendment, we need to have 20 votes in the negative to kill a filibuster. He didn't bring that.

PRESIDENT FOLEY: One minute.

SENATOR HARR: The closest was 17, he's come with something more. That was rejected by the committee. He is usurping the committee process. Something that I heard earlier we need to hold dear. That's my problem with Senator Hansen's AM is that, again, I think we need to honor the committee process. Do we need to pull things at times? Yes. Do we need a release valve? Yes. But I'm going to be interested to see what Senator Larson says as to why he usurped the committee process and why he went beyond what was already rejected. It doesn't make sense. Why is there the power play? I passed out earlier an editorial today from the Omaha World-Herald, I encourage everyone to read it. Folks, it's time for us to...we're high centered, we're spinning our wheels. It's time to move past the rules. We need to adopt the rules with the amendments that came out of committee and we need to get on.

PRESIDENT FOLEY: Time, Senator.

SENATOR HARR: Thank you.

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

SENATOR MCCOLLISTER: Thank you, Mr. Lieutenant Governor. Good morning, colleagues. Many of the new senators knocked on as many doors as I did. I knocked on 11,000 doors when I ran two and a half, three years ago and many of you knocked on as many. You are experts in what your constituents think. One of the things I learned when I went door to door, a common theme was--let's not be dysfunctional like our national government. The hyper-partisanship and creeping partisanship seems to be invading this body. And I sure don't like it and I'm sure that

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you don't either. Nebraska used to be the shining city on the hill with regard to bipartisanship, collegiality, and we need to retain that. We balance our budgets and we do a good job representing our constituents. I'd like to read a couple passages from the World-Herald that Burke Harr just referred to: Given these political realities, it's hard to see the justification for reducing the power of the political minority even further by changing the filibuster rules. Nebraska Legislature consists of only one Chamber, one Chamber. After all, there's no second house to offer a breaking mechanism. Republican majority in the Legislature needs to remember that some hotly debated issues don't fall neatly along conservative or liberal party lines. At times the minority on a given call...or given bill could be a subgroup of conservative Republicans. It needs to be hard to pass a law. And with one house, that is particularly true. So, please retain the two-thirds cloture vote. I also speak against the Hansen AM Rule 3 and the Larson amendment that will be coming forth. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator McCollister. Senator Howard.

SENATOR HOWARD: Thank you, Mr. President. I rise to oppose Senator Hansen's amendment. He's a friend and I don't feel good about it. I've been thinking a lot about what has been going on this session and I think I'm frustrated, as well as quite a few of you, it feels like we're not getting anything done because we haven't been able to move anything. And looking at the landscape, and I'm not a Rhodes Scholar. I don't quite know everything that is going on. But because the rules are not subject to cloture, if something gets attached to them that is unworkable for the minority, the minority's only option is to run the rules for the rest of session. And so would Senator Chambers yield to a question?

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

SENATOR CHAMBERS: Yes.

SENATOR HOWARD: Senator Chambers, if I may ask, should a change to the cloture rules occur, and because you have the most stamina out of anybody in this room--and I don't mean it in a flattering way, that is more factual--is that something that you would consider, taking the rules for the full session if the cloture rule change was made?

SENATOR CHAMBERS: Senator Howard, mystery adds zest to life. So should that contingency befall this body, it remains to be seen what I will do, but if people have studied my conduct in the past, when I am greatly opposed to something, the level of opposition and resistance that I put up is based on the provocation. And as the physicist, I guess they're the ones who said it, every action has an opposite and equal reaction. If this change in the rules constituted an

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undermining of the system or our institution as I think it would do, I'm prepared to take the entire session to restore the integrity of this institution.

SENATOR HOWARD: Thank you, Senator Chambers. So I think, in my view, looking at the broad perspective, we are between a rock and a hard place. Senator Larson's amendment is unworkable for Senator Chambers. And so should Senator Larson choose to remove his amendment and remove that obstruction, I believe, given my conversation with Senator Chambers, we would be able to move forward. With no changes to cloture, there would be no concerns about the rules and there would be no reason to continue debating the rules. I believe there are enough of us to say whatever came out of committee is workable. And so with that, Mr. President, I would yield my time to Senator Chambers.

PRESIDENT FOLEY: Thank you, Senator Howard. Two minutes, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. Members of the Legislature, I'm dealing with the essence of the integrity of our institution. Senator Larson is undermining that, and he's an example of what I meant by you all putting people in positions of authority without reference to competency or experience, but I neglected to mention honor. He is a chairperson. He of all people should be one of those who are upholding the integrity of the committee system. The Rules Committee ruled on this lamebrain, numbskull thing he's putting before us. It ruled, and now he's going to circumvent the committee system. Let him do it. He'll whip the rest of you all by making you tired. Not me. He has some gambling bills, expressing my opinion...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...I think he's probably working to get some kind of employment with the gambling industry when he's out of here, just as Senator Lautenbaugh did. He saw a way to weasel a lot of money from the tribes and promising them he could get on the ballot an issue related to casinos for a public vote. To do so, he resigned early from the Legislature so he could take a job in the gambling industry making promises that he couldn't deliver on. If Senator Larson had any integrity as a committee chairperson, he is not the one who would circumvent the committee. I'm not a committee chairperson. I objected to the way these committee chairpersons were put in place. I'm the one who said that they were put in place without regard to competency or experience.

PRESIDENT FOLEY: Time, Senator.

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SENATOR CHAMBERS: I'm the only one who can make these arguments.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Legitimate...oh, I'm sorry Mr. President.

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

SENATOR LARSON: Thank you, Mr. President. And I appreciate all the kind words from my colleagues this morning that I am the obstructionist. Yet I see two amendments before mine that we're talking about. And judging by the number of people and those in the queue that are talking, you're talking so you can't get to my amendment. Yet I am the one being called obstructionist. That doesn't make sense. If you don't want to be obstructionist, let's move on to my amendment and we'll see what happens. It's as simple as that. And if it passes, then judging by what you've said, you don't want to be obstructionists, we'll operate as a body and move forward. But I've heard from Senator Morfeld and Senator McCollister, I think, say that they don't want to be dysfunctional but have vowed to take up the rest of the session on the rules, in essence, making us dysfunctional. That just sounds like if you lose the debate, you lose the vote, you're going to throw a tantrum the rest of the session. That's what that sounds like. Will Senator Morfeld yield to a question?

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

SENATOR MORFELD: Yes.

SENATOR LARSON: Senator Morfeld, do you know when the cloture rule was first adopted?

SENATOR MORFELD: I'm not aware.

SENATOR LARSON: Nineteen ninety-two. Do you know how you would essentially stop debate before then?

SENATOR MORFELD: I'm now aware of it, but I'm sure you're going to tell me.

SENATOR LARSON: They would move to suspend the rules. And what does it take to move to suspend the rules?

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SENATOR MORFELD: Thirty votes.

SENATOR LARSON: Thirty votes. Thank you, Senator Morfeld. So before we had cloture in 1992, you would move to suspend the rules and it only took 30 votes. But here we hear this decades-long of integrity in the Legislature and this is how it has been since the beginning. No. It has not been that since the beginning and they would like to lead you, i.e., the public, to believe that. We can all assume why the cloture rule was first adopted. He sits three rows in front of me and he is very good at the rules. And that's why they put the cloture rule in, because every other time you had to move to suspend the rules and it took 30 votes. So before Senator Morfeld, Senator Pansing Brooks, Senator Crawford talk about the decades of institution and protecting the institution and what went on here, understand what actually went on. It took 30 votes to move to suspend the rules and that is how debate was stopped. So, again, we will be coming to my rules change. And if that has a vote, give it a vote. If you're confident where you are, we'll have that vote. If I lose, I'm not going to throw a temper tantrum and be on the rules all session. But it appears, from what Senator Morfeld has vowed, that he will throw that temper tantrum. Let's get there. Let's vote. Let's adopt permanent rules and then do the people's business. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Krist, you're recognized.

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, good morning, Nebraska. How fortuitous it is that I follow Senator Larson and how I will maintain control over someone who wants to change the rules even though he doesn't keep them, he doesn't adhere to them. And if you want me to get specific, I just might do that during the debate. Folks, I looked up a little bit of history and the last time a bill was successfully taken out of committee, was successful when it was drawn out of committee, was 31 years ago. That was LR16CA, 1985, Senator John DeCamp. The rules have been very specific since then. It should be very difficult to pass a bill. It should be very difficult to change the law. It should be very difficult to circumvent the committee process. I would say it again, but I think the emphasis, the "em-FA-sis" on the "sa-LA-bul," as it's been said, is very clear. We have rules that make it difficult for us to do things unless it is the right time and it's the right way and there's a consensus in this Chamber to actually do that. I have a first generation grandfather, I guess, an immigrant, legal immigrant that came to Omaha, Nebraska, John Schweigert. He worked for Paxton Vierling Steel for his whole life. He was surrounded by people that wanted him to succeed and teach him English. So my mother was first generation and I am second. I know what I saw him go through to get to where he was, and it's not because he did not follow the rules. In every walk of life, in every possibility that we have, there are rules. Without rules, there is chaos. I think the immigration system right now is a bit in chaos because of this country at the federal level not enforcing those rules. He used to, in German, and I can't say it correctly, he used to tell us--it's very important that you understand you can't defecate unless the physics works. It's very simple. You can't get to point B

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until you get to point B. And I think what we should think about today is not necessarily changing the rules, particularly those rules that did not come from your rule committee. I've complimented Senator Hilgers, as a freshman, running that committee. He did a great job. We deliberated over those rules. We took different suggestions. In fact, one of them that we shot down, voted to not bring to the floor, was our chairman's rule itself. He brought the rule. So the committee process works. And you can't get to the end until the physics works to get there. That's the committee process. That is what is supposed to happen, and now we're circumventing that process. It doesn't make any difference whether it was Senator Chambers, Senator Hansen, Senator Baker, it makes no difference who put it forward or what brought it out of committee, it's the wrong process. In fact, if Senator Larson is serious about making rule changes, then he should petition the Chair of the Rules Committee to reconvene the Rules Committee and we'd be happy to talk about it and maybe bring another one to the floor. There's no rule against that, folks.

PRESIDENT FOLEY: One minute.

