

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

Floor Debate
February 07, 2017

[LB93 LB190 LB494 LB503 LB568 LB576 LB595 LB645 LR32]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-fourth day of the One Hundred Fifth Legislature, First Session. Our chaplain today is Senator Watermeier. Would you please rise.

SENATOR WATERMEIER: (Prayer offered.)

SPEAKER SCHEER: Thank you, Senator Watermeier. I call to order the twenty-fourth 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: No corrections.

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

CLERK: Mr. President, I have a communication from the Governor appointing Mr. Robert Clements to the 2nd Legislative District seat vacated by the resignation of Senator Kintner. I have the accompanying oath of office and the appointment letter. Hearing notices from the Revenue Committee, the Judiciary Committee, a series of hearing notices and from the Education Committee, all signed by their respective Chairs. Revenue Committee also reports LB190 is indefinitely postponed. And finally, Senator Erdman, an amendment to be printed to LB568. That's all that I have, Mr. President. (Legislative Journal pages 429-436.) [LB190 LB568]

SPEAKER SCHEER: Thank you, Mr. Clerk. We'll now proceed...at this point, I'd like to make a couple announcements. First announcement would be, I would like to welcome Senator Clements to the floor. This is his first day. You're welcomed by your Nebraska Legislature. And secondly, just to let you know in relationship to today's agenda, if we do not...are not finished and have permanent rules by 11:45, we will move to the adoption of the extension of the temporary rules at that time. Mr. Clerk, first item on the agenda.

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

Floor Debate
February 07, 2017

CLERK: Mr. President, permanent rules. When the body left the issue yesterday, Senator Larson had pending a proposed rules change to Rule 7, Section 10. He tried, he offered...made a request to withdraw and substitute. There was an objection to that. Senator Larson then moved to allow for the substitution. That motion is pending.

SPEAKER SCHEER: Senator Larson, would you like to bring us up to speed where we're at in relationship to your two motions?

SENATOR LARSON: Thank you, Mr. President. Currently...well, I'll give a brief background. I first had an amendment to the permanent rules that would have required two-fifths negative votes to ensure that cloture is not invoked. Yesterday, after Senator Hansen pulled his rules and came to mine, I attempted to substitute a different rule change that tweaked a few words to my rule. And Senator Morfeld objected to it, which puts us into...well, essentially that forced me to make a regular motion of substitution in order to get what I wanted to be debated. We subsequently learned that in recent memory an objection to substitution has only occurred once in recent memory. It was Senator Lautenbaugh objecting to Senator McCoy on a horse racing bill. Otherwise oftentimes this just goes without objection. So I am disappointed that someone objected to a courtesy that oftentimes just happens. Senator Morfeld said he didn't know what I was substituting. Well, I don't know why that matters because if you didn't like it, you still could have just voted it down. But instead we are now in this procedural debate of attempting to get a substitution. And frankly, it's frustrating. It's something that we have to go through. Mr. Clerk, is there a...do I have the first amendment up?

CLERK: Well, Senator, we are on your amendment.

SENATOR LARSON: If I withdrew my substitution motion, do I have the first amendment to the amendment?

CLERK: You do.

SENATOR LARSON: All right, I'll withdraw my substitution motion.

SPEAKER SCHEER: Without exception, so ruled.

CLERK: Senator Larson, I have your original proposal as it relates to Rule 7, Section 10, Senator. I don't know if you want to open on that or go right to your amendment.

SENATOR LARSON: I'll go right to my amendment.

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

Floor Debate
February 07, 2017

CLERK: Mr. President, Senator Larson would move to amend his proposed amendment to the rules. I believe copies have been distributed, Mr. President. I'm sorry, they're being processed. They'll be out shortly.

SENATOR LARSON: All right.

SPEAKER SCHEER: Senator Larson, you're welcome to open on your amendment.

SENATOR LARSON: Thank you, Mr. President. We talk about learning the process. Well, and how Senator Chambers is a great teacher of the process. Well, we're going fairly deep into the process today, and yesterday. They brought up that I could have just amended my amendment instead of trying to substitute. Well, as I said, courteous, and oftentimes the collegial thing to do is not to object to a substitution, so I did not feel that it was necessary to file an amendment to the amendment. But the collegial thing isn't what Senator Morfeld did. He objected to my substitution so I had to file a motion to substitute to give myself time to get this amendment filed. So he can beat me up and say, well, he could have just amended the amendment. I guess I was expecting a little more collegiality from Senator Morfeld and in the time being, I managed to get my amendment to the amendment to make this happen. What this amendment does, the original amendment just required two-fifths vote in the negative to stop cloture being invoked. After careful consideration, I felt that it was necessary to have a positive component to the rule and considering that it takes a majority to move a bill off Select File or General File or pass a bill, that that's what was necessary. So what this amendment does...what this amendment does is makes...requires 25 green votes, and cloture would then be invoked unless two-fifths people are voting in the negative. At that point cloture would not be invoked. So if there are only 24 greens and 2 reds, cloture will not be invoked. But if there are 25 greens and 2 reds, cloture will be invoked. This puts the burden on both parties. This puts the burden on those that want to invoke cloture to ensure they have 25 votes, and it also forces those that are fighting to stop a bill, the minority, to produce 20 votes. That way if something happens, such as, you know, in the past and I felt bad, Senator Watermeier had a bill last year that I had a sick child for, and I couldn't make cloture. My four-year-old was puking and as a single parent, I had to take care of him and Senator Watermeier lost a cloture because of it. And that was...I felt very guilty. Senator Watermeier was understanding, but that was wrong that he didn't get cloture because of that. This puts the burden on all sides. It also puts the burden on those that are fighting to say, well, we're not going to vote, but then they go back to their constituents and say, well, it's just really too bad that X didn't happen. It just couldn't beat cloture. And then they asked their senator, oh, well, did you vote against cloture? No, I didn't vote against cloture. Well, they might not have voted at all, so they get to say that. People deserve to know where we are. Senator Linehan stood up yesterday and spoke some fairly wise words, I think. She served 12 years in Washington, D.C., saw the division of Congress happen, saw a filibuster be abused by both sides. And that is what has been happening in the Nebraska Legislature. It has been abused. My rule change protects

Floor Debate
February 07, 2017

minority rights, continues to allow the filibuster to occur, and puts the burden on both sides to find their votes and go on the record. It is transparency at its finest. We hear a lot about transparency. This is what my rule does. It offers transparency and it ensures that we vote to make sure that we have the votes to either advance the bill or to stop a bill. The division in Congress we hear...I've heard a number of senators on this floor say we don't want to be like Washington, D.C. Well, with the way the filibuster has been used and is threatened to continue to be used, we're already there. The division has already happened. We're already pegged like that. The people of Nebraska deserve better. Senator Morfeld says he'll just talk about rules all session. The people of Nebraska deserve better than that. Hopefully, we can vote on mine, my amendment to my amendment, then the rule as a whole, and we can move forward. I've heard on the floor that's not...if mine gets adopted and I would assume they'll just make amendment after amendment after my amendment goes because they want to just filibuster the entire session based on rules. And that's unfortunate. Colleagues, we're going to be on this for a while, I assume, probably all day today. I don't know what the agenda will be tomorrow, but hopefully we can move on, have a vote on this that their side wanted, Senator Morfeld demanded yesterday, and we can go. So I'd urge your support, first of all, of my amendment to the amendment, and then the amendment in general, and then we can start discussing the rest of the rules, or at some point finally move on. Thank you, Mr. President.

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: Thank you, Senator Larson. Members, you've heard the opening on the amendment to the amendment. Those in the queue wishing to speak: Senator Chambers, Senator Morfeld, Senator Crawford and others. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I'd like to know what it is that I'm talking about before I begin, so I would like to ask Senator Larson a question.

SENATOR WATERMEIER: Senator Larson for a question.

SENATOR LARSON: Yes.

SENATOR CHAMBERS: Senator Larson, I have two pieces of paper on my desk. One of them says a vote on the cloture...first of all, I move to strike the new language in the original Larson amendment. Does that mean that you want to entirely replace your original amendment and what we would then be discussing is this two or three sentence item that we have...two or three lines?

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

Floor Debate
February 07, 2017

SENATOR LARSON: Yes. We have the original amendment and then it strikes the language and it says which shall require a majority of elected members...

SENATOR CHAMBERS: Okay, okay, okay, okay. Not my time.

SENATOR LARSON: Okay.

SENATOR CHAMBERS: Do you think that everything in the way of propriety as far as conduct by members should be subject to a rule or should some things just be common sense?

SENATOR LARSON: I don't quite understand your question, Senator Chambers.

SENATOR CHAMBERS: Do you think that there ought to be a rule governing everything that a Legislature, legislator, would do? For example...

SENATOR LARSON: Yes.

SENATOR CHAMBERS: Okay. Don't talk while somebody else is talking. Should that be the subject of a rule?

SENATOR LARSON: I would think not.

SENATOR CHAMBERS: Don't stand up and begin talking without being recognized. Should that be the subject of a rule?

SENATOR LARSON: Isn't that already a rule, that you can't speak on the microphone without being recognized? I'd have to go back and look into the Rule Book.

SENATOR CHAMBERS: A person should not stand on the desk while the Legislature is in session, should that be the subject of a rule?

SENATOR LARSON: I would not...I don't think so.

SENATOR CHAMBERS: So what I'm getting at, there are some things that are so basic and commonsensical that a rule should not be necessary, would you agree?

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

Floor Debate
February 07, 2017

SENATOR LARSON: To a certain extent, yes.

SENATOR CHAMBERS: Do you think it should be the subject...should it be necessary to have a rule to say that the chairperson of a committee should not pull out a Jimmy John's sandwich and eat it during a public hearing? Should there be a rule?

SENATOR LARSON: If you would like to propose that, Senator Chambers, I would say you can.

SENATOR CHAMBERS: Do you think that should be a rule?

SENATOR LARSON: No.

SENATOR CHAMBERS: Do you think a chairperson should pull out a Jimmy John's sandwich and begin eating it during a public hearing?

SENATOR LARSON: I think that if a member of any committee, regardless of chairperson or not, if the chair allows it, should be able to eat lunch.

SENATOR CHAMBERS: Did you pull out a Jimmy John's sandwich yesterday during a public hearing and begin consuming it?

SENATOR LARSON: I did. I had a long Exec Board and was not able to eat lunch so I had my lunch during a hearing.

SENATOR CHAMBERS: Thank you. Members of the Legislature, do you all hear what I'm talking about when I tell you that competency, experience, ordinary intelligence, have nothing to do with who winds up being a chairperson? That should...suppose you were in a room where the Legislature is conducting its business, and lunch eating begins. Some things ought to be a matter of common sense, common courtesy, common respect for the public. Senator Larson is the one who keeps using the cliché he just learned: The people of Nebraska are entitled to something better than that. Well, they're entitled to something better than what he's doing. He doesn't even understand really what he's bringing. I have listened to what he said. And as long as I'm on this floor, I'm going to deal with the individuals who bring things to us and ridicule those things...

SENATOR WATERMEIER: One minute.

Floor Debate
February 07, 2017

SENATOR CHAMBERS: ...when they have it coming. I have told you that I will talk about the rules all session. You keep saying "they." Call me by name, Ernie Chambers said it. The media won't even mention it. They call other people's name. I'm the one doing it. I'm the invisible man. I'm the man who was not there. When I was walking up the stair, I met a man who was not there. He was not there again today. I wish to God he'd go away. That invisible man, moi, m-o-i. I'm the invisible man, but I intend to make my presence obvious and I'm going to discuss some of the bills, at least one of them, which I didn't have a chance to rerefer because a hearing has been set. But it's one of the most crackpot pieces of trash that I've read and it's in Senator Groene's committee and Senator Groene offered it. And I'm going to discuss it.

SENATOR WATERMEIER: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR WATERMEIER: Thank you, Senator Chambers and Senator Larson. (Doctor of the day introduced.) Those in the queue wishing to speak: Senator Morfeld, Senator Crawford, Senator Williams, and others. Senator Morfeld, you're recognized.

SENATOR MORFELD: Thank you, Mr. President. Colleagues, I rise today to discuss some of the comments that were made by Senator Murante yesterday and then also Senator Larson today. It's kind of funny, every time I hear Senator Larson speak on the floor it's as if I'm living in an alternate reality. When that objection was made, there were at least four or five other people that made the objection. I certainly was not the only one. I know Senator Hansen was one, I think Senator Harr was another one, I was one. There were at least one or two people behind me on the floor. So I love how Senator Larson likes to make some straw man arguments and point the blame at other people or at singularly one person as being obstructionist. We were ready to go to a vote yesterday. I was ready for that vote. Senator Larson wanted to delay for his own reasons, strategic or otherwise, and here we are. And yes, the rules are important; and yes, I will spend a lot of time debating them because the rules are fundamental to how bills are passed in this Legislature and they don't just impact one piece of legislation. They impact all of the legislation moving forward. The reason why I objected to Senator Larson's last-minute substitution is because we had no clue of the content or substance of that substitution. And I had seen unanimous consent motions that were not objected to go fairly badly and catch people off guard. So, yes, I used my prerogative just as it was your prerogative to object to a unanimous consent motion. The other reason why I objected to that is because by replacing that amendment with another substantive amendment, it gives it priority over the amendments before it. It doesn't give proper notice to the body of what's in that amendment because I had not seen it before that. Now yesterday, Senator Murante got up on the floor and started talking about how there's a bunch of people that have guaranteed that they're going to filibuster every bill in the session, when in fact

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

Floor Debate
February 07, 2017

it was one person. One person who got up on the floor, who I can't speak for him, but I think he was pretty frustrated with how things had gone, particularly with his leadership election when somebody had announced they were going to run against him five minutes before the leadership election. So I can only imagine how I would feel after that. So let's ask people on the floor if they intend to filibuster every single piece of legislation this session, starting with Senator Briese. Senator Briese, will you yield to a question?

SENATOR WATERMEIER: Senator Briese for a question.

SENATOR BRIESE: Sure, I will.

SENATOR MORFELD: Senator Briese, do you intend to filibuster every bill this session?

SENATOR BRIESE: Oh, absolutely not.

SENATOR MORFELD: Thank you, Senator Briese. Senator Albrecht, will you yield to a question?

SENATOR WATERMEIER: Senator Albrecht, would you yield?

SENATOR ALBRECHT: Yes, sir.

SENATOR MORFELD: Senator Albrecht, do you intend to filibuster every bill this session?

SENATOR ALBRECHT: No, I don't.

SENATOR MORFELD: Thank you, Senator. Senator Wishart, would you yield to a question?

SENATOR WISHART: Yes, I will.

SENATOR WATERMEIER: Senator Wishart for a question.

SENATOR MORFELD: Senator Wishart, do you intend to filibuster every bill this session?

SENATOR WISHART: Absolutely not.

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

Floor Debate
February 07, 2017

SENATOR MORFELD: Thank you, Senator Wishart. Senator Walz, would you yield to a question?

SENATOR WALZ: Yes.

SENATOR WATERMEIER: Senator Walz for a question.

SENATOR MORFELD: Senator Walz, do you intend to filibuster every bill this session?

SENATOR WALZ: No, I don't.

SENATOR MORFELD: Thank you. Colleagues, I'm going to go through every senator that's on this floor and ask this question. We're going to get people on the record because this is nonsense. There is no coordinated effort to filibuster every bill this session. And if there is a coordinated effort to filibuster every bill this session, I haven't been made aware of it and apparently I'm the culprit. Senator Hansen, would you yield to a question?

SENATOR WATERMEIER: Senator Hansen for a question.

SENATOR HANSEN: Yes.