SENATOR KRIST: Thank you, Mr. President. There's no rule against reconvening and hashing over different subject matter. But as Senator John DeCamp succeeded, 31 years ago, I don't believe that Senator Hansen and Senator Larson should succeed today. It has nothing to do with partisanship. It has nothing to do...it has one thing to do for me, I think what we need to make sure of, and I said it the other day, you have the right when you're here to vote green, red, or not vote. If you're not here, your vote is not counted. Your vote...the "no" vote for you or "not voting" should not be taken away in any process. That is your right. Thank you, Mr. President.

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

SENATOR CHAMBERS: Thank you, Mr. President. Another reason I'm doing what I'm doing is a foretaste of what I will do if you go along with Senator Larson. I'm going to tell you something else about history. History can be considered a lie well told. But it can also be a recitation of what factually occurred. Let me tell you why these white people in Senator Larson's Legislature changed rules. They adopted the cloture rule over my objection, to silence me, and they made it clear. And instead of editorial writers, those long years ago, saying poor Senator Chambers, woe is Senator Chambers, they said the rule is not going to stop Senator Chambers. They can't stop me. I'm doing this for you all. You all don't have what it takes to stand and fight like I fight. You don't have the stamina. You don't have the endurance. You don't have the conviction. I will find a way. I will always find a way. I oppose the cloture rule. I opposed it. The white people put it in place to stop me. Now the white people, dumb as they are today as they were then, want to change the rule again to stop me because I am the one who single handedly will bring this Legislature to a halt and will tell you that I'll do so and will tell you in advance and you cannot

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stop me. Oh, you might stop me on one, but then you've got other bills on the agenda. And I'm not cowardly like you all and say...because these others make an ugly face at me, I will not argue other bills to stop you from getting to the one I don't like. Talk to some of these people who have been in the military and the different tactics that are used. Look how the Russians did when the Nazis invaded Russia. Well you don't read and I'm not going to tell you. But I'm having fun and I can talk, talk, talk, and I shall. But to get on point with Senator Larson, why would they invoke a...put a cloture rule in place if all you had to do was suspend the rules? Well I'm smarter than these slow-thinking people. I would load up any bill I didn't like with 30 amendments. The motion to suspend the rules is not a priority motion. They had to get through every one of my amendments before they could get to a suspension of the rules. And there was a former speaker who was going to be clever and wanted to offer a change in the rules and included a notation that the rules would be suspended, there would be no allowance of amendments or motions. And the body rebelled against that because they could see what I would be able to do with that. And the chair further had indicated the ruling would be that there has not been not only not enough debate, there had been no debate. So I would invoke the white people's rules against whatever they do to try to stop me. So when they realized that I was going to load up these bills with these amendments, and they could never get to a vote to suspend the rules, they said we've got to find a way to stop everything, so they went to what Congress was doing and adopted the cloture rule over my objection. And I mocked and scoffed at them then as I do today and say you're letting one black man control all 48 of you white people. You're detrimental to the cause of white supremacy. And then white people started writing in Public Pulse and other letters to the editor-- if Senator Chambers does what he does under the rules, instead of changing the rules, why don't you become as competent in the rules as he does. They were embarrassed. So I don't care what you do as far as what I'm doing. I'm trying to save you all. But if you don't want to be saved, well, let a guy like Senator Larson lead you who doesn't even know the history of what he's talking about.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: I haven't heard one person apply the word "obstructionist" to Senator Larson. That is too dignified a word to be applied to what he's doing. Nobody applied that to him. And then he wants to say you all say you'll do this if my rule is adopted, well you're the obstructionist. He threw the rock. He started it. He started it. And he started it by showing that he does not respect the committee system even though he is a chairperson in that system. I love seeing this because I can call white people the hypocrites that they are and make it stick because you've judged them by their conduct, not my words. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you Senator Chambers. Senator Bostelman, you are recognized.

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SENATOR BOSTELMAN: Thank you, Mr. President. I stand to take a little pause right now. I rise to oppose Senator Chambers' amendment and Senator Hansen's amendment. I think it's unfortunate that we had the men and women in the balcony not to hear a little bit of appreciation and respect for who they are, what they've done, and where they come from. And I as a retired military member, and as a member of the American Legion, I want to take a few minutes to recognize them, even though they're not here, they're out into the...out behind the glass and throughout the building. I want to recognize a few individuals that's in my life that's important in addition to these. One person comes to mind right now is a 96-year-old man who lives in South Haven retirement home in Wahoo, Nebraska. His name is Walter Barsell. I got to know Walter this year on December 7, Pearl Harbor Day. You see, Walter is a survivor of Pearl Harbor. And for me to go and listen to what he went through, to what he experienced, and to what his life after that in our state, coming back to our state, and his success in the retail grocery business and what he did for his community is very important to me. And all those individuals that were sitting up here, and all those individuals that were in the Warner Chamber this morning need to be recognized. We need to step back. We need to take pause. We need to recognize them and understand their sacrifice and their duty, as well as their spouses and their families. You see, when you're deployed or when you're stationed overseas, your family goes with you and they sacrifice just as much as we do. They leave their jobs, they leave their homes, they leave their communities or families, and we take them to countries across the world that may or may not speak our language, different cultures and that, and we experienced that. And it's a great opportunity for our young folks, our children, and our spouses, but it is very hard on them just the stress day-to-day life and understanding how to work through daily issues that you come up to in a foreign country. I just want to recognize those individuals. I think it is very important for us to take pause to do that. As well as I want to recognize my father and my father-in-law. My father was a Marine in the Korean War and my father-in-law has passed. He was in the Army; he was a linesman in Korea, in South Korea. I want to recognize them as well while we're on the floor. They gave a lot to this country, they sacrificed. My father-in-law was on the front lines in South Korea. When my wife and I were in South Korea...actually my wife was in South Korea on business, not that long ago, to understand the importance of what our veterans do, what our veterans gave, and what our veterans still do today, she was on a bus. And the bus driver stopped and got down on his knees and thanked her. And he thanked her because of what her father did, and you have to understand that. We don't always understand that. These are things we get, what we have in this country we take for granted. I think a lot of things that we do here on this floor we take for granted. We need to understand the sacrifice for those individuals. I had a cousin, Jerry Meisinger, he gave his life in Vietnam. We need to understand that. I'm a member of Rejda Post 273; I was Past Adjutant of Brainard, Nebraska; proud to serve, proud to be a member of the American Legion, proud of what the American Legion does for our veterans and for our families. I grew up in Superior, Nebraska. My father is a lifelong member of St. Mihiel, Post 103 in Superior. I remember growing up in Nebraska, going to the chicken feeds, the things where

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they are raise money for the community. We had a baseball program, and that baseball program was an integral part of that community...

PRESIDENT FOLEY: One minute.

SENATOR BOSTELMAN: ...and I was the bat boy for that. And I remember those times and what they gave to that community. We need to remember those people. I handed out "God Bless the U.S.A." lyrics by Lee Greenwood. I was standing on a baseball field on Incirlik Air Station in Turkey at a USO event when I first heard this song. Lee Greenwood come around and sang that song after it was released. I remember that day. I remember September 11. I know exactly where I was at, at that time, at that moment. I also remember the Persian Gulf War. I was on active duty at that time. I know exactly where I was at that moment. I know exactly. I watched it unfold with the general that I worked for in his office. We need to remember our veterans. We need to remember the process we're taking here and why we're here and what we're serving. We need to remember that we're here for a purpose and we need to get business done. We need to remember that we were sent here by those veterans, we were sent there by our constituents.

PRESIDENT FOLEY: Time, Senator.

SENATOR BOSTELMAN: Thank you.

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

SENATOR HANSEN: Thank you, Mr. President. I, obviously, rise in support of my own AM to Rule 3 and I'm in opposition to the Chambers amendment. Before I get to the meat of my argument, I just want to thank Senator Bostelman for his comments. Just this very morning I had a meeting with a constituent who is a Vietnam veteran who is having trouble getting fully recognized for the disabilities he incurred in his service. And it is unfortunate to see the amount of bureaucracy and red tape that we throw at people who have served and given the country so much. So that is something that I also do view as important and do feel that we, whether or not it's on the floor of the Legislature or just personally in constituent service can give some time to. Going to the rules at hand, I've had a couple of people approach me off the microphone or whatnot, asking if we'd be willing to move on if I could pull it...pull my rules amendment. And I'm just willing to say I could be persuaded, that's something I would be willing to do. I understand the argument of let's move forward, let's get to bills. I have already three bills in General File that I'd love to get to, but I do not feel that I should pull a motion I care about, pull rules changes I want just to get to a rules change I oppose faster. So with that, I would ask if Senator Larson would yield to a question.

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PRESIDENT FOLEY: Senator Larson, would you yield, please? I don't see him, Senator.

SENATOR LARSON: Yes.

SENATOR HANSEN: Thank you, Senator Larson. Sorry, I should have given you a heads up I was going to ask you on the mike. But based on our conversation off the mike, do you plan on withdrawing any of your proposed rules changes?

SENATOR LARSON: No.

SENATOR HANSEN: If I made you the offer that I would withdraw my proposed rules changes if you agreed to withdraw yours, would you take it?

SENATOR LARSON: No.

SENATOR HANSEN: All right, thank you, Senator Larson. So that's something to be considered and to be in mind. I was willing to take things that I do think are good changes of the body. I would be willing to pull my two proposed rule changes to the pull motions, both this one and the one dealing with the indefinitely postponed bills. But I'm not going to do so just to move to a rules change I'm going to oppose faster. If Senator Larson is intent on getting his vote, I'm intent on getting my vote. That's not an intent to be obstructionist, that's...if we're going to have to have some measures to protect the body, and I think, frankly, my rules change doesn't directly deal with it, but it does kind of counteract some of the new proposed changes just in terms of respecting the committee process, respecting past traditions and whatnot of the Legislature. So I would be more than happy to get to my vote. I would be more than happy to take a seat and see how people feel about moving to 30 on the pull motion up from 25. So that's something we'll just have to get to in time. And with that, I do have to mention, I smile because I believe Senator Larson and I were the two youngest members of the body still, and when he said we haven't been doing this long, we've only had closure since 1992. I was 4 in 1992. That seems like a considerable amount of time to me. I understand that that is just a blip in Senator Chambers' memory and probably remembers, you know, well, well before then like it was yesterday. But for me, every moment of my life that I've been able to follow Nebraska politics, from the time I can kind of conceptualize the three branches of government, we've had a cloture motion. So to say it's some newfangled thing that we are still trying to learn, I mean, that just kind of stands out there. Finally, I just wanted to recalibrate and really reaffirm what my motion does. So my motion is on Rule 3, Section 20(b). That is what is often referred to as the pull motion; that's a procedure for moving bills held in committee out to the floor.

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PRESIDENT FOLEY: One minute.

SENATOR HANSEN: Thank you, Mr. President. I had somebody come up to me and thought my amendment was dealing with cloture. It is not. It is dealing with the pull motion and it is raising the threshold from 25 to 30. Thank you, Mr. President.

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

SENATOR MORFELD: Thank you, Mr. President. Well, I just want to address a few different things that Senator Larson stated on the floor incorrectly. First, well, for the record, I was seven in 1992, so that seems a little ways away from me as well. It feels as though it's been a long time even though it may seem like yesterday for some of those members in the body here. I also want to acknowledge what Senator Bostelman talked about earlier today, as well, and the great sacrifice that our veterans go through and a lot of other people that are in the line of duty throughout our country. My father served as a Marine for 26 years and still serves in the Department of the Navy. And there were many, many summers and other times that I missed with my father because of his service to our country, so I appreciate Senator Bostelman's words. In terms of the Hansen amendment and the proposed Senator Larson amendment, I oppose both. And so I also just couldn't help but correct the record from Senator Larson. He was so passionate about how...of stating the facts and correcting me, apparently, I feel compelled to counter a little bit in the fact that, if you read his amendment, it's nothing like what happened in 1991 or '92. I think there's some debate over whether it was '91 or '92. But in any case, his rule, let's read through it. His proposed rule states, "If the presiding officer rules that cloture is invoked, a motion to continue debate may then be offered by any member, and is not debatable. Two-fifths of the elected members shall be required for the motion to continue debate to be successful," essentially killing the bill--that's my own commentary. Moving on, "The vote on the motion to continue debate shall be taken immediately, without debate." This is nothing like what it was in 1992. This requires 20 affirmative votes from those who oppose the bill in order for the bill to go to a vote. So if Senator Larson's intent is to go back to the way things were, then this amendment does not do that and for him to say that on the floor is disingenuous. When we're talking about the minority, whether it be conservative rural Republicans or conservative urban Republicans or conservative you-name-it, whatever the case may be, or liberal urban folks, the impetus should be on those trying to impose their will on the minority to come up with the votes, not the other way around. This is not what was going on in 1991 or '92. And I think it's important to note that on the record. Now if me standing up for the integrity of the body and maintaining the rules that have served us well for close to as long as I've been alive is throwing a temper tantrum, then so be it. Consider me in a temper tantrum right now. But for me, this is important because this changes the game for not just one bill, not just one rule change, but for thousands of bills moving forward. And I want to know what the motivation behind doing this is. Senator Larson at first said, well, the Democrats are trying to take over, they've promised filibusters, when it was

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actually a Republican member that he was referring to, when actually 9 of the 18 filibusters last session were led by more conservative Republicans, some of which where my bills failed and in one case where I helped kill a bill. It goes both ways. And for those that are rural senators in areas where we're losing population and there could very well be two seats that they lose...

PRESIDENT FOLEY: One minute.

SENATOR MORFELD: ...the next census--thank you, Mr. President--I would think that they, in particular, all of you who represent rural areas, should be concerned about reducing the minority's power to stop the majority's will, which is quickly becoming urban senators. Now I've worked very hard in my professional career and in other places to help strengthen rural communities because I think that, as an urban senator, we're either all going to thrive together or we're going to die together and we all do better when we're all stronger and working together. So personally I do not relish the fact that rural communities, which are rich in history and rich in heritage in Nebraska, are seeing a population decline. But that's the fact. Likely, another seat or two will go to an urban area. So protecting and preserving the minority interest is in the best interest of not just one political ideology, but all of Nebraska. Thank you, Mr. President.

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

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. A couple of points: First of all, the Rules Committee was faced with 27 proposed rule changes. I didn't think we were going to get through them in two or three days but Senator Hilgers did a really nice job of keeping us focused and working through those issues. We had good discussions and we behaved like a committee should behave. We brought forth recommendations, recommendations were tweaked, and they are now part of the proposed rules package. There were other things that we rejected, just as committees reject things right and left, and they should remain rejected. But main point I want to make is I think if you go through the history of this body, it is not so much Republican versus Democrat or conservative versus moderate or whatever the term is today, but urban versus rural, education funding, where the roads money gets spent, how much money gets sucked out of the system in order to be deposited in the university system--a lot, the vast majority, of which goes into the Omaha and Lincoln area--all the other programs and perks that seem to have a focus on the urban area. What has changed over the course, certainly, of my lifetime is because...is we've become an urban state. It's hard for me to think of myself as a minority, probably hard for most of you to think of yourselves as a minority. But ask yourself, if today the Legislature were asked to put on the ballot something that said agricultural land would receive a discount, something prohibited a few decades ago by our constitution, whether we would put it on the ballot and whether or not that would happen in ten years when there's a couple less agricultural-oriented districts. Be careful what you wish for, because one thing is

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certain from the trends and that is the urban sector and the eastern part of the state will continue to grow and is growing rather dramatically; and because of the efficiencies of agriculture, population is declining in the agricultural sector, rapidly becoming a minority. A couple of years ago when we did congressional redistricting, they had a big computer thing set up and I went and asked the people, run your computer program, is there any way we can draw, assuming we got down to two congressional districts, draw the districts so that Omaha and Lincoln would be in one and the rest of the state would be in the other so there would be some urban...or some rural representation. The answer was, no, can't draw the lines that way, too much population is already in the urban area. Okay? Going to have one district, if that were to be the case, dominated by Lincoln, the other by Omaha. When you look at reducing the rights of the minority, if that's how you phrase it, the Hansen amendment, the Larson idea: really bad for the rural sector--and it gets worse every year that the population drain moves in what seems to be an irreversible trend--bad policy...

PRESIDENT FOLEY: One minute.

SENATOR SCHUMACHER: ...if you are thinking in hopes of preserving some rural benefits. This is an urban Legislature and will become an even more urban Legislature. That filibuster rule, the pull rule that we have now, are rural-oriented rules. And so if you're inclined to say, well, you know, I told somebody I'd vote this way or that way or I'm part of the team or part of the group or whatever group thing there was, rethink that. This is and will intensively be an urban-rural focus, not Republican, not Democrat, not Murante and Larson versus the rest of the world. No. It will be that contest for resources.

PRESIDENT FOLEY: Time, Senator.

SENATOR SCHUMACHER: Thank you.

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

SENATOR WISHART: Thank you, Mr. President and colleagues. I am speaking today with concern about the change in our cloture process. I represent a nonpartisan district with an almost even split between Democrats and Republicans and a large constituency of registered Independents. I spent two years knocking doors and getting to build meaningful relationships with people of District 27. I spent the majority of my time listening and when I did speak, I spoke about the importance of nonpartisanship. Colleagues, I have never been a person that wanted to live in an echo chamber of my own thoughts and opinions, surrounded by "yes" people. In fact, many of my mentors are Republicans and, of course, the great Senator Kolowski who is one of the most upstanding people I've ever met and I'm so honored to get to work with

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him. When I show up to work every day on behalf of Nebraskans, I want to be challenged by each and every one of you and by the people of Nebraska because, through debate and disagreement, we either learn a new perspective or become stronger in our own beliefs. When I was first starting to run for the Legislature, Senator LeRoy Loudon took me aside and said, if you're going to represent our state, you need to spend time in rural Nebraska and learn about the issues that rural Nebraskans care about. I took his advice and two years ago I loaded up my horse and I drove out to Hyannis to spend time on a ranch during branding season. It was an incredible experience, and I spent much of it listening to community members about issues like property taxes, rural fire protection, and water sustainability. I plan on taking time to travel across Nebraska this summer to visit my colleagues' communities and continue to engage with Nebraskans across the state about issues they care about. I may even bring my horse again. While District 27 is an urban district in Lincoln, I come to work every day committed to representing all Nebraskans. Colleagues, I am concerned about what Senator Schumacher spoke to: that the rural parts of Nebraska continue to lose population and lose senators to redistricting. And this means that rural constituents will rely on processes like the filibuster to make sure they can work to stop legislation that does not support their interests. And I made a rough count and there are approximately 22 or 23 rural districts that most of us would consider rural, and we could be losing an additional two of those rural districts in the next round of redistricting. So that means that even now rural constituents are in the minority when you look at it that way. I hope that everyone today will think hard about the consequences of a rules change like the one we are discussing right now and how it will affect every Nebraskan's ability to have a voice in this body, regardless of their political affiliation or location. Thank you.

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Williams, you're recognized.

SENATOR WILLIAMS: Thank you, Mr. President, and good morning, everyone, and good morning, Nebraska. I rise today in opposition to Senator Chambers' motion and also to Senator Hansen's motion. I think all of us come to this body wanting to get something done and there's a level of frustration that builds when we sit around and don't get to accomplish things. The 49 people that are members of this body have always in their lives been people that have stepped up and worked to get things done. One other thing that I think especially the new members should recognize is we do have processes here that help us get things done. And the current issues that we are talking about are part of that process. The Rules Committee did meet. The Rules Committee did look at the issues that are before us now and the Rules Committee did not advance any of those to the floor of the Legislature. So taking the process of following committee action and doing this just simply doesn't follow the process. The other thing I want to point out and remind people of, we've been told many times that the filibusters took over the last year in here. But I would ask you to think about, at the end of the day, did we get the work done that was needed to get done at the state of Nebraska? At the end of last session, we were down to having only four priority bills that were left on the table that we did not get to the finish line,

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only four. And I believe each one of those has now had a hearing this year and been advanced out of committee and is sitting in the queue if and when we are able to move forward doing business. Getting work done, and I'm not going to take credit for this, but last year I introduced seven bills; every one of those bills came through the process and was signed into law. The process does work, therefore, I highly question why we would jump in and change a process that continues to work and serve us well. The idea of the filibuster has always been to protect the minority and to be sure that the minority, and also the second house which are our citizens of our state, that they have an opportunity to be heard. Every bill gets a hearing. They have an opportunity there. Committee has to advance it. But then there's that final hurdle that has to be looked at. But how many of us jump to the conclusion that the filibuster rule is only to benefit Republicans or Democrats? I will tell you in my two years here thus far and now this year, the use of the filibuster wasn't Republican or Democrat; it was on issues, issues of importance to those of us here, issues of importance to our constituents. And has been...as has been pointed out, the minority that I'm concerned about in the future are the rural areas of our state,...