SENATOR MORFELD: Senator Hansen, do you intend to filibuster every bill this session?

SENATOR HANSEN: No, of course not.

SENATOR MORFELD: Thank you, Senator Hansen.

SENATOR WATERMEIER: One minute, Senator Morfeld.

SENATOR MORFELD: Thank you, Mr. President. Senator Geist, would you yield for a question?

SENATOR WATERMEIER: Senator Geist for a question.

SENATOR GEIST: Sure.

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

Floor Debate
February 07, 2017

SENATOR MORFELD: Senator Geist, do you intend to filibuster every bill this session?

SENATOR GEIST: I do not.

SENATOR MORFELD: Thank you. I don't either. Senator Crawford...well, I won't ask Senator Crawford. She's right next to me, so it's tough to share the mike. Senator Vargas, would you yield to a question?

SENATOR WATERMEIER: Senator Vargas for a question.

SENATOR VARGAS: Yes.

SENATOR MORFELD: Senator Vargas, do you intend to filibuster every bill this session?

SENATOR VARGAS: No, I do not.

SENATOR MORFELD: Thank you. Senator Hilgers, would you yield to a question?

SENATOR WATERMEIER: Senator Hilgers for a question.

SENATOR HILGERS: I would.

SENATOR MORFELD: I think Senator Hilgers came back just for this. Senator Hilgers, do you intend to filibuster every bill this session?

SENATOR HILGERS: I don't.

SENATOR MORFELD: Thank you, Senator Hilgers. Senator Pansing Brooks, would you yield to a question?

SENATOR WATERMEIER: Senator Pansing Brooks for a question.

SENATOR PANSING BROOKS: Yes, I will.

SENATOR MORFELD: Senator Pansing Brooks, do you intend to filibuster every bill this session?

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

Floor Debate
February 07, 2017

SENATOR PANSING BROOKS: No, and I never have.

SENATOR MORFELD: Thank you, Senator Pansing Brooks. Senator Quick, would you yield to a question?

SENATOR WATERMEIER: Senator Quick for a question.

SENATOR QUICK: Yes.

SENATOR MORFELD: Senator Quick, do you intend to filibuster every bill this session?

SENATOR QUICK: No, I do not.

SENATOR MORFELD: Thank you, Senator Quick.

SENATOR WATERMEIER: Time, Senator Morfeld.

SENATOR MORFELD: Thank you, Mr. President.

SENATOR WATERMEIER: Senator Morfeld and the west half of the north half of the balcony and the senators, thank you. Senator Crawford, you are recognized.

SENATOR CRAWFORD: Thank you, Mr. President. And to answer your question, no, I do not intend to filibuster every bill this session and I yield the remainder of my time to Senator Morfeld.

SENATOR WATERMEIER: Senator Morfeld, 5:00.

SENATOR MORFELD: Thank you, Senator Crawford. We're losing some senators here. Senator Kuehn, will you yield to a question?

SENATOR WATERMEIER: Senator Kuehn for a question.

SENATOR KUEHN: Yes.

SENATOR MORFELD: Senator Kuehn, do you intend to filibuster every bill this session?

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

Floor Debate
February 07, 2017

SENATOR KUEHN: I do not intend to do so, but I reserve my right should I decide at a later time.

SENATOR MORFELD: Well, hopefully, you maintain that right. Thank you, Senator Kuehn. Senator Baker, would you yield to a question?

SENATOR WATERMEIER: Senator Baker for a question.

SENATOR BAKER: Yes.

SENATOR MORFELD: Senator Baker, do you intend to filibuster every bill this session?

SENATOR BAKER: Negative.

SENATOR MORFELD: Thank you. Senator Williams, will you yield to a question?

SENATOR WATERMEIER: Senator Williams for a question.

SENATOR WILLIAMS: Certainly.

SENATOR MORFELD: Senator Williams, do you intend to filibuster every bill this session?

SENATOR WILLIAMS: No.

SENATOR MORFELD: Thank you. Senator McCollister, would you yield to a question?

SENATOR WATERMEIER: Senator McCollister for a question.

SENATOR McCOLLISTER: Yes, I will.

SENATOR MORFELD: Senator McCollister, do you intend to filibuster every bill this session?

SENATOR McCOLLISTER: No, sir.

SENATOR MORFELD: Thank you. Senator Hughes, will you yield to a question?

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

Floor Debate
February 07, 2017

SENATOR WATERMEIER: Senator Hughes for a question.

SENATOR HUGHES: Of course.

SENATOR MORFELD: Senator Hughes, do you intend to filibuster every bill this session?

SENATOR HUGHES: Not every bill.

SENATOR MORFELD: Thank you, Senator Hughes. I appreciate your honesty. Senator Bolz, would you yield to a question?

SENATOR WATERMEIER: Senator Bolz for a question.

SENATOR BOLZ: Yes, sir.

SENATOR MORFELD: Senator Bolz, do you intend to filibuster every bill this session?

SENATOR BOLZ: I do not intend to filibuster every bill this session, and did I hear you say on the mike that that is not your intention either?

SENATOR MORFELD: It is not my intention to filibuster every bill this session. Thank you, Senator.

SENATOR BOLZ: Very good. I'm glad we're clear.

SENATOR MORFELD: Thank you. Senator Halloran, would you yield to a question?

SENATOR WATERMEIER: Senator Halloran.

SENATOR HALLORAN: Yes.

SENATOR MORFELD: Senator Halloran, do you intend to filibuster every bill this session?

SENATOR HALLORAN: For the sake of the same transparency, we're asking for the rule change, absolutely will not filibuster every bill.

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

Floor Debate
February 07, 2017

SENATOR MORFELD: But just a few of mine, maybe.

SENATOR HALLORAN: We never know, will we. (Laughter)

SENATOR MORFELD: Thank you, Senator Halloran. Senator Lowe, would you yield to a question?

SENATOR WATERMEIER: Senator Lowe for a question.

SENATOR LOWE: Yes.

SENATOR MORFELD: Senator Lowe, I put on my big boy pants this morning, just so you know.

SENATOR LOWE: I can tell.

SENATOR MORFELD: Do you intend to filibuster every bill this session? There's some hesitation.

SENATOR LOWE: No, I don't believe so, but then what a great way to filibuster is by asking the filibuster question.

SENATOR MORFELD: This is not a filibuster. This is putting everybody on the record because Senator Murante feels as though there's some conspiracy to filibuster every bill this session. Thank you, Senator Lowe. Senator Brewer, would you yield to a question?

SENATOR WATERMEIER: Senator Brewer for question.

SENATOR BREWER: I will.

SENATOR MORFELD: Thank you, Senator Brewer. Do you intend to filibuster every bill this session?

SENATOR BREWER: No, sir.

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

Floor Debate
February 07, 2017

SENATOR MORFELD: Thank you, Senator Brewer. Senator Blood, would you yield to a question?

SENATOR WATERMEIER: Senator Blood for a question.

SENATOR BLOOD: I will with enthusiasm.

SENATOR MORFELD: Do you intend to filibuster every bill this session?

SENATOR BLOOD: I do not.

SENATOR MORFELD: Thank you, Senator Blood. Senator Chambers, would you yield to a question?

SENATOR WATERMEIER: Senator Chambers for a question.

SENATOR CHAMBERS: Yes, I will.

SENATOR MORFELD: Now I'm kind of afraid about Senator Chambers' answer here, but Senator Chambers, do you intend to filibuster every bill this session?

SENATOR CHAMBERS: You know, I have to put things in context. There was a gunslinger named John Wesley Hardin...

SENATOR MORFELD: You're on my time, Senator. (Laughter)

SENATOR CHAMBERS: All right. Well, I have to answer it the way that I am going to answer it. He said, I never killed a man who didn't deserve killing. I've never filibustered...I don't filibuster bills. I engage in extended debate and I don't do it on every bill. And since I have bills of my own and they are the bills that I favor, I certainly will not do that on every bill.

SENATOR MORFELD: Thank you, Senator Chambers. Senator Schumacher, would you yield to a question?

SENATOR WATERMEIER: Senator Schumacher for a question.

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

Floor Debate
February 07, 2017

SENATOR SCHUMACHER: Yes.

SENATOR MORFELD: Do you intend to filibuster every bill this session?

SENATOR SCHUMACHER: Yes. (Laughter)

SENATOR MORFELD: Noted, for the record.

SENATOR WATERMEIER: One minute.

SENATOR MORFELD: That's the last time I ask Senator Schumacher a question to make a point. Senator Burke Harr, would you yield to a question?

SENATOR WATERMEIER: Senator Harr.

SENATOR HARR: Yes.

SENATOR MORFELD: Do you intend to filibuster every bill this session?

SENATOR HARR: Not every bill.

SENATOR MORFELD: Thank you, Senator. Oh, and then Senator Clements, your first time on the mike. I apologize, but would you yield to a question?

SENATOR WATERMEIER: Senator Clements for a question.

SENATOR CLEMENTS: Yes, Senator.

SENATOR MORFELD: Do you intend to filibuster every bill this session?

SENATOR CLEMENTS: I do not.

SENATOR MORFELD: Thank you, Senator.

SENATOR CLEMENTS: Thank you.

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

Floor Debate
February 07, 2017

SENATOR MORFELD: And my favorite Senator, Senator John Murante, would you yield to a question?

SENATOR WATERMEIER: Senator Murante for a question.

SENATOR MURANTE: Yes, Senator Morfeld.

SENATOR MORFELD: Senator Murante, do you intend to filibuster every bill this session?

SENATOR MURANTE: I do not.

SENATOR MORFELD: Thank you, Senator. Senator Brasch, would you yield to a question?

SENATOR WATERMEIER: Senator Brasch for a question.

SENATOR BRASCH: I will yield.

SENATOR MORFELD: Senator Brasch, do you intend to filibuster every bill this session?

SENATOR BRASCH: I do not.

SENATOR MORFELD: Thank you, Senator Brasch. Senator Lindstrom, would you yield to a question?

SENATOR WATERMEIER: Senator Lindstrom for a question.

SENATOR LINDSTROM: Yes, I will.

SENATOR MORFELD: Senator Lindstrom, do you intend to filibuster every bill this session?

SENATOR LINDSTROM: What session? (Laughter) Seems like this is going on for a long time. No, I do not plan on filibustering every bill this session.

SENATOR MORFELD: Thank you, Senator Lindstrom.

Floor Debate
February 07, 2017

SENATOR WATERMEIER: Time, Senators.

SENATOR MORFELD: Thank you, Mr. President.

SENATOR WATERMEIER: Thank you, Senator Morfeld and others. Senator Williams, you're recognized.

SENATOR WILLIAMS: Thank you, and good morning, friends, and good morning, Nebraska. And I'm glad to know that Senator Morfeld knows everybody's name in here. First of all, I would like to say a warm welcome to Senator Rob Clements, our newest banker in the Legislature, and we are promising and committing that we won't be fixing rates back here. But if you see Rob and John Stinner and I working together, you might know what's going on. But I've had the opportunity to work with Rob many times over the years on various committees at the banking department, the banking association, and appreciate his commitment, appreciate his wisdom and what he will be doing in this institution. But you also need to know that on Saturday afternoons he loves to play the trumpet in the Nebraska alumni marching band. So this fall don't ever schedule anything on Saturday mornings of home games because that's where Rob will be. But thank you for being with us and we wish you well and welcome you to this fine group. Now, what are we here to talk about today? Rules, rules, and more rules. And the frustration that we have with that, the fact that it precludes us, this continuing discussion, from doing what most of us came here to try to do which is to make a better Nebraska and understanding what goes on. And yesterday we had a situation happen when Senator Larson proposed his substitution motion that caught many people off guard because you only have a minute or less to react to that and at that point in time nobody had seen what the motion was, so it's not unusual that people would object to that. And, of course, then we spent the rest of the morning yesterday in that discussion. But now we've had an opportunity to review that and it had some issues, but as opposed to the fact that we, I think, had hoped or at least I had hoped that we could move forward and vote on that substitution motion, Senator Larson chose to withdraw that and put the current amendment up. Now we are all having time to review Senator Larson's amendment to the permanent rules. And remembering the discussion we've had over the last few days about how these rules affect how we conduct business and affect our behavior in here, and whether we get business done or not. And I would remind people that we are being asked again to change things that may not be broken. But that's up to each one of us, the 49 of us, to decide. So at the end of the day, what I would encourage us to do as a body is to get off the lights...yes, get off the lights, and move towards a vote on Senator Larson's amendment, so we find out where we are so that we can move on and start to get to those things that our constituents sent us here to do, those things that are important and those priorities that I've talked about before for each one of us, whether that's K-12 education, whether that's taxes, whether that's Corrections, whether that's HHS, those things that are ultimately important.

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

Floor Debate
February 07, 2017

SENATOR WATERMEIER: One minute.

SENATOR WILLIAMS: We will survive this discussion. It is good discussion, but we are now at a point where I believe we as a group can move forward. Thank you, Mr. Chairman.

SENATOR WATERMEIER: Thank you, Senator Williams. Senator Pansing Brooks, you are recognized.

SENATOR PANSING BROOKS: Thank you very much, Mr. President. I am rising today, I feel it's pretty poignant to follow Senator Williams. You know, Senator Murante yesterday said we need to find a way to communicate. We need to find a way to find some people that will come together and that we can make some decisions that are good for the body. I appreciate that Senator Murante said that, and I think that the issue is that this is all based on trust. So I decided to look up trust in the dictionary. Trust is the firm belief in the reliability, truth, ability, or strength of someone or something. Unfortunately, when the new senators came in, they chose to follow the least likely to work across the aisle. There are those that they are following and have been working with including a previous senator who didn't work across the aisle. So if there's a lack of trust, there's some clarity why. And then the next thing that happened is that the Gang of 27 minimized and marginalized those most likely to be trusted by both sides. That includes Senator Williams, a Republican. It includes Senator Hilkemann, a Republican. It includes Senator Krist, a Republican, those who have been able to work the body, both the progressives and the more conservative, and help us to get to common ground. But the Gang of 27 came in and slashed and burned and decided that no matter what, it's our way or the highway. Senator Halloran, I need to quote from the paper today. I talked to him yesterday, but I didn't hear the whole quote. His quote in the paper is, quote, it's bogus to say the other side doesn't organize and that the Legislature is just suddenly partisan this year. It's been that way for a long time, unquote. Again, I will continue to reiterate. I have never, ever met as a caucus or with the entire group of progressives. I've met with three or four people at a time about specific bills, but I've also met and I could have Democrats mad at us because I've met with Republicans about certain bills. I took it on the chin the first year about supporting a Republican initiative by Senator Schilz and I've had to really work my way back from that. This body has not been partisan, and I would...I stand to disagree with you, Senator Halloran, and it's easy for you to say, oh, this is what it looks like. We may be split along ideologies, rural and urban. We have not met and...in addition, we've had pressure as Democrats to continue to start...to start to meet. We've had continuing pressure for this for quite a while, but there's been a lot more pressure. The answer is, oh, well, the Republicans are meeting now, you might as well meet. We have stood against that and decided not to. Senator Crawford, would you answer a question, please?

SENATOR WATERMEIER: Senator Crawford for a question.

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

Floor Debate
February 07, 2017

SENATOR CRAWFORD: Yes.

SENATOR PANSING BROOKS: Senator Crawford, do you agree that we have fought against meeting as a caucus?

SENATOR CRAWFORD: Yes.

SENATOR PANSING BROOKS: And have we met as the entire progressive Democratic group ever, at least while...in the past two years while I've been here...two and a half?

SENATOR CRAWFORD: I don't believe so.

SENATOR PANSING BROOKS: Thank you, Senator Crawford.

SENATOR WATERMEIER: One minute.

SENATOR PANSING BROOKS: Thank you. We are split along ideologies. I wanted also to read you a quick note from a constituent of mine. Dear Senator Pansing Brooks: The 33 vote cloture rule serves a role as the second house to ensure that in our Unicameral system all voices deserve consideration and have weight. This is what democracy looks like. It's messy. It takes time and it means all perspectives have value in the formation of policy. Voicing objections is not obstructionist. It's our right. Stand strong, as I know you do, on retaining the current cloture rule and all other rules meant to diminish and silence the minority voice. It's not about doing the business of those who, quote unquote, won. Ours is a representative government and the rights of those on the losing side should not be dismissed. Thanks for all you do, constituent. Again, these rules have been put in place so that minority voices, including rural voices, when they are the minority on an issue, are able to be heard. Be careful what you wish.

SENATOR WATERMEIER: Time, Senator.

SENATOR PANSING BROOKS: Thank you.

SENATOR WATERMEIER: Thank you, Senator Pansing Brooks. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, you're not going to hear me making all these conciliatory comments. It's a waste of time. Senator Pansing

Floor Debate
February 07, 2017

Brooks has been a person who ever since I have seen her or met her down here to try to pour oil on troubled waters. You need people like that, but I don't put oil on the water, I roil the waters. People like Senator Murante, Senator Larson, Senator Hughes, and some of the others need to know that there's somebody who is not going to roll over and say let's get along. They did some very horrible things that first day. And now that they've got everything they want, they say now let's all sit down and talk about it. There's nothing to talk. Everything has been taken. I'm not going to sit down and talk to them and waste my time. I'm not a child. Maybe I'm the only adult on this floor. Maybe I'm the only one who understands what has happened here. I see people popping up now to whom the Governor gave money and who had nothing to say, but yesterday they had their orders and instructions and here they come popping up like jacks in the box. I recognize it and I see it. So let me make one thing crystal-clear. I would not ever say I'm going to engage in extended debate on every bill. That's foolish to do it and foolish for somebody on this floor to say that. But since Senator Murante and his clique and clique got everything they want the first day, it made them delusional. They have even made my good friend, a person I respect, Senator Ebke, take positions that I think should not have been taken on bills to get along with them. If I'm standing alone, I will do it and I can do it. Match me. Overmatch me. Make me sit down. Beat me under the rules. You can do away with the cloture rule, I don't care what rule you put in. You can't stop me because I think and you don't. I have principle and you lack them. I'm the one who stayed on Senator Kintner from the first day and you all, some of you were thinking I shouldn't say it. Senator Hughes even said the people in his district didn't even care. It made them no difference. Others said it. Two senators came down and defended Kintner: Schnoor, and he's no more; Bloomfield, and he's not here because of term limits. That's what I did and I started out after Kintner the first day that I heard what he had done. The other senators were quiet except Senator Krist, Senator Hadley, and a few others who are no longer here. The others were quiet and they were condemning of me, worried about what I was saying and how people would react and I told them, this is what I feel my duty is. And then when the idiot put that retweet on, you know who brought that to the floor? I did. I produced a handout the very next day and handed it out. Then the first one after I had spoken who responded was Senator Pansing Brooks. Then others began to speak. Why didn't you speak up at the beginning as I was trying to get you to do? Because you want to wait until everything is safe. You're not going to venture out there. That's why I don't have a lot of respect for what goes on, on this floor and in the hallways. I don't trust people around here. You heard a chairperson talk about the justification in eating a sandwich during a public hearing. That's what this is about and you all are going to talk about the image of the Legislature? No, I'm the only one in a position to talk about that. And when you all say the things that I say, take me out of that position, listen to what I say. Listen to how strongly I fight to try to make the organization, which is yours not mine,...

SENATOR WATERMEIER: One minute.

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

Floor Debate
February 07, 2017

SENATOR CHAMBERS: ...be what it ought to be and do what it ought to do. Take care of the people who are poor, who are hungry, who are homeless, who have no medical care. Such a bill to expand Medicaid could not even be brought this time by these Christians, so-called, who pray to their so-called God every day. I will talk at length on any subject I choose and let the whiners like Senator Larson get up--well, they didn't do this before, I don't know--and spend all the time whining and talking about why something wasn't done because he doesn't know anything else to say because he doesn't even understand the issues he brings before us and challenge me on the floor. Put me on the mike and embarrass me. I'm willing to meet the challenge. Choose your weapons. Thank you, Mr. President.

SENATOR WATERMEIER: Thank you, Senator Chambers. Senator Chambers, that was your second time on this amendment to the amendment. Mr. Clerk for an announcement.

CLERK: Mr. President, the 1st Caucus of the Committee on Committees is meeting now in room 2022. The 1st Caucus of the Committee on Committees.

SENATOR WATERMEIER: Thank you, Mr. Clerk. Those in the queue wishing to speak: Senator Krist, Senator Bolz, Senator Murante, and others. Senator Krist, you're recognized.

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. First of all, I'd like to add my welcome to Senator Clements. I have been where you are and it is a drink from a fire hose, my friend, but I'm sure you will have much help around you. And I can tell three things about you. One, by the kind words of my friend, Senator Williams. Secondly, your lapel pin which is a symbol of pro life, and I stand for that as well. And then finally, you still have a smile on your face, so you obviously have not been here very long, at least this session. Welcome. I see no compelling reason to change from the filibuster rules that we currently have. We have 33 and 17. And I don't dismiss the fact that it's only been in the '90s that we have been using this rule. I will say for those who haven't listened before, and for Senator Clements at this point, 33 and 17 has worked for this body. The problem we had in the increase of filibuster was when we started to lower limits in terms of only taking six hours. I believe that was part of a slope that we went down by reducing that time. It was an experiment and it didn't work very well. But I have to hand it to Senator Hadley, he had the courage to actually try something different. This something different shouldn't even appeal to you. It should be extremely difficult to change a piece of legislation, to change law, to change statutes in the best interest of the citizens of this state with anything less than 33. In the positive, 33 to carry things forward. And by the way, the number 17 and the numbers don't add up to 49 you'll notice, the number 17 is also difficult to get to in order to actually stop something from happening. So you can pick a number 32, you can pick a number 31, you can pick a number 26, the point is, is there a compelling reason to change? And I would argue here on the floor this morning, very

Floor Debate
February 07, 2017

clearly, I do not see a compelling reason for change. I've had colleagues look at me when I say I've been here for eight years and they're tired of hearing me say, I've been here for eight years. But you know what, I've been here for eight years. I watched Senator Flood and Senator Tom White, who were different parties and leaders of each one, stand in the hallway as Tom said, you know what we were doing this afternoon, over lunch? We were caucusing. Now, Tom was a Democrat. Flood, in his infinite wisdom, a man that I will always respect--I think will go down in history as one of the best Speakers in legislative history--turned around and looked at him and said, Tom, I can't find a room big enough to caucus with the Republicans. Senator Flood was anti-caucusing. He wanted to work things out on the floor. When he had an issue, he took us wherever he needed to take us, got us to the point of compromise. We came back in here and we voted, not always the way he wanted. It didn't always take as little time as he would want to take. He is notorious for taking a group down to a bank vault, Senator Pankonin's bank vault, to try to work out an issue because it could not be worked out on CIR on this floor. It should be very difficult on either side. And my experience tells me there is no compelling reason to change from 33 and 17.

SENATOR WATERMEIER: One minute.

SENATOR KRIST: Going along with what Senator Williams previously said this morning, I think we should get to a vote. This will be the last time I speak on the amendment to the amendment or the amendment. I think I've said everything I need to say in the last few days. We need to pass a permanent set of rules and move forward, or before we adjourn today, extend the rules and let's not talk about them for a couple of weeks again. I think those are our two alternatives, but I honestly believe that we should get to a vote one way or another on the amendment, and the amendment to the amendment, and then the permanent rules. Thank you, Mr. President, and thanks, colleagues, for listening.

SENATOR WATERMEIER: Thank you, Senator Krist. Senator Murante, you're recognized.

SENATOR MURANTE: Thank you, Mr. President and members, good morning. Is Senator Morfeld in the Chamber?

SENATOR WATERMEIER: Senator Morfeld for a question.

SENATOR MURANTE: It sounds like he's not on the floor. Just the same. What we heard from Senator Morfeld was kind of interesting. And I hope it is at least the start of a productive conversation about how to move forward because what we're hearing now is a series of commitments to not filibuster every bill, which isn't much of a commitment, but perhaps a change in tenor so we could figure out how to progress with legislation without stalling. But I

Floor Debate
February 07, 2017

think it's important to look at the totality of the evidence. We are currently here on day 24. We are still debating the permanent rules. We have spent hours this session talking about a budget plan that was necessary to keep our state going, which ultimately passed nearly unanimously. We spent hours talking about a military license plate bill, with concerns that could have been resolved with a brief meeting with Senator Watermeier. We've stalled on Referencing motions which has made an inability for us...which has given us an inability to progress with the business of the state. We've been promised that if there is any change to the filibuster rule that we will spend the remainder of this legislative session talking about the rules. We've seen rallies held in praise of the filibuster. We've seen public statements in the newspaper by members of this body acclaiming the virtue of the filibuster, but today we're told absolutely not. We do not intend to filibuster everything, maybe most things, maybe many things. I don't know what kind of commitment that is. But our praise of the filibuster has nothing to do with our intent to actually use it. I find that peculiar. So I'm looking for...Senator Bolz, a person I always enjoy negotiating with. Senator Bolz, would you yield to a question?

SENATOR WATERMEIER: Senator Bolz for a question.

SENATOR BOLZ: Sure.

SENATOR MURANTE: Senator Bolz, you were among the members who pledged, like I did, that you would not filibuster every bill.

SENATOR BOLZ: Correct.

SENATOR MURANTE: That's correct. Senator Pansing Brooks, I think accurately identified the problem that we have right now and that is a lack of trust. Would you agree with Senator Pansing Brooks to it...not on a one-to-one level but there is a lack of trust within the body generally.

SENATOR BOLZ: I'm not sure that this is necessarily different than previous years. We all have different relationships with different people, with different ideologies, different personalities.

SENATOR MURANTE: Indeed. My question to Senator Morfeld and to you right now is if we are all committed to not filibustering every bill, what are we prepared to do to demonstrate that? What action are we willing today, to take today on February 7 to actually build that level of trust? That's my question. What are we willing to do about it?

SENATOR BOLZ: Are you asking me what I'm willing to do?

Floor Debate
February 07, 2017

SENATOR MURANTE: What are you willing to do about it?

SENATOR BOLZ: I'm willing to keep my word.

SENATOR MURANTE: What...you are willing to...but that is not an action today. That is an action at some point and you can't keep that promise on February 7. You could keep the promise in May and we can look back and say Senator Bolz really kept her word, but today that's not an action that you are taking today. My question to you is, today, if we were to sit down and say, we can take an action to move forward, that's what I'm looking for. I'm looking for the action forward.

SENATOR WATERMEIER: One minute.

SENATOR BOLZ: Maybe not something I can do today, but something I have done in the past has been cosponsor bills, cosponsor bills with multiple types of people. Introduce my own bills, I'm not going to filibuster my own bill, so I think both my historical actions and my commitment on the floor today, as well as my intentions for the future, all sort of work to try to build the trust of my colleagues.

SENATOR MURANTE: And the reason I asked you, Senator Bolz, this question is because what you just said is absolutely correct. I have always had an ability to work with you on pieces of legislation, but I think that's where the crossroads is. I think that is where the impasse is in this body right now. That's my view. Is how do we move forward without just taking each other's words for it? What action can we take on February 7, today, so that it isn't just the pinky promise that we talked about in the past, that everything will smooth itself out? And I'm open. I genuinely, I am open to any suggestions people have for us to move forward in a way that does not necessitate an amendment to the permanent rules.

SENATOR WATERMEIER: Time, Senators.

SENATOR MURANTE: Thank you, Mr. President.

SENATOR WATERMEIER: Thank you, Senator Murante, Senator Bolz. Senator Larson, you're recognized.

SENATOR LARSON: Thank you, Mr. President. I'd like to address a few things. First, I feel that when Senator Pansing Brooks stood up and said there's a group of us that don't work with the other side. I don't know if she was referring to me or Senator Murante or Senator Lowe or

Floor Debate
February 07, 2017

Senator Halloran. She's fairly vague in that, but I don't think that's necessarily true, regardless of who she was referring to. We work with one another on a lot of bills, a lot of ideas. I consider many on both sides of the aisle a personal friend. I consider Senator Vargas a personal friend, so let's be careful about the accusations we make. Second of all, I find Senator Chambers' comments very interesting in terms of his comments on women. Would Senator Chambers yield to a question? I would like to go through an exercise with him.

SENATOR WATERMEIER: Senator Chambers for a question.

SENATOR CHAMBERS: Yes.

SENATOR LARSON: All right, Senator Chambers. I'm going to give you a quote, and the only answer I want from you is who said that quote. Can we do that?

SENATOR CHAMBERS: If you were a lion what kind of lion would you be?

SENATOR LARSON: That was a question. Can...I'm going to give you a quote, you tell me what...

SENATOR CHAMBERS: No, I'm not going to agree to something like that. Ask me the question as a man and I'll answer that as a man.

SENATOR LARSON: All right, Senator Chambers, who said this? You could see there was blood coming out of her eyes, blood coming out of her wherever. Who said that?

SENATOR CHAMBERS: That so-called President Donald Trump.

SENATOR LARSON: I think Senator Sasse said, there are no so-called presidents and there are no so-called judges and there are no so-called senators. There are presidents, judges and senators. So, you're right, it was Donald Trump. Next, who said this? Women, no one understands them. They don't even understand themselves. Books and books and books have been written about them and no one understands them.

SENATOR CHAMBERS: The unmentionable one whom I will mention, that's "Guttersnipe" Kintner, hard for me to say his name.

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

Floor Debate
February 07, 2017

SENATOR LARSON: Former Senator Kintner said that. And the last one. She will have to get her ecstasy some other way, maybe with a vibrator. I doubt she can get a man.

SENATOR CHAMBERS: I said it, I said it. I said it.

SENATOR LARSON: Thank you, Senator Chambers. Colleagues, which one is the most disgusting? I don't know if I can pick which one is the most disgusting. They are all degrading. I do not condone...at that point it was candidate Trump's comments to Megyn Kelly, former Senator Kintner's comments, or Senator Chambers'. Regardless of the issue, if we're going to talk about respect, let's talk about respect. To infer that a female cannot get a man so she has to use a vibrator is out of line. So if you're going to draw a line, let's draw a line. I do not condone any of those. Will Senator...I don't see Senator Morfeld. I see Senator Hansen standing there. Will Senator Hansen yield to a question?

SENATOR WATERMEIER: Senator Hansen for a question, and you have one minute, Senator Larson.

SENATOR HANSEN: Yes, I would.

SENATOR LARSON: Senator Hansen, would you condone President Trump's at that candidate...candidate Trump's comments about Megyn Kelly?

SENATOR HANSEN: Would I condone? No, I would not.

SENATOR LARSON: Would you agree with former Senator Kintner's comments?

SENATOR HANSEN: No, I would not.

SENATOR LARSON: Do you think they were appropriate?

SENATOR HANSEN: No.

SENATOR LARSON: Do you think Senator Chambers' comments about that prosecutor were appropriate?

SENATOR HANSEN: No, I do not, although I will say...

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

Floor Debate
February 07, 2017

SENATOR LARSON: Thank you, Senator Hansen. Colleagues, let's be careful. Thank you, Mr. President.

SENATOR WATERMEIER: Thank you, Senator Larson, Senator Hansen, and Senator Chambers. Senator Walz, you're recognized.