PRESIDENT FOLEY: One minute.

SENATOR WILLIAMS: ...the areas of our state that are underrepresented with numbers in here right now. They're certainly equally represented as far as population. But that will continue to decline in numbers because of the growth of population in our larger metropolitan areas and our larger counties and the continued depopulation of some areas of our rural parts of our state. So when you think about protecting the minority, open your eyes to things other than Republican and Democrat. I believe that the fact is we have an opportunity to move forward with these rules, get to a point where we have a vote, and move on. And that's what I suggest we get done as soon as possible. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Hughes, you're recognized.

SENATOR HUGHES: Thank you, Mr. President. Good morning, colleagues. Again, very rarely do I get on the mike twice in the same day but there are some comments that have been made this morning that I need to set the record straight. For the new members of the Legislature and for some of us veterans who may not remember, Senator Krist made the assertion that there had not been a bill pulled out of committee in 31 years and Senator DeCamp had done that. We did one last year. We pulled LB824 out of committee and it didn't come out of committee on to General File. It came out on Select File. So my point is we have rules but there are ways around them. If you have enough of the body that want to do something, it can be done. Now, Senator Friesen, Senator Groene, Senator I, and others fought that attempt. But because of the introducer, and he was a nice guy and, you know, this would give him a win on the way out, we pulled it out of committee where it was deadlocked, not on General but on Select, and passed it. So the people

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that are indignant about wanting to change the rules or bend the rules, this is what we do. And this is not a partisan body. We are not Democrats and Republicans. We are liberals and conservatives. Doesn't matter what party you are, you have a philosophy: liberal or conservative or maybe in the middle. The parties don't rule in this building, philosophies do, and we all bring our own philosophies to this place. Also the question we're talking about on rules--and I am opposed to Senator Hansen's rule change and Senator Chambers' amendment to that--the issue of voting red, green, or not voting, no one is trying to take that away from us. You can do whatever you want. We all worked hard to get here. We've earned the right to push that button or not push that button. If you don't want to vote on something, you don't have to. Nobody is trying to take that away from you. But we were sent here to make decisions. And we make decisions based on our philosophy and based off what we think is best for the state of Nebraska. I do want to commend Senator Bostelman this morning for his pointing out the fact that we have a large contingent of veterans in the building today and I want to echo his sentiments of my appreciation for what those men and women have done for us. They've given us the ability to be here and the freedom of speech that I'm exercising right now to give you my opinion without retribution. That's a very, very sacred thing that we have been given and we need to express our gratitude to them, both publicly and privately. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Hughes. (Visitors introduced.) Senator Bolz, you're recognized.

SENATOR BOLZ: Thank you, Mr. President. I want to take a moment and pause and take a deep breath and think about all of the issues that will come before the body in the next few months as we work through this session. There will be issues where people have strongly held principles. There will be issues where different constituencies have significant and strong points of view. There will be issues that are personal and there will be issues that are political. And so this is not just about the rules debate and it's not just about how this body functions. This is about how we set ourselves up to work together to address all of the divisive issues that will come to the future. And I don't think that changing the rules at this point in time helps us come together as a body to find solutions, to find the common ground, and to address the things that will pull us apart that, colleagues, I do think are just as important as rules debate. The sustainability of our funding streams into the future is just as important as rules debate. The balancing the budget is just as important as rules debate. Provider rates for our most vulnerable...the services for our most vulnerable populations is just as important as rules debate. Fairness in school funding and property taxes is just as important as rules debate. And if we can't find a way to come together on rules debate, then we keep pulling ourselves further and further apart. So, colleagues, the fundamental question that I would ask you to ask yourselves is, does this rule as proposed contribute to diplomacy or take away from diplomacy? Does it make easier for us to work together on the more divisive issues that will be coming to us in the future or does it make it harder? And, colleagues, I would argue that for the last four years while I've been a member of

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this body, the rules as they have existed have allowed people who are conservative and liberal, people who are Republican and Democrat and Independent and even Libertarian, folks who come from rural district and urban district, folks who are tall and short and strong and talkative and brown-haired and blue-eyed, it has allowed all of us to find ways to come together. And so I would argue that Senator Hansen's motion actually may contribute to increasing the diplomacy of this body because it does respect the expertise and the chairmanships of the issue committees. I would also argue that the existing cloture rules contribute to diplomacy because they are clear and simple, they are what we are used to and what the public is used to and understands, and there is a sense of fairness in identifying the way that we do it now. So, colleagues, I just stand before you today to make sure that we take a deep breath and think about all of the divisive things that are coming to us in the future and consider continuing under our existing rules because I think they do allow for diplomacy, they allow for a variety of opinion, and they allow us to move forward to address the work and the issues of the people. Thank you, Mr. President.

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

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, as a black man, I'm amused for a lot of reasons. It amuses me to hear white people talking about being a minority. Well, you might be a minority here in some instances and you use the term advisedly. That's what I am all the time. Every morning that I get up, I think about what it means to be a black man and sometimes during the day white people remind me. Then I listen to them whine. You all are praising Senator Bostelman. Fine. You praise veterans. They didn't fight so we could be in this Legislature. If they were drafted, they went because they were drafted. Some volunteered. But when you're on the battlefield, you're fighting to save your life and that of others, not so people in the Legislature can talk or so that professors can write. Those are things that are said that mean nothing. But let me tell you what I think of every time somebody praises the military here. I think about the black men, and I had relatives at that time in the military, fighting for white people in Europe and the United States government segregated the black soldiers and told every country they were in that the leaders should never honor these black soldiers because that's not the way they're treated in America. And those white people would say, well, why are they even in the army? Because as segregated as the army is and risking your life is better than being in America. I think about black men who came back to this country in uniform and were lynched by white racists in uniform, sheriffs wearing American flags. Flag means nothing to me except oppression. Those cops who arrested Rosa Parks had flags on their uniform. It means something to you all. It's a symbol of my oppression. I don't see life the way you all do. You need somebody here to remind you. There are veterans in the rural areas. And you all vote with your Governor to deny the extension of medical coverage to the families of those veterans so everything you say on this floor about veterans is hypocritical and meaningless. I believe in action. If you care about people, do something to help them. Words are cheap. Anybody can speak words. Myna birds can imitate you. Parrots can imitate you. Ravens can

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imitate you. Talking is not that significant as opposed to what actions could be taken by this Legislature. But you've got a "Repelican" Governor, a spoiled rich brat, and you all hate President Obama more than you love Jesus so you vote to deny medical coverage to white people like you in the rural areas, poor families working hard. That's what we're told when that serves your purpose and you want to make that point. This is all what you all call "BS." There was an article, a column written by a white guy in a white newspaper in the rural areas with a picture of me with a target and said that I had that...wore that shirt with the target because I was the target of the rules change. And that person tried to get through the thick-headed rural people in this Legislature, which he could not, Ernie Chambers can teach us something; it's after him now but it will be after us; we can learn something from him. You all can't learn anything from me because you don't listen. But let me tell you why I had that target. I fashioned that shirt because some racist coward had called and threatened me because I had been to Norfolk to speak from time to time and I go where I'm invited. So what I did was put that target on my shirt and I called the radio station out there, told them when I'm coming, told them where I was invited to eat lunch. And I insisted that I be allowed to talk in the park, in the wide-open spaces, so if any...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...coward out there wanted to shoot me, which he said he was going to do, he wouldn't find me hiding and somebody else would get hurt because he's trying to get me and I'm hiding behind other people. I wouldn't tell anybody to do that. That's foolish. But we do our business the way we think we should. So I put that target on my shirt and I went to Norfolk. I talked in that park. I went to the restaurant where I said I would eat and not one person came up to me to menace or threaten me. If I'd have shown I was a coward, they would have been all over me. You all would chew me up and spit me out down here if I had cowardice in me, if I had an inch or ounce of backup in me. You know that if you come after me, you're going to get twice as much in return and that's what I'm sent here for. I'm sent here to show young black men, young black women that we don't all have to swallow spit and take low because we're outnumbered tremendously by white people and they've got all the power. Make them show you that they're going to do something.

PRESIDENT FOLEY: Time, Senator. That was your third opportunity, Senator. You will have your closing in a moment though. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. Again, colleagues, I obviously rise in support of my own AM and I am opposed to the Chambers amendment. First things first, I wanted to clarify, when we say the pull motion, I know Senator Hughes got up and talked about that a bill was pulled last year and if I heard his number right and I'm remembering the scenario correctly, it was LB824 last year. That didn't get pulled. That got voted out of committee with a committee

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amendment that drastically changed the bill I believe to almost entirely different subject matter and then we undid the committee amendment on the floor. So that still came out of committee. The committee members might have regretted their decision. The committee members might have...I don't know what happened there but based on my look, that came out 7-1. If there was another bill or another situation, Senator Hughes is more than welcome to pull me off the floor or get up and speak to that himself, but we...under the Rule 3, Section 20, certainly not in my tenure. You know, did it happen sooner than Senator Krist said but still before my tenure? Possibly. I'm not going to pretend to know that exact instance. That being said, I do rise in support of this and I thank Senator Bolz for her comments talking about whether or not this fosters, you know, basically constructive debate. I think it does. I think making a high standard to respect the committee process, to respect committee chairs, to respect committee members and their expertise in their own subject areas, is very important. You know, I've spent in my first two years in the Legislature trying to get to my preferred committees, which I was luckily able to this year as a more senior member. And if all of a sudden this year, upon getting to Judiciary, we've already had some of that debate, but bills that should go to Judiciary, bills that I was expecting to hear in Judiciary and the reason I wanted to go to Judiciary, started going to Government, the committee I just left. So that's kind of my concern is that the role of committees in our body is changing and that is why I brought this Rule 3 change, Rule 3, Section 20(b). I, for what bills do get referenced to committees, want to ensure that the committee process is respected, that if people who have expertise in a subject matter, have consulted with committee counsel, have heard all the testifiers this year and previous years and, you know, know what bills passed...had worked on bills in the past on the same subject matter, if they say, hey, we are, as of right now, are undecided, we can't kick it out of committee, we can't advance it to General File, nor can we IPP it, we should maybe let them have some time or have a very high threshold to overrule them. That's what this does. Obviously there's no reason to pull a bill out of committee if the committee advances it out of committee. And there's a separate motion with a higher threshold that if a committee IPPs a bill, to revive it, which we'll have amendments to later. This is in the scenario. Maybe it's an eight-member committee that's stuck 4-4; maybe it's a seven-member committee that's 3-3 with 1 undecided. But this is for positions where the committee cannot come to a solution; they cannot decide to kill the bill and they cannot decide to advance it. And I think, if that's the case, we better have a very high threshold to pull it out on the floor. Likely in that scenario, the bill introducer, whether or not they serve on the committee or not, has the opportunity to address committee members' concerns and come to some sort of compromise committee amendment so that we are avoiding fights on the floor. What is going to be a contentious issue when we're taking it down the wire and we're going to fail or prevail by a vote or two, maybe we have the opportunity in committee to change the bill enough to make a consensus, to make it, you know, have broader support. And that's why bills go to...one of the reasons, at least, bills go to committee hearings...

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SENATOR HANSEN: Thank you, Mr. President...why bills go to committee hearings and why committees have committee counsel that has expertise in the area and so many other reasons we rely on committees. All I'm trying to do is make sure we respect that process and have a high threshold in order to overrule them, or not even necessarily overrule them, to step in a decision in which they are still undecided. So that's what my proposed rule change will do. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Morfeld, you're recognized. This is your third opportunity, Senator.

SENATOR MORFELD: Thank you, Mr. President. I just want to go through some of the different cloture bills and put those onto the record as to who exactly ran that filibuster, whose bill it was, to show that this is equal opportunity when it comes to people taking advantage of the filibuster and ensuring that minority rights, whether they be conservative or liberal, are protected. LB10, winner-take-all, the introducer was Senator McCoy, Senator Chambers filibustered that bill. LB18, I think that was Senator Krist's bill, the meningitis vaccine, Senator Groene successfully filibustered that bill. LB47, driver's license donor registry question, by Senator Watermeier, Senator Chambers filibustered that bill. LB176, change the Competitive Livestock Markets Act and provisions relating to that, Senator Schilz, Senator Davis filibustered that bill. LB188, lessen liability on police chase injuries of passengers for cities and counties, that was another Senator Watermeier bill--must have been having a bad session last session, Senator Chambers filibustered that bill. LB289, eliminate cities' ability to restrict firearms beyond state law, that was Senator Ebke's bill, Senator Chambers filibustered that bill but, in fairness to Senator Chambers and Senator Ebke, I helped. LB580, nonpartisan redistricting, that was actually a Senator Murante bill and Senator Kintner and Bloomfield filibustered that bill. Define poker, LB619, define poker as a game of skill and license it, that's Senator Larson's bill, Senator Chambers filibustered that one. LB643, allow use of medical cannabis for certain conditions, that was Senator Garrett's bill and Senator Williams led the filibuster on that bill. LB745, Game and Parks fees, that one was Senator McCollister's bill and Senator Chambers led the filibuster on that bill; I don't think he was successful though. LB824--I'm just kind of poking the bear now--LB824, provide for compensation of certain Nebraska Power Review Board members, that was also a Senator McCollister bill--he must have been having a bad session last session, too, that was actually filibustered by Senator Friesen. I'll have to ask him about that. I forget that one. LB900, the helmet law repeal by Senator Bloomfield, a bill that I actually supported, that was Senator...that was actually filibustered by Senator Hilkemann successfully. LB910, allow food stamps for certain felons accused of drug crimes, I remember that one very well because that was my bill and Senator Groene successfully filibustered that bill, which I'm working with him on a compromise now. We actually just kind of ran out of time. LB958, the Governor's property tax bill, Senator Gloor filibustered that...or, excuse me, that was Senator Gloor's bill that was filibustered by Senator Chambers. And then LB1067, Learning Community changes, that was a

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Senator Sullivan bill that was filibustered by Senator Krist apparently. And then LB1103, thwart the practice of shifting real estate to heirs and using Medicaid for long term--ran out of room for the one-liner on there--that was a Senator Schumacher bill and that was actually filibustered by Senator Kuehn and Senator Schnoor. It took us at least eight hours to figure out what that bill actually does, so, probably could have just used more time actually. LB1109, close the search for the UNL president, that was a Senator Murante bill, it was filibustered by Senator Chambers. And then LR26CA, this one I actually liked a lot. This was a Larson bill and actually Larson and I work together every once in awhile. It allows 18-year-olds to run for office and that was filibustered by Senator Chambers. And so, as you see, colleagues, we have a wide array of issues that impact rural interests, urban interests, and all of Nebraska's interests in some cases. And there's a wide variety of people that use this tool and it's an effective tool to protect minority interest and it's an effective tool...

PRESIDENT FOLEY: One minute.

SENATOR MORFELD: Thank you, Mr. President. It's an effective tool that we should keep because it requires that we debate issues. And sometimes it's obstructionist, but I'll also tell you that sometimes it's very substantive. And I keep going back to the food stamps for drug felons bill. That debate allowed Senator Groene and I actually to find some common ground on some issues, which I think we'll find common ground on that issue yet this session. We still have to meet on it, but we intend to. I think we have a meeting set up. And it allowed us to come together. And, granted, I was disappointed it didn't get passed last session. But oftentimes these are issues that take a few years. And that's why the filibuster rule is important, is to, number one, protect minority interest, but also to allow us to have the debate necessary on tough issues facing Nebraskans. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator McCollister, you're recognized.

SENATOR MCCOLLISTER: Thank you, Mr. Lieutenant Governor, and good morning again, colleagues. LB824 from last year has been mentioned a couple of times this morning, thought I'd put the record on...put the correct record for your edification. The principal part of LB824 was it leveled the playing field for wind and solar energy in Nebraska. And I thought it was a good bill and that bill was heard in committee, but during the committee process we amended into the bill recovery of expenses for the Power Review Board. So that was amended into the bill at that point. We were in fact deadlocked in the committee on the wind component of that bill, so we stripped out the...that particular language out of the bill and it was then principally the Power Review Board issue. With that, the bill was...came out of committee. And it's absolutely not true that any...this body pulled that bill out of the Natural Resources Committee. LB824 came out the normal way. And then on Select File, we amended back in the wind language that was originally

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in the bill. So Senator Hansen's recollection of LB824 is absolutely correct, and just wanted to put that on the record. I would hope that we would move on fairly soon and start doing the business of the citizens of the state. The Larson amendment which would require only 20 votes for cloture is way out of line, in my view. We need to retain the two-thirds vote cloture rule. It needs to be hard to pass laws in Nebraska. The minority needs to have their rights protected. So with that, Mr. President, I would relinquish the balance of my time to Senator Hansen.

PRESIDENT FOLEY: Thank you, Senator McCollister; 3:00, Senator Hansen.

SENATOR HANSEN: Thank you, Mr. President. And thank you, Senator McCollister, for the time. And thank you for getting up and clarifying the record on LB824. I don't necessarily want to keep rehashing old debates from past years, but I think that's an important opportunity to illustrate what can happen and what has happened. Obviously we have opportunities to in that case change the subject matter of a bill and change it back...maybe not subject matter, but committee amendments. And committees have broad discretion on how to use bills as vehicles as well as we've already seen it once this year, and I'm sure we'll see it more, you know, attach other bills on the floor. Certainly that is an opportunity for us to do, and there's lots of different moving components and lots of different ways that if you have a tweak in the statute you want to have, that's fair. But obviously amendments and especially amendments on the floor have to be germane. That's the importance of the pull motion is you might be...you might have one or two bills in a session that open up an entire section of statute or an area of statute or a bill or a subsection or what, however we want to characterize it, and those are the vehicles to change that mechanism. And if the committee is undecided on how to handle those, the committee is concerned about opening up that portion of statute at all, maybe they have multiple bills that all deal with their particular act or whatnot and they're holding them in, trying to figure out what's going on, to all of a sudden kind of yank that out and change it and start tweaking it and overrule the committee I think has to be a high threshold. I mean that's something I know why committee members...I know in the past that obviously kicking out anything related to some subjects, especially a controversial subject, you as a committee member know the body has the opportunity to change and, frankly, overrule you. You know, it's very germane on the floor...

PRESIDENT FOLEY: One minute.

SENATOR HANSEN: Thank you, Mr. President...to change a yes to a no and a no to a yes and things like that. So that's why if a committee is possibly holding in two or three bills that all deal with the same act or same statute and are maybe trying to work on a compromise, I think it should be a really high threshold to overrule them, say, no, you don't get that time, no, you don't get that opportunity, no, your 3-3-1 deadlock is inappropriate, we're overruling you. And that's what my rule does. Thank you, Mr. President.

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PRESIDENT FOLEY: Thank you, Senator Hansen. Items for the record, Mr. Clerk?

CLERK: Thank you, Mr. President. A series of hearing notices from the Health and Human Services Committee, those signed by Senator Riepe. Agriculture Committee reports, provides a confirmation report for the Nebraska State Fair Board; they also report LB135 to General File, LB276 to General File with amendments. Thank you, Mr. President. (Legislative Journal pages 410-412.) [LB135 LB276]

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

SENATOR HARR: Thank you, Mr. President, members of the body. We are continuing to work to figure out what we can do. I want to get to the...we're high centered right now; our wheels are spinning. We want to figure out how we can move forward in a way that preserves the institution that we all know and love. Senator Hansen, would you yield to a question?

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

SENATOR HANSEN: Of course.

SENATOR HARR: Thank you. Thank you. And thanks for your amendments. It's interesting. How long can you carry that amendment? Is there cloture on rules?

SENATOR HANSEN: No.

SENATOR HARR: Okay. So you could carry it on past next Tuesday?

SENATOR HANSEN: If we kept talking on it, yes.

SENATOR HARR: All right. Thank you. That's all I have. Senator Chambers, would you please yield to a question?

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

SENATOR CHAMBERS: Yes.

SENATOR HARR: Thank you. Senator Chambers, I have known you to be a man of few words.

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SENATOR CHAMBERS: Right.

SENATOR HARR: I have known you to be a man of many words.

SENATOR CHAMBERS: Right.

SENATOR HARR: Is this an issue where you would be a man of many or few words?

SENATOR CHAMBERS: That remains to be seen.

SENATOR HARR: Okay. If asked or...would you, if forced, be able to talk enough to carry this amendment of yours past next Tuesday?