SENATOR WALZ: Thank you. Colleagues, we are on day 24, and we're still discussing the rules. I feel these are big rule changes that shouldn't be rushed, and I really do appreciate the time that I've had to learn about the rules. But I feel compelled to tell you that I'm disappointed in the process right now, mostly the ugly partisanship that we've experienced. A constituent of mine e-mailed me just yesterday and I want to read what he wrote because I think he said it best. Gregory Hively wrote: The Nebraska Legislature has a proud tradition of working together because we share one important thing in common. We are all Nebraskans. We don't work across the aisle. We share the aisle. We respect each other even when we disagree. Changing the Legislature's rule to end the secret ballot elections and lowering the cloture vote threshold will weaken the nonpartisan tradition of Nebraska. This is in direct opposition to the reason the nonpartisan Unicameral Legislature was created, to have senators come together regardless of ideology and work together for the common good of Nebraska. I want to point out again that one line. We don't just work across the aisle. We share the aisle. My political mentor and a very, very dear friend of mine is Senator Ramie Janssen. He represented my district for 16 years. While all of us are considered nonpartisan in the body, Ramie was a registered nonpartisan and he took that nonpartisanship to heart and fought for the people of Dodge County and the people of Nebraska before anything else. All of you guys know my party registration, but that doesn't matter to me. I honestly told the voters, and I truly meant it, that they would always come before a political party or a special-interest group. What has gone on with the leadership elections was not like anything I had ever been told while I was out campaigning for this job. They told me that senators, like the great people in the state of Nebraska, would put differences aside to work for the common good of our state and the people who live here, which was key for my decision to run. I'm going to go off here for a minute because I just want you guys to stop and think. On my way here, I passed a lot of people who were going to work. They may have been construction workers. They may have been farmers. They may have been electricians, plumbers, grocers. I passed a lot of people, and it made me think that regardless of the differences they have, they still go to work, and they still go to work to get a job done. I find it offensive that some of you label me saying that I'm in the Bloc of 17. I have never threatened to filibuster. I'm not saying that if a bill would be bad for the people of Nebraska I would try to do what's best for the people, and these rule changes are not in the best interest of my constituents. I think it is essential to uphold the nonpartisanship of the Unicameral, but let's throw nonpartisanship out for a minute. I also stand in opposition on a rural/urban divide standpoint. While population in our urban centers continues to rise, it is going down in rural areas. Rural areas are bound to lose two seats in the next round of redistricting. I find it equally important to allow the minority view, in this case, the

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

Floor Debate
February 07, 2017

rule standpoint to make sure there is not a law passed that would be catastrophic for people of an entire geographical area.

SENATOR WATERMEIER: One minute.

SENATOR WALZ: If this was such an unreasonable rule, and I'm a freshman, so I don't understand, but if this was such a big deal now and not in the past, Senator Larson is in the last two years of his second term. He approved these rules three times already, yet, this is the year he pushes for it. He won't even be around to see the outcome it has for the people of his district and his state...in the state in years to come. So, Senator Larson, would you yield to a question, please?

SENATOR WATERMEIER: Senator Larson for a question.

SENATOR LARSON: Yes.

SENATOR WALZ: I'm just curious. Why the change now? Can you just please explain that to me?

SENATOR LARSON: Senator Walz, I've been here six years as you've said, and I've seen a lot of filibusters happen, and we discussed the dysfunction of Washington, and that has become Lincoln. The threatening of filibusters, the...

SENATOR WATERMEIER: Time, Senators.

SENATOR LARSON: Thank you.

SENATOR WATERMEIER: Thank you, Senator Walz, Senator Larson. (Visitors introduced.)
Mr. Clerk for an announcement.

CLERK: Thank you, Mr. President. The Committee on Committees will meet at 10:15 in Room 2022.

SENATOR WATERMEIER: Thank you, Mr. Clerk. Senator Chambers, you're recognized and this is your third time on the amendment to the amendment.

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

Floor Debate
February 07, 2017

SENATOR CHAMBERS: Thank you, Mr. President. Maybe somebody will give me some time and maybe not. I would like to ask Senator Larson to yield to a question or two, if he will.

SENATOR WATERMEIER: Senator Larson for a question.

SENATOR LARSON: Yes.

SENATOR CHAMBERS: Senator Larson, who gave you that quote that you attributed to me? And as far as it went, it was correct. Who gave that to you?

SENATOR LARSON: I think it was a quote out of the World-Herald.

SENATOR CHAMBERS: You say what?

SENATOR LARSON: I think it was a quote out of the World-Herald.

SENATOR CHAMBERS: Who gave it to you? Who called your attention to it?

SENATOR LARSON: Google.

SENATOR CHAMBERS: Did you...oh, so you just looked up Ernie Chambers under Google and comments.

SENATOR LARSON: It takes a lot of research, but Google does give some...

SENATOR CHAMBERS: Okay.

SENATOR LARSON: If I Google it and I mean there's lots of Web sites and whatnot, but yeah.

SENATOR CHAMBERS: Okay, okay. What was on the context in which the comment was made?

SENATOR LARSON: I believe it was an execution in the early '90s of Wili Otey, if I remember right. Is that correct?

Floor Debate
February 07, 2017

SENATOR CHAMBERS: Well, you don't remember, you read it in Google so what did you read?

SENATOR LARSON: Well, I read it off the World-Herald, but I Googled it to find the quote, but the World-Herald it was referring to that execution of Wili Otey.

SENATOR CHAMBERS: And it was...who was the female prosecutor?

SENATOR LARSON: I don't know. I'd have to go back to the article to figure out who it was.

SENATOR CHAMBERS: You don't believe in getting facts, do you? Did you talk to her because at some point you did know her name because you read it. She's still alive. Did you talk to her about the comment?

SENATOR LARSON: I have never talked to her personally, no.

SENATOR CHAMBERS: So then you don't know what her public response to it was, do you?

SENATOR LARSON: I don't.

SENATOR CHAMBERS: Thank you. Members of the Legislature, he doesn't tell the whole truth and a half truth or an incomplete truth is a lie. Somebody called that to his attention. You all see how shallow he is. He's not overburdened by brains. Why won't he stand up and say that I lied when I said he ate a sandwich as chairman of a committee during a public hearing? Why doesn't he justify that? I'll stand by and behind any and everything that I said. And for his information, which he has no interest in, my comment was discussed on the floor of the Legislature. So now he feels triumphant. Look at him. Listen how he stumbles when he's on the mike. He's carrying water for somebody now and they gave him a bucket with a hole in it. Challenge me on anything you choose, but make sure you come with the whole story. He didn't find it on Google. He wouldn't have even known what to look up. Somebody told him, and I'm not opposed to that, but why can't he admit it? Why can't he admit it? Because he sees something nefarious about it because so much of what he does is nefarious and dishonest. Why would he pick Senator Vargas as his...I don't know if he said he's his friend or not. Why would he pick Senator Vargas? I don't know, but I've heard white people say one of my best friends is colored. Those comments coming from somebody like Senator Larson are due to be viewed with suspicion. Now I will tell you all what I will do. I will keep us on these rules. And if you adopt his rule, I've got several amendments up there that can keep us on the rules indefinitely. And if you think I'm going to fold because now all of a sudden everybody wants to get along, you've got another think coming.

Floor Debate
February 07, 2017

You don't just come to me and say, well, we've got everything we want and now let's make it nice. Let us keep everything we've got and the damage that we did and everybody else roll over and say it's all right. That's like me being in a battle on the battlefield and the enemy takes a piece of high ground and I'm still fighting, he said, Ernie, let's not fight anymore, let's leave everything right where it is. I've got the high ground. I've got everything I want. Now, you stop fighting and let's call a truce but we keep everything the way it is. That is insane.

SENATOR WATERMEIER: One minute.

SENATOR CHAMBERS: And to think I'm going to forgive what happened that first day is equally insane. I know some of the characters, I know some of the participants, and I do not trust them and they know that I know them. Let Senator Hughes stand on the floor and say that I'm lying when he said with reference to what Kintner had done, the people in his district don't even care. Not a big thing to them. Then when the tide had turned, all of them started saying, get him out of here. I did the hard work on it, and I'm going to take the credit for it. Even the media forget. I was the one taking incoming fire from every direction, and I did not hesitate. I did not lower my eyes. I did not back off. I did not quit. And I discussed it on this floor, gave everybody an opportunity to say something and they were silent until the tide had turned. I'm used to what goes on here. I've told you. After 42 years, I should know something, shouldn't I? Thank you, Mr. President.

SENATOR WATERMEIER: Time, Senator. Thank you, Senator Chambers. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. To get to Senator Larson's point when he used me as an example. Of course, I condemn rough and abusive language wherever it comes from. If it comes from President Trump, if it comes from Senator Chambers, if it comes from Senator Kintner. Of course, I would be willing to stand up and condemn that. You know, and that just rises to the issue, I think the implied question there is, why haven't you already? Well, if we want to start getting into the situation where we spend all morning, day after day condemning what somebody did; if we want to condemn Senator Groene for his e-mails that have come to light recently; or we're going to condemn Senator Larson for his committee behavior; we want to condemn, I don't know myself or Senator Morfeld for what we said on the microphone, that's fine. We could do that. But if the whole spirit of the debate is moving the people forward, moving to get to the business of the state, that might be better left just acknowledge that, no, of course, we don't support that behavior. You know, I don't want my reputation to be ever implied that like language like that of mocking, abusive, whatever you want to call it language is okay. You know, I just went out on a limb even with Senator Chambers' comments because apparently that happened about the year I was born and so I'm just taking a guess there, that those were

Floor Debate
February 07, 2017

probably in line with the other ones. And, you know, if that's something I need to go look up and reconfirm, we can do that. I originally clicked on my light to get to Senator Murante's point about what can we do today, what can we do tomorrow to prove that we are moving the business of the people forward and that we are not going to bog ourselves down unnecessarily. I will show you what I have been doing, what I did Friday, what I did yesterday, what I'm going to continue to do today. If you look at the worksheet we have on our desk, we have 85 General File bills. You look at the 84th General File bill, LB93, that is my bill. It is a bipartisan bill cosponsored by Senator Ebke. I've worked on it for over a year. It's a reintroduced bill that I had last year. This year we were able to get it out of the committee with no opposition and unanimous supporting testimony after numerous meetings with the city of Lincoln, the Nebraska State Patrol, private entities, on and on and on. Well, I'll be honest that may be a candidate for my personal priority, but it's not necessarily a lock. I have other things I'm working on similarly as hard. And I know every time we spend a day talking about rules, and I know every time we spend extended debate or filibuster on a bill, the chances of that getting passed gets smaller and smaller and smaller and smaller. I have other bills that I'm, this week I'm going to ask committees to Exec on and kick out and get on General File, and I hope we can get to them. I hope we can get to them whether it's a General File order, consent calendar, personal priority, committee priority, Speaker priority. I hope we can get to them, and I recognize that if I was totally, absolutely going to just throw session into chaos, why would I be spending so much effort? Why would I be spending so much time to get my own issues, my own bills on to General File out of committee? Why would I have introduced 20 of them in the first place? Why would I keep doing this? So the sheer fact that I've, as of Friday, and it was reported to General File yesterday and shows up in the worksheet today, am working to get bills out by building consensus, by bringing support. You know, I don't know, I didn't work the votes super hard, but I could have maybe crammed that out, you know, 4-3 out of Judiciary with..the number is wrong there, 5-3, out of Judiciary with opposition testimony. But, no, I spent the time and the effort and I got to give credit to my staff and to my legislative aide for doing that as well, as well as community partners and stakeholders to get to some consensus, get to language everybody understands and supports. [LB93]

SENATOR WATERMEIER: One minute.

SENATOR HANSEN: Thank you, Mr. President. Now that bill has a small fiscal note and that's going to be something we're going to have to debate in a larger context, and by having this fiscal note probably knocks it out...definitely knocks it out of consent calendar condition, but that's what I'm doing today. That's what I did yesterday, that's what I did Friday. I'm going to have a bill up in front of Agriculture Committee this afternoon that I'm going to continue to work on with stakeholders. That's what I'm doing to showing that I am not disrupting session unnecessarily. With that, speaking to the matter at hand, I will be opposing both the Larson amendments and the amendment to the amendment. Thank you, Mr. President.

Floor Debate
February 07, 2017

SENATOR WATERMEIER: Thank you, Senator Hansen. Senator McCollister, you're recognized.

SENATOR MCCOLLISTER: Thank you, Mr. President. Good morning, colleagues. I quite agree with my colleagues. We've been going nowhere fast. Senator Hansen indicated the number of bills now sitting on General File, and we haven't really gotten into any of the work that we were brought here to do. It's certainly time for us to move forward. Senator Pansing Brooks, I think, identified the problem that we have. There is a lack of trust, and that perhaps occurred the first day, and I think we can move forward and reestablish trust. I'd have to say that where we're going, that first day's business would be a Pyrrhic victory. That's where you win the battle, but ultimately lose the war, and that's what I think we have going on here today. Okay, how do we reestablish trust? I contend we reestablish trust by having Senator Larson pull those amendments. We adopt the Rules Committee report without amendment and move forward and start doing the people's business. Let's see that olive branch, and I think we can start reestablishing trust in this body. Thank you, Mr. President. Mr. President, I would relinquish the balance of my time to Senator Chambers.

SENATOR WATERMEIER: Senator Chambers, three and a half minutes.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator McCollister. I'm going to tell you all why I made the statement that I made, and I won't mention the name of the female prosecutor, but she worked in the Attorney General's Office. Wili Otey was facing an execution. There was a hearing before a Lancaster County judge. This female prosecutor was leaning on the railing. She was mugging. She was turning around, grinning at people in the courtroom. I've spent time with men on death row, and I've spent time with three men who were executed, the last three men, and one of them it was Wili Otey. I went to see him about this situation. He said, it's bad enough what's going to happen to him because he knew all these men know, he said, but the way she has done has made the whole thing even worse. Some of the things that she has said are worse than what I am charged with. I said, I'll tell you what I'm going to do. I'm going to take that heat off you and I'm going to deflect it on me. And there was a judge on the U.S. Supreme Court. His name was William O. Douglas, and he spoke of the ecstasy, the orgasm of ecstasy that executions gave people in the United States. And he made specific reference to the two people, well, one of them was executed, a woman, and a reporter managed to take a photograph of it by concealing a camera and the device he used to trigger it in his shoe, and he matched it with his shoe and took her picture, Ethel Rosenberg. So when that hearing was over, we were out in the hallway down by the court, and I was talking to people. And I was expressing my conduct, my reaction to her conduct, and I said, I quoted what William O. Douglas said about the orgasm of ecstasy that people get from these executions. I said she's the example of that and she, instead of doing it this way, she ought to get a vibrator because she can't get a man. That's what I said, and I

Floor Debate
February 07, 2017

did it on purpose, and the attention was deflected from a man whose life the state was going to kill, was going to take, and put on my,...

SENATOR WATERMEIER: One minute.

SENATOR CHAMBERS: ...though I'm short, broad shoulders and I'll carry those burdens. And I will create those burdens and I was not apologetic, and I will not be apologetic. And for some idiot on this floor to try to equate what I said to these other things he quoted, shows just what an idiot he is. And I use that term on purpose. He has gotten away with all kind of things here, and people won't call him out on it, but I will because he came after me, and he ought to know what he's talking about. He didn't know what he was talking about, and even lied about where he got the information. Yes, I said he lied. Why did he have to lie? If one of his staff members got it for him, the staff member's doing what the staff member's paid to do. You all can't go anywhere if you don't reckon me in the equation. You all can all be quiet, but you have me to contend with, and I haven't been shown anything that would cause me to have trust in any of these people.