SENATOR CHAMBERS: Oh, yes.

SENATOR HARR: Oh, dear. Okay. That's all I have. Thank you. Is Senator Larson here?

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

SENATOR LARSON: Yes.

SENATOR HARR: Thank you, Senator Larson. You've heard Senator Hansen and Senator Chambers talking about that they could go past next Tuesday on their two amendments?

SENATOR LARSON: Yes.

SENATOR HARR: Okay. And you know Tuesday is the cutoff for our temporary rules. Is that correct?

SENATOR LARSON: Correct.

SENATOR HARR: Okay. You are...I believe Senator Hansen has one more and I'm sure he could go past Tuesday with that one as well. How serious are you about your amendment?

SENATOR LARSON: Very.

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SENATOR HARR: Very serious. Is there any room for negotiation with you regarding this?

SENATOR LARSON: You know, we're always open to discuss things, as I know you've been discussing things with a number of members and nobody has been able to reach a consensus on anything yet.

SENATOR HARR: Okay. You know that in the Rules Committee there was amendment brought that said 17 negative votes would carry the day. Is that correct?

SENATOR LARSON: I believe Senator Hilgers brought something of that nature.

SENATOR HARR: Okay. And yet you came with...and that was rejected by the committee. Is that correct?

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

SENATOR HARR: Okay. And the committee was made up of four Republicans, one Democrat?

SENATOR LARSON: Okay.

SENATOR HARR: Okay. And now you came with yet a higher burden. Is that correct?

SENATOR LARSON: Yes.

SENATOR HARR: Okay. And there was another amendment that said...a proposed rule that changed it from 33 to 30, meaning the person who carries the bill has to get 30 votes. Is that correct?

SENATOR LARSON: I'm not sure if you're saying....I didn't see...I don't remember all the proposed rules amendments. But if that was one, sure.

SENATOR HARR: Well, you'd trust me if I say there was, wouldn't you?

SENATOR LARSON: I'll trust you.

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SENATOR HARR: Thank you. I appreciate that. And the 17 changes the burden of proof from the introducer of the bill having to find votes to carry the day to the person opposing the bill has the burden of proof. Is that correct?

SENATOR LARSON: Correct.

SENATOR HARR: All right. So yours takes those two that were rejected and makes it even harsher by the person who has to carry the day...or who wants to carry the day...

PRESIDENT FOLEY: One minute.

SENATOR HARR: ...meaning the person who opposes the bill has to find 20 votes. Is that correct?

SENATOR LARSON: The way the current...my amendment reads is, yes, there would need to be 20 red votes to ensure continued debate.

SENATOR HARR: Okay. Thank you. Folks, this isn't an honest negotiation. This is taking hostages: If you don't give me what I want, we're going to shoot another person until we get what we want and then we'll release the hostages. Right? There was a line in the sand that was drawn and it was rejected by the committee and so what do they do? What's Senator Larson do? He makes...he moves the line and moves it even further so that if the original rejected deal is accepted, look, we have given in. He appears as if he's given in. There is no...that is a false argument at best, is what I'll say. This is about the institution, right? Senator Larson...

PRESIDENT FOLEY: Time, Senator.

SENATOR HARR: ...wants to change.

PRESIDENT FOLEY: Time, Senator.

SENATOR HARR: Thank you.

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

SENATOR WALZ: Thank you, Mr. President. I yield my time to Senator Chambers.

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PRESIDENT FOLEY: Thank you, Senator Walz; 5:00, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Walz. I want to say a thing or two about this military hypocrisy that goes on in this body. I'm not talking about Senator Bostelman but all these people standing up. I want to emphasize, because I don't think he was here when I spoke last time, this body refused, because they hated President Obama, to extend Medicaid to families in rural areas, 54,000, I think, and some of those families had veterans in them and some were presided over by veterans. So it's very easy for them to stand up here and clap. And I noticed you saluted. I believe you were being very sincere. But if others did it, I don't accept that. I watch what people do and I watch their conduct. There are traitors who saluted the flag. There are traitors who swore allegiance to a country. So that, those outward shows mean nothing. I also think about Lieutenant William Calley in My Lai where he and his contingent of murderers in the United States uniform under the flag of the United States slaughtered people in a village--old people, women, and children--United States Lieutenant William Calley, My Lai, Vietnam, segregated military. There was a recent fiasco ordered by a man who when he was running for office, the office of President, in fact, said he knows more about military matters than the generals. So he approved of what is called an operation in Yemen. The outcome was miraculous, to use his words; it was unbelievably successful; it was "bigly" warning to the enemy; it was phantasmagorically, outstandingly outstanding. What was the result? One American SEAL, Navy SEAL, killed, three injured, a military aircraft destroyed. And this is the kicker, this is what brought joy to the heart of all Americans: women and children machine gunned from United States helicopters--wonderful, a glorious moment in American military history. So when you all talk this stuff you need to know more than what you apparently know, or you ought to take into consideration that there are other people who think these things and will not stand up like a jack-in-the-box because somebody says there is ex-soldiers here. All of us have people in our family who were in the military. Other people were in the military who don't even talk about it. You all don't know who was and who wasn't. And some who were, and you don't know, you wouldn't show any respect to. What we're here for is to do for the people what they need done and can't do for themselves. And if you're going to have somebody like Senator Larson lead you, you 27, you all are following Larson, you know what this is all for? To establish his bona fides as the leader of the 27; he's leading you all right now and he's got to show you that he's your leader. And you all are following him. Well, there's one who is going to withstand him and the other 27. Why do you think Senator Hughes finally spoke up? I don't know. (Laugh) I just told you. Figure out why. I'd like to know.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: But I intend not to be deterred, not to be buffaloed, not tricked into making deals with people who have shown they're dishonest. It's going to...I'm going to unite the Democrats and the Republicans, "Repelicans." I'm going to unite the liberals and the

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conserve...however you all broke them down. And it's going to be like it was in the old days: 48 against Ernie Chambers. And I defy you to stop me. Even if you get the rules you want, you will be punished the rest of the session. I helped keep you on that budget bill yesterday and the day before, and I'll do it on other bills, bills I don't even care about, because when you do that, that Larson and his claue wants you to do, you don't care about the Legislature. And I don't care and I'm going to show you what I can do when I don't care. Oh, did you say time?

PRESIDENT FOLEY: Not yet, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

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

SENATOR KOLOWSKI: Thank you, Mr. President. I also yield my time to Senator Chambers. Thank you.

PRESIDENT FOLEY: Thank you, Senator Kolowski; 5:00, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President, and thank you, Senator Kolowski. I'm going to remind you all of what I did for you, that your white brothers and sisters couldn't do, that the white Attorneys General said would be unconstitutional. Senator Groene, before he ever came here, he didn't know that I have the ability to see what's going to happen before it happens. I clipped an article where he was talking about the value of senators being able to get those expenses during the session because how they would help the rural senators. And rural senators are my enemies. But the institution is more important than how I feel about people who come from the rural areas. I sympathize with the rural people, but not those they send here under the misapprehension that they're going to look out for their best interest. Then they get in line with the Governor who will not allow money that's available from the federal government to be used to provide medical care for those people in the rural areas that I obviously care more about than those who are sent here to represent them. And I fought for that a number of sessions. And these rural Senators, because the "Repelican" party tells them, no, we don't like Senator Obama. And I'm supposed to sit back and swallow spit because they do. When it comes down to people, all I see are people. I don't see Democrat, Republican. I don't even see good and bad. I see people who have needs and others who don't. And believe it or not, all the white people who bring me problems have problems because of what some other white person or white people are doing to them and there are no white people they can go to. I was invited to give graduation speeches at little white schools in rural areas. A couple of times some principals got tricked. They told the children that they could invite Senator Chambers because that's who they wanted. And because that principal misapprehended what I'm about, he was sure that I would turn it down because

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there were not as many people in that little town as there would be in a graduating class of Central High School. The children can get from me what nobody else can. That's what I have done and that's what I'll continue to do. I don't fault children for the parents that they have. They didn't choose their parents. I don't fault children for the way adults who are of their kind behave because the children are not doing it. I feel like I'm going to cough. Excuse me. (Coughs) That's how I cough. I will stay on the rules and I'm going to keep us on the rules and I'm going to offer numerous amendments to the temporary rules. So if somebody was listening, they'd say, oh, we cannot invoke cloture because there is no cloture, but we'll try to do something else. And like Bob Seger's song: Just when they thought they had him caught, he was just a little quicker than they thought. I know what I'm dealing with down here. I'm sorry that Senator...the senator from just outside Lincoln, Senator Carol Hudkins...somebody was supposed to help me. I was having a senior moment and you wouldn't even help me. But this shows that I don't really need you. I'm testing you. She used to be a Rules Committee Chair. She could tell you how many times she saw things like this. She could tell you how many rules were brought against me, but I'd never be named. She'd tell how frustrated she'd become when the Legislature as a whole would back down because they feared Senator Chambers. But you all wouldn't learn from that. You want to test me. So that's what we're going to do. And I will prevail because, I'll tell you this, I don't care if we don't even pass a budget. That's when the Governor exercises his authority to call us into special session. And if he doesn't want to, we can take 40 votes and call ourselves into special session. And if you're going to try to trick me and not do that, how do you hurt me? You all are the majority.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

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

SENATOR CRAWFORD: Thank you, Lieutenant Governor, and good morning again, colleagues. I stand again in opposition to Senator Chambers' amendment, Senator Hansen's amendment. It is the case that, like Senator Hansen, I would like to actually see a rule to make it harder to pull something out of committee. So this is one of those examples where you might agree with the content of an amendment that's offered but disagree with the process with which it was brought forward and in that case then choose to vote against the amendment. And so that would be where I would be in terms of if we were to come to a vote on Hansen's amendment. I do think committees are very critical and important and that is actually why I would not want to support the amendment, because it came outside of that Rules Committee process that we have in place to try to make sure we have a strong vetting of those rules and make sure that there is attention to the complications in the rule and also a chance for people to come and speak about

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that. And again, one of the important parts of our Unicameral process here is the fact that every bill gets a hearing and the hearing plays an important role in making sure that there is a chance for each bill to get a vetting. And we had a similar process with rules where the proposed rules were posted and so people had an opportunity to come and comment, if they would choose to do so, on those proposed rules that went through the proposed rule process. And these amendments that are in front of us now did not go through that process. And I appreciate that Senator Hansen indicated that he would be willing to pull his if Senator Larson was willing to pull his and, if we were to do so, we could roll to a vote on the permanent rules, as amended through the committee process and our deliberation and debate here, and we could approve those. And so I appreciate Senator Hansen's willingness to do so even on something that matters a great deal to him, his willingness to do so if others with amendments are willing to do so. And I appreciate his offer on that front but understand his reluctance if others are not willing to pull theirs. So I also appreciate what Senator Harr started was just clarifying really what...how the Larson amendment that has been proposed compares to some of those amendments that were proposed to the Rules Committee that were rejected in that process. And I also want to reiterate what he has said and what Senator Krist has also noted on the record on the floor and that is that, if there is a rules change that someone wants to propose, later in the session you can petition and have the Rules Committee meet again and bring that rules change to the floor for a vote later, even after we adopt permanent rules. It is true that takes a higher vote threshold, but it is still a mechanism that's there to offer an opportunity to change a rule later in the process. So again, we can adopt permanent rules. We could drop all of these amendments in front that have been proposed and move to voting on those rules with the committee amendments as deliberated and debated on the floor and get to permanent rules today, before Tuesday. So those are options in front of us and I...