SENATOR WATERMEIER: Time, Senator.

SENATOR CHAMBERS: And you cannot silence me. Thank you, Mr. President.

SENATOR WATERMEIER: Thank you, Senator Chambers and Senator McCollister. (Visitors introduced.) Senator Krist, you're recognized.

SENATOR KRIST: I know I promised I wouldn't speak on this subject again, but I was aware that the Committee on Committees was out meeting on a particular subject matter, so just so that we wouldn't get to a point of having to call the house and get the Committee on Committees' members back in here before they finished their job, I thought we would take it just a few more minutes and speak about what needs to be spoken about. I'm not wasting time. I am simply allowing for the Speaker and the Committee on Committees' membership to come back in here and tell us where they are and how we will proceed. There really isn't any reason for me to continue to waste time if they have come to a point where we can move on. But I will make one comment further than what I made this morning, which I feel compelled to do. I have in the past, as some of you who have been here longer than probably two years, or even those who have been here for two years, have decided that the best way that you can get your point across is to demonize the other side for whatever reason. I assure you I have tried that. I have failed at it. I have tried it and I have hurt someone deeply who is no longer here in this Chamber. And as much as people will call me a hypocrite for asking you this today, I would say clearly, I'm asking each one of you, stop demonizing the person who opposes an ideology that you have. Try not to speak again of across the aisle unless it's absolutely necessary because people get the impression

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

Floor Debate
February 07, 2017

that this aisle is a dividing line between my friend and I, Senator Williams, or my friend and I, Senator Pansing Brooks. It's just not a vocabulary that needs to be applied to this Chamber. With that, Mr. President, seeing that most of the members are back, I would say we're ready to do business, unless there's anybody else in the queue, and thank you for listening, colleagues.

SENATOR WATERMEIER: Thank you, Senator Krist. There are two members in the queue, Senator Schumacher, Senator Kolowski. Senator Schumacher, you're recognized.

SENATOR SCHUMACHER: Thank you, Mr. President and members of the body. Perhaps through those clouds there's daylight. What could have been a highly contentious Committee on Committees meeting, stacking the 1st District Caucus and tradition against the Committee on Committees as a whole was averted. It was averted by a giant olive branch extended by the 1st District in nominating Senator Clements to the position of the Appropriations Committee that was opened by Senator Kintner. It's a giant, giant step forward for this body in this contentious session. That could have fumed over for a lengthy meeting and on into this body with more ill will and bad feelings that would have just continued to sour this. And that leaves us with one loose end so that we can get on with the business of the people, and that is to take the rules as they were advanced by the Rules Committee and adopted here and move on without any further amendments. Peace has been offered. It is now up for the final step for peace to be accepted, and this insane rules debate trying to fight with the tradition of several decades set aside and this body move forward. Truly, Senator Geist and Senator Blood had seniority, and that could have been a line in the sand, and to a certain extent I want to offer both them my apologies for instead taking this route and this effort to move the body forward. Part in parcel is that we now move forward with no further amendments, including move forward without the Larson amendment. And that being where it appears we're at, I thank the body.

SENATOR WATERMEIER: Thank you, Senator Schumacher. Senator Kolowski, you're recognized.

SENATOR KOLOWSKI: I thank Senator Schumacher for his comments and yield the remainder of my time to Senator Chambers.

SENATOR WATERMEIER: Senator Chambers, 5:00.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Kolowski. What you all are going to find out about me, if you haven't learned it, is that after I have been insulted, after the system has been denigrated and corrupted, it has been demeaned that I'm going to all of a sudden when people are tired say, well, forget it. No! By me not having a chance, by the way, to make my rereferencing motions, a bill that I wanted to rereference that Senator Groene offered

Floor Debate
February 07, 2017

has been set for a hearing, and that bill is LB595. I don't know what crackpot put it together, but what it attempts to do is give absolute immunity to a teacher who uses force against a student no matter what form that force takes. Ignorantly, this is the language of that bill on page 2. "Any teacher or administrator defending himself or herself, another teacher or administrator, or a student pursuant to subsection (1) of this section or protecting school property pursuant to subsection (2) of this section shall not be subject to legal action or administrative discipline." Here's what the Nebraska Constitution says: Article I, Section 13. All courts shall be open, and every person, for any injury done to him or her, his or her lands, goods, person or reputation, shall have a remedy by due course of law and justice administered without denial or delay. It's idiotic to think that the Legislature can overrule the Constitution by saying a lawsuit cannot be filed against the teacher who has abused a student. I'm shocked that Senator Groene would bring such a bill, but people have said there's a lack of understanding, and this demonstrates it. I'm glad he's here. They set that bill for hearing which I can't attend because I'll be in a committee hearing, but I may beg out of it. The Constitution should be respected. A person can file any suit in the court that he or she pleases. There were some farm groups who wanted to say that lawsuits could not be filed when somebody wanted to defame some of their produce, which is idiotic. They wanted to say that in cases like those brought against McDonald's because hot coffee spilled on a person, could not be filed. That was idiotic. I could not explain to them that a person can file any suit he or she chooses, even against God, and I demonstrated it. It was said that the petition on file wouldn't be read by a judge. That was false. It said there would certainly not be a hearing. That was false. Not only was there a hearing, but a ruling against me, and I was able to appeal it to the Nebraska Supreme Court which bucked it down to the Appellate Court. And they dismissed what I brought, but you know what they said? That the ruling made against me was vacated because it was not in accord with the law. So everything that I did panned out the way it should, and I can file that lawsuit again. It was not dismissed with prejudice. I could file it again. The lower court misread the law. That's what's being done with some of these things that are being brought, and this is a bill, LB595, I wanted to rerefer to the Judiciary Committee...

SENATOR WATERMEIER: One minute.

SENATOR CHAMBERS: ...where you have people who understand things about the Constitution and the law and respect them, but instead it's going to the Education Committee. And I may beg off of attending my committee hearings so I can go and speak against that bill. Then it goes further and says, which I don't have time to complete now, but if I get more time I'm going to do more on this bill, and if not on this amendment that's before us, I have amendments pending to the rules, and I'm going to take all the time I need to go through this very atrocious, unjustified, and should be killed bill. Thank you, Mr. President.

SENATOR WATERMEIER: Thank you, Senator Chambers. Senator Morfeld, you're recognized.

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

Floor Debate
February 07, 2017

SENATOR MORFELD: Question.

SENATOR WATERMEIER: Question has been called. Do I see five hands? I do. The question is, shall debate cease? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 31 ayes, 1 nay to cease debate, Mr. President.

SENATOR WATERMEIER: Thank you. The debate does cease. Senator Larson, you're recognized to close on your amendment to the amendment.

SENATOR LARSON: Thank you, Mr. President. Colleagues, in short we have become Washington, D.C. We've heard, because of what has happened on the first day, there are 17 that will stop everything. We've heard from another member that it doesn't matter if a majority of us, or not even a majority, 33 of us agree or bridge...work across party lines, he'll filibuster whatever he wants to filibuster. The dysfunction of Washington, D.C., has made it to Lincoln. My amendment offers transparency, ensures that both sides have green, and the other side has red. It forces votes. We need to find a measure that works, and this ensures minority rights while at the same time ensuring transparency and making sure we as a Legislature can get things done. Thank you, Mr. President.

SENATOR WATERMEIER: Thank you, Senator Larson. Members, you've heard the closing on the amendment to the amendment. All those...there's been a call for roll call in reverse order. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 41 ayes, 0 nays, Mr. President, to place the house under call.

SENATOR WATERMEIER: The house is under call. We are all here, I understand. The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Riepe, the house is under call. All members are present. The question is, shall the amendment to the amendment be adopted to the rules change? All those in favor vote aye; all those opposed...excuse me, there is a request for a roll call vote in reverse order. Mr. Clerk.

CLERK: (Roll call vote taken, Legislative Journal page 437.) 22 ayes, 23 nays, Mr. President, on the amendment.

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

Floor Debate
February 07, 2017

SENATOR WATERMEIER: Thank you, Mr. Clerk. The amendment is not adopted. Raise the call. Mr. Clerk for an announcement.

CLERK: Mr. President, Senator Larson would move to reconsider that vote just taken with respect to his amendment to the proposed rules change.

SENATOR WATERMEIER: Senator Larson, you're recognized to open on your reconsider. Senator Larson, you're recognized.

SENATOR LARSON: Thank you, Mr. President. Colleagues, transparency is important. I explained earlier today about how guilty I felt last year when I had a sick and puking five-year-old as a single father and having to stay home and miss a cloture vote. That is wrong when the dysfunction has happened to force 33 on simple bills because one member has brought dysfunction to force the complete burden on them, and then have other members go present, not voting. It's not right. The burden should be on both sides because right now it could be 32-0 and cloture isn't invoked. This reminds me of my time on Appropriations Committee when there was a motion made on property tax relief, a rather large motion, amount of money, to go into the Property Tax Credit Relief program and the vote was 2 to 0 to 7. That is wrong. The seven people that not voted didn't want to go on the record of opposing property tax relief for reelection purposes. But they didn't want to put money into property tax relief. There were other priorities. So rather than going on the record, the motion failed 2 to 0 to 7. So essentially they could get reelected because they don't want the negative mail. They don't want what would be said. Both sides, when it comes to invoking cloture, should have a burden. You should be forced to get at least a majority of green and the opponents should be forced to at least show that they have the support for cloture, or to stop cloture, excuse me. When we move forward, hopefully we can further understand the necessity for this change. Senator McCollister said, withdraw all the amendments and let's move and we'll restore trust. Well, you're asking everything...if you want to say we don't trust one another anymore, you're asking us to give everything because we truly believe in these rules changes for what? What are you giving to trust? A pinky promise that you won't filibuster everything or the things that matter. I mean, that's like saying Senator McCollister and I will have a thumb war to decide how people vote one way or another. If you want to say that trust is broken down, okay, but what's being offered as an alternative? We have to have...I don't disagree, we have to have minority rights. My amendment still ensures minority rights. I heard a few years ago, I've seen the Lincoln Journal Star comment on it, one of their main reporters comment on it that a change in the filibuster rules are absolutely necessary because the tyranny of the minority has taken over. They may have been referring to a different minority in that point, but it doesn't matter. They understand whether the minority was then or this minority now, a tyranny of the minority can dominate the Nebraska Legislature. And it is. The dysfunction of Washington is here and it has been here for a...almost my entire time in the Legislature. We heard the good speakings of Speaker Flood. You're right. Speaker Flood was

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

Floor Debate
February 07, 2017

really good at bringing everybody together. I consider Speaker Flood a close and personal friend. I've never seen...he has a very nice mahogany desk in his office in Norfolk, and I've never seen somebody be able to laugh off a two-year-old taking crayons to a mahogany desk. Theodore was two at the time and did that. I think Speaker Flood blamed himself for giving him the crayons, but he was a great Speaker and very good at what he did. Since Speaker Flood has left, we had four years under two consecutive Speakers that just under their leadership filibuster after filibuster after filibuster occurred. The dysfunction came here. We have a chance to invoke transparency, to ensure people are on the record, cannot hide from their votes, and I think that's important. Thank you, Mr. President.

SENATOR WATERMEIER: Thank you, Senator Larson. You've heard the opening on the motion to reconsider the last vote taken. Those in the queue wishing to speak: Senator Pansing Brooks, Senator Craighead, Senator Groene, Senator Geist, and others. Senator Pansing Brooks, you are recognized.

SENATOR PANSING BROOKS: Thank you, Mr. President. I'm just raising...rising to praise my colleagues for affirming the olive branch that was held out on behalf of our actions from the 1st Congressional District. This is a good start. It's a good day. It shows that we can function. Senator Larson keeps talking about filibustering, and who's filibustering now? He also said, give me one vote. Well, we gave him a vote, and now we need more votes on this. Senator Larson, will you yield to a question?

SENATOR WATERMEIER: Senator Larson for a question.

SENATOR PANSING BROOKS: Senator Larson.

SENATOR WATERMEIER: Senator Larson for a question.

SENATOR LARSON: Yes.

SENATOR PANSING BROOKS: So, Senator Larson, didn't you say just give me one vote?

SENATOR LARSON: I said we should vote on it. It doesn't mean that I...

SENATOR PANSING BROOKS: Yeah, thank you very much. Thank you for answering that. Again, colleagues, I'm grateful for the work of this body. I'm grateful for the comments that have made today. I stand corrected about working across the aisle. We work in the body together, and

Floor Debate
February 07, 2017

these arguments about filibuster after filibuster are disingenuous, and I will now yield the rest of my time to Senator Chambers, I guess.

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Senator Chambers, you're yielded 3:30.

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Pansing Brooks. I will deal with Senator Groene's bill when I get time on my own. You have a chance to see how much these people's word means. Senator Murante was interrogating people about what can be done today to show that you mean it. Look at Larson. They're joined at the hip. He did ask for one vote, and he got it and it didn't turn out the way he wanted, so he's doing as I would do, as I customarily do, and I will continue to do. I said I will not be a part of any agreements down here because you can't trust the people you're trying to work with. You cannot draw a straight line with a crooked ruler. That's what you're dealing with when you deal with Senator Larson and his ilk. He doesn't even remember what he said, so let him check the transcript. You all can deal with him if you want to. I'm going to put out the list of all of those who the Governor purchased...or the Governor helped win and watch how they voted. He's the one running this Legislature, and it's his will that it is to be carried out. That's why they want this so-called change in the so-called cloture rule so that the Governor can get his way and it cannot be withstood. I only have one vote. I can't stop it that way, so I will have to use other ways to do it, and I assure you I shall. These "Repelicans" have shown what they're about. They've shown with that last vote what they intend to do, and it's good it happened on the rules. My colleagues may be hindered by what was done, but I won't, and I'll tell you what else I'm going to do. A man is getting for me a list of all the farmers in the Legislature who got government subsidies, got that free money, for work they did not do, and I am going to read that list when I get it because they're the same ones who will not want to extend the coverage of Medicaid. They like free meals from the lobbyists, but I had said that I was going to tell you about this guy I thought was a land baron when I first came down here, named Ramey Whitney and he got, what he got by marrying a rich woman...

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: ...and I will go into more detail on that when I have a chance to tell the whole story. And obviously, I'm going to have plenty of time to talk about whatever I want to. As far as what Senator Flood did, he acknowledged that he was able to do what he did because I was not here. People were easier to cajole and do what they wanted to have done. They ran up a whole lot of names and things on license plates. Had that not been done, I would not have offered to put mountain lions on license plates. Many things were undone. There were changes to the bill I got passed into law with reference to grand juries under Lautenbaugh's

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

Floor Debate
February 07, 2017

misguidance. When I came back, the prosecutors came and worked with me to put the bill back where it had been when the Legislature changed it during my absence. Former Governor Heineman said how glad he was I came back because people would have to read bills...

SPEAKER SCHEER: Time, Senator.

SENATOR CHAMBERS: ...and pay attention. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Pansing Brooks and Senator Chambers. Senator Craighead, you're recognized.

SENATOR CRAIGHEAD: Thank you, Mr. President. I'd like to talk just a few minutes about the Committee on Committees meeting this morning. I'm pretty proud of that group. We got our business done in ten minutes. And for those of you who do not know, the Committee on Committees, at this point in time, functions under one rule and one rule only, and that is to fill committees. We're halfway through the committee hearings. Senators have expertise on the committees that they serve on. There's been an argument with seniority. The other side is with term limits. That hasn't worked, and it hasn't worked this year. You know, maybe we will filibuster this entire session, and I don't know about you, but I get about 15 e-mails a day from people saying--are you guys going to get everything...anything done? Nebraskans are watching us. Nebraskans want us to work. They don't want all this eighth-grade stuff that we're doing in here. We need to come to some agreement as adults and get some work done for the people of Nebraska. I wanted to say that I am very proud of Senator Kolterman for his stance this morning in the Committee on Committees. That was very gracious. Thank you, Senator. And to Senator Clements, I want to congratulate you for being the new member of the Appropriations Committee. For those who don't know, Senator Clements is an actuary, a banker, and a businessman. Thank you, Mr. Speaker.