PRESIDENT FOLEY: One minute.

SENATOR CRAWFORD: ...hope that we're able to move in that direction to get the permanent rules adopted with those amendments that were vetted by the committee and debated thoroughly on the floor and have those new changes that I think are good changes but otherwise leaving other important components of the rules as they are, particularly leaving the cloture rule as it is and selection of committee chairs as it is. It's important to note that amendments up now, the Larson amendment would not only change the number on the cloture vote, but also really change the dynamic of the cloture vote. And that's where Senator Harr was when he ran out of time, really trying to explain that the burden of proof shifts. So under the current cloture rule, the burden of proof is on the person who wants to pass the bill despite opposition. That person needs to make sure that there are 33 people who are willing to...

PRESIDENT FOLEY: Time, Senator.

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SENATOR CRAWFORD: Thank you, Mr. President.

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

SENATOR HOWARD: Thank you, Mr. President. I believe Senator Chambers has more to say, so I'm happy to yield my time to him.

PRESIDENT FOLEY: Thank you, Senator Howard. Senator Chambers, 5:00.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, you heard a discussion that Senator Larson brought up about being able to call the question. You can call the question on Senator...well, you'd have to call the question on my amendment. That's what we're discussing, the amendment to his amendment. But calling the question is not a priority bill and I just filed ten amendments to the rules and each one of those amendments is to strike a section from the rules. Each one of those sections has multiple parts, each of which can be amended. Then there can be reconsideration motions. And if you all think I cannot carry it out, try me; test me. And let's say after the seventy-sixth day I begin to show weariness, then the eightieth day I actually look tired, then the eighty-fifth day I just throw up my hands and I say you win. How many of those bills are you going to get passed in five days? And every bill has to stay on Final Reading at least a day before it can be voted on. Four days. I'll give you four days. I own this Legislature. You see how generous I am? I could take us to the ninetieth day. But I'm willing to only take 86 days. I'm willing to give you four days. But if you rub me the wrong way, I won't give you any. Now to say something very serious to some of these rubes who just came here and think that somebody like Senator Larson or some of these other people, maybe Senator Murante, can promise them what's going to happen with their bill. Maybe they can control the people in their committee and get the bill out on the floor, but let Senator Murante, let Senator Larson, and let the other 25 control me on this floor, control me during this debate, now show them what you can do. I'm showing you what I can do and I'm challenging you. And Senator Brasch may be offended. She can join you in defending all you grown men if she wants to. Am I upset? You better believe it. You all are the ones playing the game. You're trying to show that your 27 has the power. Show it by making me give in. Make me sit down and shut up. Make me stop playing by the rules, respecting the rules, like the Chairman Senator Larson, of his little committee, does not respect the rules. If the matter is not advanced by the committee, then it shouldn't be pulled. That's what these committee chairs agreed. They wouldn't support the pulling of a bill from committees. But look at him. And then there are some people thinking they can trust what Senator Larson tells them about what he can do to get something done on a bill. Look at his power right now. Look at the power of all of them. They can strut and preen when they're doing what the Governor told them to do because it's not them, it's the Governor, and they are the

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Governor's puppets. When Charlie McCarthy dances, when Ed...Mortimer Snerd dances and talks goofily, don't look at the puppet. Look at the puppeteer. Edgar Bergen was the puppeteer.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: Governor...when I have a senior moment, you all won't help me. Governor Ricketts is the puppeteer. You all are the puppets. Some of you know how vindictive he is because you got here through his vindictiveness. He turned against people in a vindictive way and brought you here. I see where Senator Murante and even the Lieutenant Governor campaigned against my colleague Senator Kolowski. I like him better than I like all of them put together. And naturally, Ricketts, you think I like Ricketts better than I like Senator Kolowski? We've been working together for almost nine years on the Learning Community, here four years and another year. And I'm going to turn my back on him for some people who do that treacherous, dirty double-crossing stuff that Terry Carpenter described? Never. You all will because you're cowards and you're sellouts. You'd do anything to get here.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hansen, you're recognized. It's your third opportunity, Senator.

SENATOR HANSEN: Okay. Thank you, Mr. President. Colleagues, I know we've had a lot of discussion today on a variety of issues, so I just wanted to take a few moments to reframe us on the very specific thing up on the board that we are debating. Senator Chambers has made a note of it. But Senator Chambers has an amendment to my amendment. My amendment is for the pull motion, or as his comment referred, but specifically to Rule 3, Section 20(b). Currently, it takes 25 votes to pull a bill out of committee that has not been advanced to General File or IPPed. My amendment would raise that to 30 by using the term "three-fifths" of the "vote of the elected members..." Senator Chambers' AM, if I'm remembering correctly, would strike "three-fifths vote" and, instead, insert "(vote of) twenty-six." I obviously am still in support of my rules change and would like to get to a vote to it, although I understand, as Senator Chambers has noted, he has an opportunity to provide several amendments to it and he...as he has already. I just wanted to make sure we got back to that and kind of the underlying thing. I know we've had opportunity to discuss the veterans today. I know we've had an opportunity to discuss the overall mood and attitude and direction of the body. I know we've had an opportunity to discuss bills from last year, the cloture motion, all sorts of things. But when it comes time to vote and when we get to a vote, I want to make sure it's very clear what I'm proposing. So I'm proposing raising

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the threshold to pull a bill out of committee, via Rule 3, Section 20(b), from 25 to 30. And Senator Chambers is attempting to amend that down from 30 to 26. I wanted to make that abundantly clear what we're talking about. And since Senator Chambers has the amendment, in case I said anything wrong, I'll yield the balance of my time to him.

PRESIDENT FOLEY: Thank you, Senator Hansen; 3:00, Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator "Youngblood," I'm going to call you. You all won't help me when I have these senior moments. Anyway, I want to let people here know what I'm talking about because the public won't know. I have in my hand a brochure that was put out or whatever you call these scandal sheets that the Governor and his flunkies put out when they're campaigning against one of my colleagues that I like. Now if they did this against Senator Murante, I'd clap hands. If they did it against Senator Larson, I'd be glad. But you think the Governor is going to get rid of two puppets like that? So I call these the dirty dozen because there are 12 of them all together. But then there are three big shots at the bottom. As I look at it, on the left is former Governor Heineman; in the middle is current Lieutenant Governor Mike Foley; on the right, grinning like a Cheshire cat, is the current Governor Ricketts. And on their foreheads I put "MOE" on the head of Senator...I mean Governor, former Governor Heineman; "LARRY" written across the forehead of Lieutenant Governor Foley; "CURLY," for obvious reasons, on the forehead of Governor Ricketts; and in the margin, "3 STOOGES." You all don't like this? We're playing hardball. And at the top of that I quoted Terry Carpenter: "Candid Carpenter Calls Politics 'Dirty Double-Crossing Racket.'" This was put together for Ian M. Swanson. And below that are the words "Ian Swanson: Supported by Republican Leaders." I see one who is not a Republican, I thought, but it says, "Republican Leaders / Serious issues. Serious support..."

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: "...Ian Swanson is endorsed by: Former Governor Kay Orr." Some of these people--school board, Glen Flint; Mayor Jean Stothert; Councilwoman Amy Melton; Dr. Larry Arnn, or something, from Michigan; former Senator Dave Bloomfield; former Congressman Lee Terry; Republican Senator John Murante; Libertarian Senator Laura Ebke; then "Curly," "Larry," and "Moe," that I've mentioned--campaigning against one of my fellow senators and I'm not supposed to call them out on this floor? If they're going to behave like that, I'm going to deal with them. And that's why if I tell you I'll go 90 days, I mean it. And I challenge you to challenge me and see whether I'll do it or not. I was persuaded to let that LB22, or whatever it was, go through because there are supposed to be people working on that. But that didn't mean that I was going to go along on all the rest of it. It just meant I'd get to what we're doing now... [LB22]

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PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: ...and show you what I can do. Thank you, Mr. President.

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

SENATOR KRIST: Thank you, Mr. President. I had two meetings in my office, but I was able to listen to Senator Hughes talk about my statement about Senator John DeCamp's pull motion. And I just wanted to set the record straight and tell you something factual in the way of also doing something a little instructional. When a bill is sent out of committee, it appears in the Legislative Journal and it has a series of...and LB824 was the number, I believe, and Senator Hughes can correct me if I'm wrong. LB824 was the bill in question. So in sequence of events, it has a date of introduction; it has Senator...former Senator Schilz' name added on the 11th of January; referred to the Natural Resources Committee on the 11th of January; notice of hearing on the 27th of January; Pansing Brooks's name added...Senator Pansing Brooks's, I'm sorry, name added on January 20; February 19, Natural Resources priority bill; and then on March 16, placed on General File with AM2611. This bill did not get pulled. It was voted out of committee. And then, as I have seen many times in my time here, it was attached to another bill on Select File. That's the actual sequence of events. So I don't want to quibble with someone who wants to make a point on the mike, but I think factually you have to look at it. Conveniently, yes, backdoor pull it could be called? Maybe. But it was voted out of the committee, which means...what does that mean? It means it had a public hearing. It means the content of the bill in its entirety had a public hearing. The pull motion I'm describing is in 1985, April 2, DeCamp pending motion to place on General File withdrawn; DeCamp pending motion to raise from committee prevailed. So we have to go back that far to actually, factually see a pull motion on a bill and that was from Senator DeCamp. So I thought it would be interesting, both in terms of tactically understanding it is possible to have a bill voted out of committee and not have enough time within a session to have that bill come to the floor in General, Select, and Final Reading stages. It's possible to pull to...for the committee, once it votes it out, that the individual would ask to attach. We saw that this year with Senator McCollister early on attaching a bill that, quote unquote, had not been heard in committee. And if you recall, he announced at the beginning: It's going to take me 30 votes to do this. So he knew the threshold by which he was asking for what he needed to do. So I just thought I'd bring that up and make sure that the facts are known. Backhanded way of getting it through? I don't disagree. Senator Hughes and I have agreed to disagree on that kind of terminology. But pull motion being successful? Not necessarily an everyday occurrence. The last thing that I wanted to talk about, and it will be the last time I speak--I may be one of the last people to speak today--I believe that rules and how we operate, I've said this before, are very important. And I also believe, just to say it again, if you have a rule that you would like to introduce, there is nothing that prevents you from petitioning the Rules Committee Chair and the Rules Committee from reconvening,...