SPEAKER SCHEER: Thank you, Senator Craighead. Senator Groene, you're recognized.

SENATOR GROENE: Thank you, Mr. President. I think new Senator Clements is proud, he's a good, Christian man, too, which I happened to meet before; small world in this state. You well know, as a rookie I led some...I didn't really lead anything, filibusters. I just read something, did some research and found out it was a faulty bill. Went head to head with Senator Krist; he's a good man, he brought a bill that he believed was right on meningitis vaccinations. I stood up and took a lot of zings and arrows, I was against vaccinations; not from my colleagues, but nasty e-mails; getting a lot of those lately. Anyway, I did it on principle. I didn't have secret meetings and say, let's do this filibuster, guys; if you vote for me...help me with this, I'll help you with that. I just stood up and for eight hours, all of a sudden people listened, looked at the advice and they

Floor Debate
February 07, 2017

got on board. The filibuster was successful. But I only had 14 votes. But others sat because they had made commitments to lobbyists, to people, but not being able to vote for it because of their conscience they sat. It worked, the system worked. I did the same things with Senator Friesen and...I guess with Senator Friesen and I, and Senator Hughes got involved on the \$75 million tax credit for windmills. We said property tax, property tax, property tax, no more tax credits. We won that one. We only had 12 votes, and 3 people sat and 4 people were excused. They really wanted to disappear so they could tell the lobby why they didn't vote for it, they happened to be gone. We did the same thing on the felons with Senator Morfeld's bill or Pansing Brooks, I'm not sure. Now, for the disclaimer, I watched the first 3 weeks, 23 days in this body, things have changed. Things have changed. The history of this nonpartisan body was it was on issues. Filibuster was on issues, not party lines, not philosophies, on issues. The evidence I see of the waste of the first 23 or 24 days here, something's changed in this body. I came in here to get something done. Now, I got to make a decision--do I like what happened in the past? Yes, I liked the old filibuster rule. But can I rely on 17 individuals that have seen this stuck together philosophy here, upset about committee chairmanship votes? Well, if you ask across the Nebraska, they're very happy with the committee chairs, even the Education one. There's a nest of vipers who don't like it, but anyway. But that's normal....that's normal. But we couldn't go on with that. Maturity didn't dictate that we bury those hatchets. We go on and we get back to issues. This body is a body of issues. I hear partisanship, nonpartisanship, Democrat, Republican, but what made this body great is we debated issues. So now what do I do? I came here to get something done. Can I rely that a bloc of 17 are just going...are still not happy.

SPEAKER SCHEER: One minute.

SENATOR GROENE: The revenge isn't been paid yet, but they're going to send a message to certain senators. We don't care if the bill's good. We don't care if it's good for the state of Nebraska. We're going to kill it. We're going to show them. I'd like some commitment. Is that what's going to happen? Are we going to go back to a body that debates issues? For right now I'm for Senator Larson because we need to get something done. And that means the majority rules. Show me that you've changed, that you're not a group that's going to vote together as a bloc on philosophy and not issues. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Groene. Senator Geist, you're recognized.

SENATOR GEIST: Yes, thank you, Mr. President. And I just wanted to stand and clarify that there was no need to apologize to me, Senator Schumacher. This morning, I gladly deferred any seniority I would have to Senator Clements for Appropriations. He's fully qualified to serve in that capacity and he has my full support in taking that position. So there's no apology needed and I applaud the Committee on Committees for the work they did this morning. So thank you.

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

Floor Debate
February 07, 2017

SPEAKER SCHEER: Thank you, Senator Geist. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. I don't mean to speak in this long. I just want to address the fact we have been harangued for days to move on with the business of the state, including by Senator Larson that he wanted to get to his amendment, he wanted a vote on his amendment. Well, he got a vote on his amendment, it failed, and he immediately threw up a filibuster motion. You know how it's a filibuster motion, he didn't even bother to explain why we should reconsider. He just got up and started accusing people of not being transparent. That's something...that's not a good...that's not a reason, that's just filling time. That's what he's doing now. And I would call on him to pull his reconsideration, pull his AM, and pull his first AM to the AM. And I would call on other people of the Legislature to stand up, show some leadership, and tell him that we need to move on with the business of the state. I'll yield the rest of my time to Senator McCollister.

SPEAKER SCHEER: Thank you, Senator Hansen. Senator McCollister, you're yielded 4:05.

SENATOR MCCOLLISTER: Thank you, Senator Hansen...thank you, Mr. President; thank you, Senator Hansen. I'm responding to Senator Groene's comments. I would pledge to move forward, too, after we finally resolve these rule debate issues. And I'll always base my up or down vote on a bill based on the merits of the bill, not who, necessarily, offered the bill. Would Senator Larson yield to a question?

SPEAKER SCHEER: Senator Larson, would you please yield?

SENATOR LARSON: Yes.

SENATOR MCCOLLISTER: Senator Larson, what was the origin of the mistrust that you now say is in the body?

SENATOR LARSON: Well, you've...not just you, I've heard a lot of people say that the mistrust was created on the very first day, and accusing a group of 27 of creating the mistrust, but...

SENATOR MCCOLLISTER: Thank you, Senator Larson. Next question, Senator Larson, don't you agree that pulling the reconsideration motion and Rule 7 would extend the olive branch even further in this divided body?

SENATOR LARSON: Well, not necessarily. I don't think so, because I think if you want to say that there's been mistrust on either side, what I hear from a lot of people is a pinky promise that

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

Floor Debate
February 07, 2017

they won't filibuster everything, but...and we have another member saying he'll filibuster whatever he wants, but that doesn't say that, you know, are you going to support pension reform, Senator McCollister? Are you going to support whatever else that...

SENATOR MCCOLLISTER: Thank you, Senator Larson. As I just mentioned, I will look at the merits of each bill and vote accordingly. And who the sponsor is or who the groups are that are forming is unimportant to me. I saw Senator John Murante get up and talk about extending the olive branch and working with the other side. And I would now ask all those folks that are about ready to vote on this bill to vote this down, adopt the rules as formulated by the Rules Committee, and let's move this Legislature forward. We have a lot of work to do. Let's do it now. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senators Hansen, McCollister and Larson. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I pay close attention to everything that happens every day in this place. I listen carefully to what people say. People don't pay attention to me, but I'm the one who will deliver on what I say. If I agree to something, I will stick by the agreement. If I change my mind, I'll let the person with whom I agreed and everybody else know that I've changed my mind and I will make it clear. I don't make all these mysterious statements about this group and that group. I've named some of the people who I believe are the ringleaders in the 27. I believe it was Senator Larson in a newspaper interview that used the term "bloc 27" of them decided to vote as a bloc because Senator Murante didn't get to keep a seat on the Executive Board. That was before we even came into session. The bloc had been put together, then they cannot own what they did. I own what I do. And because people don't pay attention, I reaffirm it again and again and yet again. And I say this, adopt Senator Larson's nonsensical, simpleminded rule and show how simpleminded you are. And that's what it is. Anybody who reads it will see it doesn't make any sense in the context of a legislative assembly. But you all don't know what that means, so you'll go along with the emotion of the moment, but you won't be able to stop me. You can't stop me. You cannot stop me from offering amendments to the rules, which I have done, and I intend to talk about them. All of them? I say as old General Patton said--not for me to know and you to find out; for me to know and you to wonder about. I don't have to tell you anything. Senator Murante and these others know better than to try to get me to pledge to something like I'm in a kindergarten. You pledge to do this? You going to support property tax? You going to support...that's nonsense. And the reason I talk about other things that are of concern and interest to me, because so much simplemindedness goes on on this floor. There's not even enough substance to debate it in a rational way. Much of what is said on this floor by these "Repelicans" is outside the realm of rational, intellectual debate. They got everything they want, now they say let's sit down and let us keep what we've got and you all go along with it and that proves something. Maybe...I don't know who these 17

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

Floor Debate
February 07, 2017

people are. They got 15 Democrats. Are they counting me and Senator Ebke? Senator Ebke has already gone with the "Repelicans" on some things. I wouldn't vote Democrat just because Democrats are doing it if it was the last vote I could cast. I don't see that much difference between Democrats and "Repelicans" when it comes to white people, because white people go generally the same direction. I look at what is going to hurt the people that I'm interested in. My primary interest, obviously, would be people whom I refer to as my people, people like me. But then it spreads out to include people who have no friends, who are marginalized, who are hated and mistreated by their own white people. When a white farmer was killed by the State Patrol, I was the only one who took issue with the way they surrounded his farm, kept his family from talking to him, then ultimately killed him.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: Not one white official said a word. And that's how I became popular with those so-called radicals out in western Nebraska. Not the white senators; they were afraid to even talk to them. I haven't been afraid to go anywhere in this state. And I will continue to do what it is I think I should do in the way I think I should do it, and the rest of you are marking yourselves as tagalongs. Some of you are ballyhooed as people who are strong thinkers because of what you did in your prior life, then you come in here and you become a milquetoast. It's not what was done in the past. That's like saying you're a beet, the best part of you is underground; what's aboveground now functioning. So you all can talk like you're talking to each other. You're talking at each other. You're talking past each other. But you ought to see some of the letters I get thanking me; and I think they're sincere because they're handwritten. I'm the only one they listen to.

SPEAKER SCHEER: Time, Senator.

SENATOR CHAMBERS: I'm the one who tries you all on your toes. You said time?

SPEAKER SCHEER: Yes, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Larson, you're recognized.

SENATOR LARSON: Thank you, Mr. President. I'd withdraw my reconsideration motion.

SPEAKER SCHEER: Unanimous consent, so ordered. Mr. Clerk.

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

Floor Debate
February 07, 2017

CLERK: Mr. President, Senator Larson would move to amend his amendment; we'll be providing copies shortly.

SPEAKER SCHEER: Senator Larson, you're welcome to open on your amendment...the amendment to the amendment.

SENATOR LARSON: Thank you. Thank you, Mr. President. I'll be brief. It's worded very similar to the amendment that just had 20...well, I guess in the end when I changed to "not voting," 22 votes. Senator McCollister, Senator Harr, Senator Morfeld want to talk about an olive branch, an olive branch of trust. Let's trust one another. Let's meet in the middle. Let's show that we're willing to work with one another. Well, fine. As much as I would have preferred 25 greens and 20 red, which I think was right, and I am disappointed that it failed in the end, I will reach farther. I will extend that olive branch because I, too, would like this to end. So if we want to show the mutual trust, then let's go through this together that I've heard over and over, let's do that. And that's what this amendment does. It moves it to those working to get the bill passed up to 30 instead of just 25. So it puts a bigger burden on those that are proponents and takes away down from 20 to 17, which right now that 17 number, theoretically if everybody voted red during a cloture debate, that's how many are taken...that it needs currently. So there's still the transparency of the opponents needing to find the 17 reds, which is important. Transparency is important. It does require the proponents to get 30 votes still, which is the same as it takes to override a governor, and also the same until...what it took in terms of suspension of the rules before they put cloture in, and I think they may have voted on it in '91 and it was enacted in '92. I think Senator Morfeld and Senator Wishart got that...like I think the first year it was in place was '92, but it might have been voted on in '91. Before it was 30 votes. To suspend the rules only took 30 votes. So before there were 33, it was just 30. So from the beginning of the Legislature, the one-house system in 1937, maybe; I'm sure if that's wrong, somebody will correct me, '37, '39, somewhere in there, it only took 30 votes to suspend the rules and move forward. This Legislature operated a lot longer under those rules than the 33. So it moves it to 30 and requires to stop cloture being invoked, 17 reds. You asked for an olive branch. You asked for me to move, to show a good faith. Well, I'd ask the same. I'm showing that good faith. I'm moving. I'm sorry, a pinky promise from the other side that they're not going to filibuster isn't good faith. Senator Morfeld went around and asked everybody questions and everybody but Senator Schumacher said they weren't going to filibuster everything. I do have it on the record that one member has said he'll filibuster everything. So, again, the dysfunction of D.C. is here. This is the olive branch. This is coming to the middle and both sides are getting something they need and want. We are protecting minority rights and ensuring those that oppose a bill get the votes to actually oppose it. I'm sure last year Senator Morfeld, on LB586, is that the number, Senator Morfeld? Yes, he gave me the thumbs up. There were a few people that went present, not voting, because they didn't want to be on record on the issue, because it would hurt them in their district. I went on the record on that vote and I supported his cloture motion because I understood that I thought

Floor Debate
February 07, 2017

that was the right thing to do. It should be on both sides, both sides should have to present support for what they are doing. Right now, it's only on one side to present support. That's what this amendment does. This is the olive branch you've been asking for. This is coming to the middle. I would say 25 and 20 moving to 30 and 17 is a pretty big move. I would encourage my colleagues to support the amendment. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Larson. Senator Harr, you're recognized.

SENATOR HARR: Thank you, Mr. President, members of the body. And thank you, Tyson Larson, for taking...Senator Larson, for taking my lunch money. All right? I want to talk about what we're doing here. I feel like a schoolyard bully who says I want to take a dollar; you got to give me a dollar and then says let's come to the middle and only take 50 cents. You're still taking something from me that you didn't have yesterday. That's not coming to the middle. Coming to the middle means somebody gets something and somebody gives something. This is a straight take, right? I can give Senator Larson something, but he is trying to take it. I think he's misread the last vote. The last vote was not, do we negotiate? The last vote was, do we want to change the rules? That's what I kept hearing. Where is the evidence to change the rule? I haven't heard a reason. Senator Groene, I want to thank him, he said he liked the old rule when he was not always getting his way. But now that he's in the majority, he wants to change the rules. Thank you, Senator Groene, for being honest. I appreciate that. Folks, we can come together. We can agree that maybe the way we did things in the past wasn't so bad. Chairs, do your job. Make sure when a bill comes out of committee it's ready to go. Try to work out a compromise if you can in your committee. If you can't, give a heads up to the Speaker. Let the Speaker then work the two sides together. It doesn't always have to be a fight on the floor. There are other ways, and there will be other ways, whether we make this rule change or not; I don't think we will. Let the system work, folks. Don't go change the rules. Don't make us into the House of Representatives. We're doing good things. This morning Committee on Committees met. Senator Kolterman isn't here. That man is a statesman. He wanted to be on Appropriations. But you know what, there was an argument made. Senator Craighead afterwards made the argument, but Senator Kolterman...on the floor, but Senator Kolterman said, you know what, we're through the committee process, it would be a shakeup. And this man right here, to my left, who is always going to be to my left, (laugh) he's qualified and he'll do a good job and I trust him. Chairman Stinner, head of Appropriations, said, he's a good man, I know him, I think he should be on this committee. And the committee voted 12-0 to approve him on Appropriations. We came together; we looked at the facts. I don't vote as a bloc. I don't vote as a party. I'm not going to give my pie away for free. I am sacrificing too much for my family to be down here, forgoing too much income during my earning years, maybe not my prime, but some good earning years, to just give my vote away to a party. I think each one of you here are better than that. We are all making sacrifice. This is public service. My wife doesn't always appreciate what I do, and I have to remind her this isn't obviously done for the money. This is done because it's public service; it's a

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

Floor Debate
February 07, 2017

way to give back. And if you think I'm going to give it to a party, you're crazy; and I don't think any of you guys would either.

SPEAKER SCHEER: One minute.

SENATOR HARR: Thank you. Let's adopt the rules as they're passed out of committee. Let's trust the committee process. Let's trust which those who have been here a heck of a lot longer than we ever have, right? Senator Chambers has been here almost as much, I figured it out, it's something like 30 senators. Why are we changing the rules before we understand them? Senator Schumacher said the longer I'm here the more I appreciate the nuances of the rules, why the system works. Before we go and up and change the rules, let's understand the system a little bit better. Seventy percent of the body has served here 2 years, 23 days or less, and we want to change the system. We're smarter than everyone who came before us. I trust the institution. I trust those who came before us, and I've learned to appreciate those who came before us. No, this vote was about whether to change the rules or not, not do we negotiate the number. That's like the old saying, would you have for a million bucks...

SPEAKER SCHEER: Time, Senator.

SENATOR HARR: Well,...thank you.

SPEAKER SCHEER: Thank you, Senator Harr. (Visitors introduced.) Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, as I said, I often speak to the people who are watching us, so I want them to know that I've tried to fight to keep bad bills from being misreferred to committees. Senator Groene's bill, LB595 that authorizes teachers to use force on students, that also grants immunity, is a bill that should have gone to the Judiciary Committee. I did not have the opportunity to rereference it, because a hearing was set before it was allowed to be debated on the agenda. But now that there's more time and I'm not rushing, I'm going to start my attack on this bill. It says on page 2, starting in line 17, "Any teacher or administrator defending himself or herself, another teacher or administrator, or a student pursuant to subsection (1) of this section or protecting school property pursuant to subsection (2) of this section shall not be subject to legal action or administrative discipline." Senator Groene must be unaware of existing Section 28-711 which is in the criminal code. Subsection 1, and I'm going to skip all these other individuals listed so that you won't lose the thrust of it: When any school employee, any school employee, has reasonable cause to believe that a child has been subjected to child abuse or neglect or observes such child being subjected to conditions or circumstances which reasonably would result in child abuse or neglect, he or she shall report

Floor Debate
February 07, 2017

such incident or cause a report of child abuse or neglect to be made to the proper law enforcement agency for action. Senator Groene is saying, even if you make that referral and a teacher abused a child, there can be no legal action. It's silly to say that a statute can take away a person's right to file a lawsuit when his or her child has been hurt. Now I'm going to read, and I'm not rushing, the provision of the constitution which guarantees the right of people to file lawsuits. Article I, Section 13: Justice administered without delay, legislature, authorization to enforce mediation and arbitration. That's the headnote, the caption. "All courts shall be open, and every person, for any injury done to him or her in his or her lands, goods, person, or reputation, shall have a remedy by due course of law and justice administered without denial or delay." You shall have a legal remedy. That's the constitution. Senator Groene now has a tricorne hat since he's Chair of the Education Committee. The bill has turned up the brim on three parts and it looks like Napoleon's hat. So he thinks because he brought a bill he can override the constitution. Maybe he can buffalo the Executive Board, acting as a Reference Committee, to misrefer his bill to the Education Committee, which he chairs, rather than to the Judiciary Committee where it went. He is not going to buffalo the courts. He can't even buffalo me. I'm putting this on the record so that some of those administrators out there will know there's somebody with enough sense to see how pernicious this bill is. [LB595]

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: We go to page 3, and I'm going to take my time because I have more times to speak. If I don't get it all read, I'm not going to rush so that I can't get it out. But this section will deal with, so you'll have an idea of it, the undermining of the authority of the principal, the superintendent, and the school board. He's trying to take away their authority with a legislative enactment. And I'll go into that in more detail next time I speak. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. So, obviously, I'm still opposing Larson's Rule 7, Section 10 amendment and the pending amendment to that amendment. I don't think that's as much as an olive branch. I think Senator Harr is right, that's just a slightly weaker threat. It is...there's no olive branch being taken, it's just I want to take less from you at this exact moment because I took too much the first time and my backers weren't there. But I did want to say...get up and talk about, you know, sometimes there's lots of things on the floor. We'll talk about a group of people or an ideology or whatnot, and I've always tried to have the philosophy of, if it doesn't apply to you then they weren't talking to you. Now people get up and talk about this group of 17 and I have no idea who this alleged group of 17 is supposed to be. I can maybe make a guess, but since I'm not caucusing with 17 people in order to destroy session, it's obviously not

Floor Debate
February 07, 2017

applying to me. So I can just let that one slide. But then we get more specific and there are people saying people opposing the Larson amendment are trying to destroy session. Well, that does apply to me. And I want to be very clear that that is difficult. That's a difficult situation to be put in, because I'm now reaching this point where, frankly, lies are being made up about myself in groups that oppose the change in cloture, and then when we deny those lies, put our words into the record on the floor, which I take very seriously. When we deny those lies, we get accused of being liars. I do not see how that is a possible winning situation for us. How do we prove a lie not true if any bit of proof ourselves is accused of being a lie? If people are concerned to me about different bills that they want to start whipping votes early before they get out of committee, before they have a committee hearing, come talk to me. Come forward and we'll have a discussion on what I'm interested in, where I draw the line, what we want. But to say we cannot prove...I guess we can't prove a falsehood not true. That's the difficulty we're faced here. There's alleged to be this grand master strategy and there isn't. There's just some people who don't think we should change cloture for whatever reason. I mean, I've been looking back at some of the past cloture votes, and cloture broke for me about as much as it broke against me. I could have gotten bills that I cosponsored passed under, likely, under these cloture rules. I still stand against them because I still think there's that opportunity that it's my fault and my allies on that issue for not rallying enough support, for not being persuasive enough. But when we get up and say our word on the floor is a pinky promise that doesn't mean anything, well, where's the proof that anything is going on? At one point in time, it was explicitly said the Dems were being disruptive. And if I remember right, and then they cited some examples, and the three people that were cited about being disruptive were two Republicans and an Independent. And I'm pretty sure one of the Republicans was doing that pretty tongue in cheek. Maybe he'd like to clarify, but we can go from there. So that's the burden of evidence they have. They have...and then it's all of a sudden explicitly naming groups like the Democrats. Sometimes they use progressive. Sometimes they use just opponents of this cloture motion as threatening to set session on fire. I cannot...I get up keep trying to deny and deny and deny these comments and hoping that they're making it out to the people in the state of Nebraska. I know I've had some other people get up and say they have their constituents calling in telling them to get on with the business of the state. I've gotten a few of those, but I've gotten more protect the institution; I'm getting more protect cloture than that. And if that's the different case for different districts, I understand. We all have our own perspectives. We all have our own constituents to respond to.

SPEAKER SCHEER: One minute.

SENATOR HANSEN: Thank you, Mr. President. But that's where I'm at. How do I get up, I give my word on the floor and that's to be accused...it's not good enough to counter someone else's word on the floor about some conversation that they were not a part of. The burden of proof, the balance of scales, whatever you want to call it there is not even close to being fair or possible to prove. So thank you, Mr. President.

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

Floor Debate
February 07, 2017

SPEAKER SCHEER: Thank you, Senator Hansen. Senator Morfeld, you're recognized.

SENATOR MORFELD: Thank you, Mr. Speaker. First, I rise in opposition to Senator Larson's amendment. He's continually stated that the 30 green votes or the 25 green votes or whatever the case is more closer to the norm before 1991 or 1992, apparently, I haven't looked at his sources. Before then it was a 30 green vote. But the problem is that as I read this amendment, and I just received it a few minutes ago, it also requires 17 affirmative red votes, which is a huge departure from any rule that we've ever had in the history of the Legislature. So it requires 17 affirmative red votes for those opposing in order to kill it in addition to the 30 green votes for those who want to advance it. And so now we're putting the burden not only on the people trying to advance a bill, but also the minority interest trying to stop the bill. The burden should be on the supermajority that's trying to impose their will on the minority. And that's why I stand in opposition to Senator Larson's amendment. Now I think that when we've had the opportunity to work together, we have shown that we are willing to work together. I see it happening in our committees. I see it happening in our Committee on Committees, like today, when we had a unanimous vote in favor of our new colleague. I've seen it out and about after hours when people are talking and working together and working out on compromise. I've seen it in the meetings in my office with people that are politically diverse and come from different areas of the state. We're seeing it. But I feel like Senator Larson and a few others are building a straw man and telling us all, look, a squirrel. There's not a problem with working together in this body yet. We haven't even had the opportunity to work together in this body yet. So to simply create a straw man and then say, oh, we're going to have big problems, one person said something in the heat of the moment, and that means that we have to blow up the entire body and all the rules that have been in place for a few decades, and instate some that have never been in place like the 17 affirmative red votes. To say that simply because of a straw man argument of one comment that one senator said on the floor early in the session, it doesn't make any sense. Now many of you laughed as I went from senator to senator and asked if it's your intention to filibuster every bill. But I was serious about that exercise. I was serious about that exercise because I want people on the record stating what their intentions are, because I feel like there's this anomalous straw man or straw woman that's been thrown out there that's going to filibuster the entire session. And yet there's no evidence of that. In fact, it's quite to the contrary, as what we saw on the record this morning on the floor. And the facts also dictate that this body can work together. We did it today in Committee on Committees. We've done it in our committees. We've already started working together on controversial bills in the past to find compromise and common ground. Colleagues, I have 20 bills that I introduced this session. If I wanted to not get anything done this session...

SPEAKER SCHEER: One minute.

SENATOR MORFELD: Thank you, Mr. President. If I didn't want to get anything done this session, I wouldn't have spent the last nine months putting together a legislative agenda. But I

Floor Debate
February 07, 2017

think it's pretty important, and I do want to get to that, but the rules are important. And what's even more important is that if we're going to make a drastic change in the rules, it should be based in reality and fact. And those facts and that reality has not existed the way that Senator Larson has presented it. I urge all of you to oppose the Larson amendment and to oppose the underlying amendment and so that we can move forward with the rest of the session and work together. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Morfeld. As a reminder, at 11:45 we will be going to the extension of temporary rules. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President, since we are going to go a different direction, I'm not going to try to further deal with Senator Groene's atrocious bill. But I will say something about what's happening now so you'll appreciate the posture of where we are. Senator Larson offered an amendment. This that you're talking about is an amendment to that amendment. If you vote yes and enough numbers to take this and attach it to his original amendment, it would replace that, but that doesn't put it in the rules. Then we have before us this monstrosity as the amendment he's offering to the rules. I cannot offer any amendments to it right now because it's two steps removed from being in a position where I can offer an amendment. It is an amendment to an amendment. His own...so I cannot offer to amend his amendment to an amendment. But if you adopt it, give it the 25 votes, I hope you do, so I can give you some instruction with an object lesson. I can tell Senator Lowe...Senator Lowe, stone is stronger than bone. He says, Chambers, I don't think so. The Governor gave me some money and sent me down here, and he told me to butt my head against the wall. I say, okay, show me that bone is stronger than stone. So he gets in a stance like he's going to run the 100-yard dash. He runs as hard as he can; he bashes his head on that stone. When he comes to, seeing the stars in the cartoons and the birds twitter, he says, Senator Chambers, you're right, stone is stronger than bone, and the Governor misled me. That's what I have to teach you all. Experience is the best teacher and some will have no other. Call me experience, because I'm going to teach you all against your will. I know you can lead a horse to water, you can't make him drink. You can lead a fool to school, but you can't make him think. But you can make him wonder. So adopt Senator Larson's nonsense and then you give me the opportunity to offer amendment after amendment. Because even though it's not stated in numerical terms, my amendments can be offered in numerical terms. Instead of two-thirds, I can say 66, except we don't have 66 people here. So two-thirds of 50, figure it out. If two-thirds of 100 is 66, two-thirds of 50 would be 33, thereabouts. So I'm going to have fun. I haven't smiled a lot, but this is my kind of session. I am enjoying it. I like it. I thank Senator Larson for playing into my hands. He didn't see the trap that I dug. He didn't see the snare that I laid. He didn't see the trap that was set. You all have played into my hands, and you're delivering the session to me. I've kept you going for 20-some odd days, and I'm going to keep you going. You think you're talking about what you're talking about. No, I have set the agenda for this session, and it's coming out like I said. And around the first day

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

Floor Debate
February 07, 2017

or two, I held a paper and I said, I'm going to get a transcript of what I'm saying today, and I'm going to read it, show you all how I run the Legislature. But it will be farther down the line when you've forgotten. Usually it takes us farther along in the session before you deliver things to me. But you all are such pushovers, cream puffs, so easy, despite all the things you learn before you got here.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: I feel like a bully. But I cannot bully as one person 48 other people regardless of any other consideration. There are 48 of you; there's 1 of me. Why do I speak with such confidence and you all are the ones worried? You all are the ones who think the session's going to fall apart and I'm the only one who said I can make it fall apart. You don't hear Senator Larson even mention my name, do you, when he talks about 17 people, unless he sees me as 17, the equivalent of 17. And if he does that, he's shortchanging me. If there are 48 others, the only way he can give me my justice is to say that I'm at least 50. But we're going to see if you all prevail or if I prevail. I bet on me. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers. Being past 11:45, Mr. Clerk, for a motion.

CLERK: Mr. President, Senator Harr would move that the rules as now in our possession be adopted until such time as the permanent rules are adopted pursuant to Rule 2, Section 1, provided that the temporary rules should not continue after the twenty-ninth legislative day.

SPEAKER SCHEER: Senator Harr, you're welcome to introduce your motion.

SENATOR HARR: Thank you, Mr. President; thank you, members of the body. This is, hopefully, a quick amendment to adopt the temporary rules. Folks, when there are no rules there are no rules and chaos abounds. We need to make sure that we have a (inaudible) structure. This takes us to next Tuesday. This will be the third time we've extended it. I think it's time we get to the permanent rules. We had a vote earlier today, but now let's vote on these...move these temporary rules so that tomorrow we can deliberate in a proper manner. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Harr. Senator Larson, you're recognized. Senator Larson waives. Senator Morfeld. Senator Morfeld waives. Senator Chambers.

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I'd like to ask Senator Harr a question or two.

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

Floor Debate
February 07, 2017

SPEAKER SCHEER: Senator Harr, would you please yield?

SENATOR HARR: Yes, I will.

SENATOR CHAMBERS: Senator Harr, we're in a precarious situation right now, aren't we?

SENATOR HARR: One could make that argument, yes.

SENATOR CHAMBERS: Well, do you think it's not precarious when we're about to have to function without any rules? That is not a precarious situation?

SENATOR HARR: If the body did not agree to the new rules, yes, that would be precarious.

SENATOR CHAMBERS: Is it like standing on a precipice and you're looking over into a great abyss from which if you fall into you'll never emerge alive, metaphorically speaking?

SENATOR HARR: I would say I would not want to go on without rules, yes.