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PRESIDENT FOLEY: One minute.

SENATOR KRIST: ...then once it is heard in committee, reporting it to the floor and potentially a suspension of the rules or support from the Speaker to take it forward. Now, if I'm wrong on any of what I have said in terms of the rules, the technicalities, I'm sure I'll hear about it from the Clerk or from others, but the point being I think knowing the rules and knowing how they work are very important. Thank you, Mr. President.

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

SENATOR CRAWFORD: Thank you, Lieutenant Governor. Colleagues and those who may be watching, particularly, these comments are geared to those who may be watching and wondering what goes on and also for all of us in terms of our ongoing discussion about extended debate and the role of debate in this body. Sometimes when we are debating a bill, debating an amendment in this body, part of what's going on away from the mike is all...is conversations between senators on the floor and I think one thing that has surprised me, being here in the four years I've been here, is how many things do happen on the floor in conversations that are happening off the mike. And I know there have been many people who have been working hard in conversations to try to really make sure that we move forward and adopt permanent rules that will work well for the body and continue...and move forward to our other bills. And so some of those conversations were happening last week and I appreciate all the people from various parts of the body who were involved in those conversations. And I know that there were some conversations happening even here this morning as we were debating on the mike. Other people were having conversations on the floor talking about what we might do to move forward. And that's part of what happens sometimes. Last week, Friday, there were ongoing conversations and so some of us were speaking to make sure there was some time for those conversations to continue. And so when you see what's happening on the floor, it is important debate and we try to listen to one another and hear what the conversation is that's happening on the mikes. But then there are also conversations that are happening as well. And then what will often happen then is that someone will get on the mike to confirm or what's been going on and affirm a conversation. And I used that tool when we were debating on the budget...on LB22, excuse me, when I'd had an off-the-mike conversation with Senator Stinner and then just on the mike kind of confirmed some of our conversation, so just wanted to indicate that's sometimes what's happening when people are having a debate is that the discussion is not only just a discussion on the actual amendment that's on the board, but it's an opportunity to allow conversations to be had that then will come into the debate in a more public way as discussion continues. So I stand in opposition to the Chambers amendment and the Hansen amendment. I would hope that very soon we would find a way to adopt our permanent rules as amended by the committee amendments and our deliberation and really move forward and get to our other bills in front of us. Thank you, Mr. President.

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

SENATOR PANSING BROOKS: Thank you, Mr. President. I just rise today to just discuss my aggravation with this whole thing. You know, the past couple years we all got along really well. We had fun together. We could agree to disagree. We could move forward in all sorts of positive ways. And it's been very interesting to me because clearly the first few times I got on the mike there was this look of disbelief by some of the new senators who were looking to see where the fire would be coming out of my mouth and where I had hidden my horns and to try to see. They'd heard so many really terrible things from whomever about what terrible people we were, how we wouldn't listen to people, how we wouldn't collaborate and move across the aisle, that we need to be silenced. Senator Murante, some people voted him off of Executive Committee, so we had to slash and burn every committee. We had to slash and burn some of the standing committees. So I don't know. How long does this incredible punishment for whatever happened because somebody else then went and violated a long-time legislative rule where you don't go out and politic against a sitting Senator, which I think is a positive rule? I purposely did not do that on Senator Walz. Senator Walz is somebody I have met and known, off and on. But I said, nope, I'm not going to do it, I'm so sorry, I cannot support you publicly because I support you as a friend, but I cannot support you because that's the rule of the body. Well, boy, this whole place is slashing and burning because, you know, Senator Murante decided to go do that, so did Senator Kintner. So, you know, whose fault is all of this? It's really so ridiculous. Let's move forward, accept the rules that we had. You've heard how many bills have passed. How many votes were just a terrible split that we've had so far when we've gotten to votes? Pretty much they're all about 46 or 48 to 1. So I don't know what the great fear about making sure that the minority voices still have an ability to be able to stand up for our constituents. I don't know. It hasn't been working just terribly in the past. And, boy, we just...whatever you can do, slash and burn every single thing. Take over the committees. Take over the chairmanships. Take over the committees that...like Planning. How far does this have to go? At what point have we paid our due? What is our due? Because we represent our constituency, we're terrible people? I don't think we're terrible people. So some people decided to support an opponent who was sitting here in the Legislature and then somebody else decided that was inappropriate, so, I mean, it's all 'tis and 'tain't; it's the entire thing of, you know, who did what to whom and, gosh, some of the progressives aren't as supportive of the Governor's plans as they should be. Can you imagine what it would be like if we had a reverse situation? And be careful what you wish. As recently ago as I think...

PRESIDENT FOLEY: One minute.

SENATOR PANSING BROOKS: ...in the mid-'90s the body was split half and half. So this seems so ridiculous. Nebraskans I don't think are very interested in the fact that we're voting on

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rules. I do have some people saying move on. But really, I'm happy to work with Senator Erdman. I'm happy and am working with Senator Linehan on things. I am working right now with Senator Brewer. I'm reaching across the aisle to work on things for the benefit of the people of our state. We do not need to have a line in the sand. There is no line in the sand. Clearly you walked in and were told that there is a line in the sand. Let me know what it is because I don't get it, I don't understand it, and neither do the people of Nebraska. We are a nonpartisan body. We need to continue to be a nonpartisan body and work back and forth. Yeah, we have different ideas and ideals.

PRESIDENT FOLEY: Time, Senator.

SENATOR PANSING BROOKS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Chambers, you're recognized to close on your amendment.

SENATOR CHAMBERS: Another day. I have had a good day because things have gone my way. I have a wonderful feeling everything is going my way. You know why it's going my way? Because I am what I am and that's all that I am, but I know what I am. I know who I am. I don't need anybody's permission. I don't need anybody's affirmation. I don't need confirmation and I don't need a lot of company because I will do what I'm going to do myself, by myself. And if others agree and participate, that's a bonus. But before I say something, see, you all might live on a street, meaning your house, a street goes past your house. You all don't know how things are in the streets. Believe it or not, your word better mean something. And if you say that so-and-so does this, this is what so-and-so is going to get, you better be ready to get that that you said so-and-so would get. Don't make idle threats. And that's where that idea came from: I don't make threats, I make promises. I'm not going to tell you I'll do something if I'm not going to do it. But does that mean that if circumstances change, that I will not alter my course simply because I said if these circumstances remain this way I'm going to do this? Everything I do is for a reason. If the reason I'm doing it is achieved, there is no reason for me to do it any further. But right now there are things that need to be dealt with and the only thing I have, I'm like the cricket. This tyrant had caught the cricket and he was about to crush it. And the cricket looked up at him and crickets could talk in those days. And the cricket said, what have I ever done to hurt you? And the tyrant opened his fingers to look and there is this little cricket with this very sorrowful look on his face. He said, I can't hurt anybody, all I have is my song, would you kill me when all I have is my song? Sometimes it may make a summer night not seem so long; maybe it will bring comfort to somebody who needs any kind of sound. And the tyrant made sure nobody was looking, then he let the little cricket go. Give me what I want and I'll let you go. If you don't give me what I want, show me you can stop me from getting it in the way that I'm moving. But

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because you will not stand and push, don't put that limitation on me. All I see are 48 people. They're big shots here because they were elected. Put them out there on the street and people don't even know them. And that's the way I see them, people on the street: I don't bother anybody, but I'm not going to let anybody bother me. I never was a bully. I never said I could whip anybody. I never said I could whip everybody. But nobody could put their hands on me and not be in a fight. I don't care how big they were or how much help they had. And I've survived. You don't see a lot of knots and bumps on my head. You don't see scars all over me because people didn't want to see whether I was bluffing or not. So they left me alone. And you know what they would always say? Well, those little guys are the ones you have to watch out for because they might know something. They don't know whether I know anything. Maybe I'm the best bluffer of all. But they didn't know and they didn't want to find out. But you all can find out. You can find out if I'm bluffing. Challenge me. And I'll show you, like I challenged some of you all to show me that you're going to do to me what you said when you were running for office that you were going to do to me,...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...how you're going to control me, put me in my place, make me do certain things, stop me from doing certain things. This is not a city council. This is not a county board. This is not a school board. And this is not some little white, scary, rural community. This is the Legislature and black Ernie Chambers is here. And I'm a black man through and through, top to bottom, stem to stern, front to back. Challenge me if you want to. I watch you all bullying each other, stabbing each other in the back, intimidating each other and I'm supposed to respect you when you do that to each other, you do it to your own kind? You'd do you it to me if I'd let you. But I'm not going to let you and that's why I say I'm the man you wish you could be and that you know you ought to be. But if you all are going to be rational and reasonable, that's what I'll be. I'll be what you allow me to be based on how you treat me. And if you ever want to know how to talk to black people or treat us, treat us the way you want to be treated.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers.

SENATOR CHAMBERS: I will withdraw that motion.

PRESIDENT FOLEY: The amendment is withdrawn. Mr. Clerk.

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CLERK: Mr. President, I have no messages, reports, or announcements.

I do have a priority motion. Senator Larson would move to adjourn the body until Monday, February 6, at 10:00 a.m.

PRESIDENT FOLEY: Members, you've heard the adjourn motion. All those in favor say aye. Those opposed say nay. We are adjourned.