SENATOR CHAMBERS: Thank you, Senator Harr. Members of the Legislature, once again, look what you've given me. We're going to have to stay here until you all adopt the temporary rules. You've got to adopt them. You have no choice. Can you imagine me doing what I'm doing right now with rules? What in God's green earth could I not do if there are no rules? Senator Larson would be standing up yakety-yakking. I'd stand up--Senator Larson, you don't know what you're talking about, sit down. They'd say, Senator Chambers, you're out of order. I say, cite the rule. Well, we have no rules. Then can you make me sit down? You're going to come from up there and grab this weak, little 80-year-old man and make me sit down? Well, maybe I don't have the physical strength to stop you, but I have enough will and pride to give it a try, so come on, let's go at it. And those who are for the Speaker will say, go get him, go get him. And everybody watching will say, you can handle him, Ernie, you can handle him. And then I do like they do. (Hand gestures enacted.) No rules. I'm showing you right now. You all think you're smart, don't you? I gave you those lines from Bob Seger: You're still the same. Me. Just when they thought they had him caught, they saw he's quicker than they thought. You all are going to put me in a box? With all of the attempts to amend the rules to stop me, you cannot show where I've ever made a serious attempt to amend any rule to make it easier for me, never even offered it. Because I told you all, and your predecessors, mockingly, you cannot stop me; you're not smart enough to make a rule that can stop me. If you put a rule in place under which anybody can operate, that rule is playing right into my court, and I will use it to do what I want to do, and I will do it. I will sacrifice this session if it's necessary to do so to save the integrity of the Legislature. You heard

Floor Debate
February 07, 2017

where that general during the Korean...the Vietnam War said, we'll destroy a village to save it. I never understood that. We'll destroy it to save it. I'll destroy the session of the Legislature to save the Legislature. Now you all think I won't. It would be different if I had to stand on this floor and for 90 days talk without rest, without food, without water, but we take a break after every legislative day. I can be refreshed. I can regain my strength. If my voice was starting to fail on me, which has never happened, but in my 80th year, you never know what will happen when you get as old as I am. I could keel over at any minute.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: And I know you all are praying for that, but God hears the fervent prayer of a righteous person. So I don't have to worry about any prayers in here being answered. I'm having so much fun, it must be sinful. Can you see that you can't make me cooperate? You cannot make me be collegial when you've done everything you wanted to do, when you've got everything your way. Then you don't want to make any atonement for it. It's not enough to say-- we got it now, now let's work together. Some of you got chairmanships which you would never have gotten if it hadn't been for that unholy alliance on the first day and you all know it. You all got together and said, we're going to show them. Well, you showed them all right. All you showed me was what you were. You confirmed something for me, and I rubbed it in some of my colleagues' faces. You all didn't know. You didn't think it could happen. I don't put anything past people.

SPEAKER SCHEER: Time, Senator, but you are next in the queue, so you're recognized to continue.

SENATOR CHAMBERS: Thank you, Mr. President. See, when we have those other discussions and other people are willing to talk, I don't get to talk just straight along like this for 15 minutes. But I know that as the song says--my day will come. I know that my time will come. Now I cannot amend a motion to adopt the temporary rules. I don't know whether or not I can try to amend the temporary rules since that motion is before us. It seems to me that the temporary rules are before us. So the way to test that would be for me to start offering amendments to the temporary rules. The only reason Senator Larson could offer his amendment is because the motion before us was the adoption of the permanent rules. So if the motion to adopt the temporary rules is before us, I could make motions to amend the temporary rules, and I could keep you here until I decided to let you go or until the Speaker said we're going to have an adjournment motion, but they couldn't make that motion until I'm not speaking. Will I do that? As General...see, I'm having a senior moment, I just mentioned his name and I forgot already. For me to know and you to wonder about, and the reason you all don't know the name of that general is because you weren't listening when I gave you Patton's name in the first instance. I'm

Floor Debate
February 07, 2017

debating what I ought to do. I've got one more time to speak after this one. I can keep us here beyond noon when you all usually go home. I'm not even trying. Imagine if I were trying. Suppose there were a bill before us that I didn't like. You think you could stop me? You can get cloture. I don't care how few votes it takes, but there will be another bill after that one. If the bill that I don't like is bill A and you sock it to me on bill A, but you win a Pyrrhic victory, you shoot your wad. Then I say, oh, no, here comes bill B, you got any more ammunition? I'm not out of ammunition. I have not yet begun to fight. So you get yourself together and stop me on bill B. I say, oh, then there's C, there's D, there's E, and I won't get tired. You're going to be out of ammunition. Then we're going to come to a bill that not all of you agree on. And you're not going to agree to clump together to stop me. And you want to stop me so badly that you'll support a bill that you don't like. I will win. You can't win. So you should not let things reach a point where you challenge somebody like me to stop you. It didn't have to come to this. It doesn't have to stay this way. But you all corrupted the referencing system. I tried to give you a chance to straighten it out on the floor; and to teach me a lesson you continue to let bills be wrongfully referenced to show me something. You didn't show me anything. Senator Groene's bill that I'm talking about should have gone to Judiciary. It deals with immunity. We handle in Judiciary Committee bills that deal with immunity. We had a bill that dealt with immunity, although it touched on schools. It touched on students. It touched on medical professionals. The bill could have gone to HHS, could have gone to Education. If you're going to twist the rules like they did to get Groene's bill into Education, but instead it went where it should have gone, to Judiciary.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: You've got a bill now that offers a kind of immunity that cannot even be given to cops. No violence imposed on a student can be challenged, no legal redress. A principal who says that this child who is only removed from a classroom cannot be sent back to that classroom without the teacher's consent. Without the teacher's consent, that's not undermining the authority of the principal? So the principal talks to the superintendent. The superintendent cannot do anything either. Undermine the superintendent, well go to the school board; and the school board can't do anything either because Groene said there can be no administrative action, no legal action. That's what you all want. That's the kind of crazy bill you sent to the Education Committee. It should have gone to the Judiciary Committee. But I will have a chance to deal with it on this floor, and I will take forever on that bill. I hope he can convince people to bring it out of the Education Committee just the way he introduced it.

SPEAKER SCHEER: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

Floor Debate
February 07, 2017

SPEAKER SCHEER: But you are the next in the queue, so you are continuing to speak.

SENATOR CHAMBERS: Thank you, Mr. President. I'm just getting rolling now. And you know I have five minutes to speak, don't you? And you know, a quick amendment I could draft to the temporary rules to strike Rule 1, that's what I can do as an amendment. Just when you thought you had him caught, he turned out to be quicker than you thought. So I'm not like Jesse James who would come to a bank with a gun and rob it. No, I would become a banker and I'd rob it with a pen; you know, manipulate figures. Nobody even knows how it happened. So I'm going to see if I can be stopped from offering an amendment to the temporary rules. But in the meantime, while I have the opportunity to speak, I shall speak, and I'm going to chastise you all for being so shortsighted that you take out after each other, you get in these go-nowhere arguments. Then promises are made to not let Senator Larson make you into a dog chasing its tail and people don't deliver. Now the Speaker can rule my motion out of order. And maybe we'll see what we shall see. There was a showdown in Tombstone, Arizona, and it had to do something with a place called the O.K. Corral; and there are showdowns and there are showdowns. Sometimes instead of saying a showdown, we say a dustup. Now I'm going to make my argument to justify my being able to offer an amendment. If a motion can be made to amend the permanent rules, then a motion can be made to amend the temporary rules, because right now the temporary rules are in effect, and the temporary rules comprise our existing rules, but we adopted them on a temporary basis. So I want to see them say that I cannot offer a motion to amend the temporary rules, which are before us for adoption. But you can make a motion to amend the permanent rules, when they are before us for adoption. And if the Chair rules against me, I will have a chance to speak. I will make a motion to overrule the Chair. And everybody who wants to speak can speak one time and you can't yield your time to anybody. But I have 10 minutes to open, then I have 5 minutes to close. If anybody wants to speak, that will run more time off the clock. So we shall see what we shall see. And it's in situations like this that precedents are established. Will you establish it for the moment and shackle the Legislature from then on? Or will you take the broad view and see the way things ought to be done because there will be a tomorrow and a tomorrow and a tomorrow. And what you do to get out of here...

SPEAKER SCHEER: One minute, Senator Chambers.

SENATOR CHAMBERS: You said time?

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: Thank you. What you will do to get out of a pinch right now won't do tomorrow at all. So it makes me no difference what you do. When we get around to voting for

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

Floor Debate
February 07, 2017

the temporary rules, I will vote to adopt the temporary rules. I think we should have rules to operate under, but we shall see what we shall see. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers. Mr. Clerk.

CLERK: Mr. President, Senator Larson would move to amend the temporary rules.

SPEAKER SCHEER: Senator Larson, you're recognized to open on your amendment. Senator Larson, your time is going for your opening on the amendment. Senator Larson is waiving his opening to the amendment. Mr. Clerk.

CLERK: Senator Larson would move to amend his amendment.

SPEAKER SCHEER: Senator Larson, you are recognized to open on your amendment to the amendment.

SENATOR LARSON: Thank you, Mr. President. Senator Chambers wanted to set a precedent. It has been set. Temporary rules can be amended. I will speak to the amendment on the amendment. And what it says, I am changing the cloture rule in the temporary rules to require only a majority to invoke cloture, period; 25 votes, temporary rules only, 25. The original amendment that is up there, I'll admit, placeholder amendment, and this is the amendment to the amendment to just change cloture to the temporary rules...or just on the temporary rules, not the permanent rules. I still have my permanent rule motion sitting there, it would just allow that. And after that, I have another amendment to the amendment filed to make cloture applicable to the rules. So I have the first two amendments up. We have to either move with temporary rules as they were adopted before, or we will recess, we will spend until 1:30 debating these. We will go to our hearings and we will come back tonight and I would guess we will be here until midnight. So, colleagues, if Senator Chambers agrees to withdraw his on just the temporary rules, I will for now withdraw mine...for now. Otherwise, we will be here awhile. Thank you.

SPEAKER SCHEER: Thank you, Senator Larson. Senator Morfeld, you are recognized.

SENATOR MORFELD: Thank you, Mr. Speaker. Well, so much for working together. Colleagues, regardless of our differences on the permanent rules, I urge Senator Larson and Senator Chambers to pull their amendments so that we can adopt the temporary rules and at least move forward tomorrow and the rest of the week with some semblance of rules as we debate this cloture motion issue. I am obviously very passionate about the debate that we are having right now. It is substantive to me. But the bottom line is, is that we must have temporary rules to

Floor Debate
February 07, 2017

govern this body. So I would respectfully ask that Senator Chambers and Senator Larson remove their amendments so that we can adopt the temporary rules and move forward today and tomorrow. Thank you, Mr. Speaker.

SPEAKER SCHEER: Thank you, Senator Morfeld. Senator Chambers, you are recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, what did I tell you when I first started talking? I am going to be called experience and I'm going to teach, I'm going to teach you something here. When I saw Senator Larson up there, I taught him how to amend the temporary rules. He didn't even know it could be done. I played him like a violin. He was my Stradivarius and I was Stradivari and I played him. You think I didn't know what he would do? I know him better than he knows himself and I know what he does not know. He doesn't understand the rules. It didn't even occur to him to offer an amendment to the temporary rules. But I know him. I play him. I told you I know him better than he knows himself. He thought what he did was brilliant, didn't he? Well, he says he will keep you all here until midnight. I don't believe it. But I will be here. And you know what happens one minute after midnight? The day ends and we're into the next legislative day. And if the temporary rules have not been adopted by one minute after midnight, you have no rules. That's what he put you into. How smart was he? I like what he did. I like the fact that he is going to bring us to our first day of staying here until midnight and he had better be here. He is a bag of wind. He doesn't know me. He thinks I make empty threats. He is the one...he doesn't even know what he did. That's why you don't let children play with matches. He thinks he outsmarted me. I, do you see how I tricked him? You all saw him up there, didn't you? What's he up there sniffing around for? (Inaudible) what did he say? Is that true? Well, if I say it, if I tell you a hen dipped snuff, look under her left wing and you will find tobacco stains. I have just whipped Larson royally. Now it is going to be up to you all to persuade him to do something. But I will not withdraw my amendment first. I will stay here until midnight. I have done it before. And I will not have to say a word. We will let Senator Larson carry the ball by himself. If I offer amendments, I can talk on the amendments myself. He has got one bullet in his gun...well, two, and they're both blanks. Bang, bang, he's got a cap pistol. Let's stay here and see what he can do. Then we'll be rid of him and his silliness for the rest of the session. He thought he outsmarted me. Perish the thought. Let him stay here. Do you think he can talk? If the Speaker decides to reconvene us, and the only reason Larson said we'll stop at 1:30 is because that's when committee hearings start. Do we have to adjourn at 1:30? That I don't know. But we can stay in session and the people who have committee hearings can be excused. And we remain in session as a Legislature. But if you recess, then everybody goes to their committees, the Legislature will not reconvene until all the committee hearings are over or until they can get enough senators to come here to comprise a quorum.

SPEAKER SCHEER: One minute.

Floor Debate
February 07, 2017

SENATOR CHAMBERS: And I will be here and I will make a lot of quorum calls to have you all running back in here to make sure there are 25 of you here. That's what Larson put you all into. I got some military people and I thought they were better strategists than this; but, see, they don't know anything about the Legislature. And they listen to other people and they go against the training and the experience they had in the military because what is known in one area doesn't automatically carry over into another. Now I was never shot at in combat; I never shot at anybody; I didn't have to go overseas. But I know a bit about military tactics. And I also know a great deal about legislative rules. And I know a lot about the people who are in this Chamber, and I'm aware of those who have substance and are creative and generate; and I know those who are empty buckets who just gather things and fill themselves with it without even understanding what they are doing.

SPEAKER SCHEER: Time, Senator. Thank you, Senator Chambers. Senator Krist, you are recognized.

SENATOR KRIST: Thank you, Mr. President. I will speak on, first of all, on the amendment to the amendment to the...I think it's just the amendment to the amendment, I don't think it goes any further than that. But I believe that in my estimation, we have had so much discussion on this subject matter that the next person up could probably call the question and there has been fair and honest debate and we should call the question again, and we should call the question again and we should call the question again because we've talked about this stuff over and over and over again. And we can just move on with life. Adopt the temporary rules and we'll come back to fight and play another day. But never get on the mike without an intent. I wanted to make sure that those of you who have been demonizing the other side and making sure that I and others were misquoted, I'm going to read from the Journal. I think it was stated by...I think it was Senator Murante and Senator Larson, I think that was the total sum. It may have been others and if you include yourself in the others, then that's fine, but I want you to listen to the person who was demonized saying that he was threatening that there would be filibusters. From the floor debate January 17, 2017, this was on the subject of the adoption of the rules: I believe, quote, Senator Bob Krist: I believe we are, as we get through adoption of the rules, we will now get into a portion where almost everything has to do with cloture. If you intend to continue the track that you are on, and that is the continuation of the support of the Rule of 27, or whatever the number is, at some point you will not be able to succeed because there will be 17 potentially on the other side. That's not a threat. Let me say that again. In quotes, that's not a threat, that's reality. So start at this point, maybe, thinking about another way of doing business, independently evaluating what you are hearing and voting up or down, yes or no for your constituents and the constituents of Nebraska. I want any jailhouse lawyer or anyone else to stand up on this floor and say that Senator Bob Krist threatened that he was going to find cloture issue with all the bills, or any of the rest of my peers, my colleagues who made statements that day. That's directly from the Journal. So demonize as you will, but do it factually if you must. Finally I say this, we are

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

Floor Debate
February 07, 2017

looking at a war of wills. And Senator Chambers talked a little bit about going to war, strategy, the kinds of things that he knows. Here is what I know, and I said it on the first or second day. Do not go to war without having an exit strategy because you can't leave a vacuum when you leave an occupied territory. Do not go to war without an exit strategy. We don't have an exit strategy on this one. It is a free-for-all. Even with rules, it is chaos. And the second thing is, when you think you've killed something, before you dance about its head, make sure it is truly dead. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Krist. Senator Larson, you are recognized.

SENATOR LARSON: In good faith, and so we can move on, as I said I would ask...I withdraw my amendments to the temporary rules and I hope Senator Chambers will do the same. Thank you, Mr. President.

SPEAKER SCHEER: Unanimous consent, without exception, so ordered. Senator Chambers.

SENATOR CHAMBERS: Mr. President, members of the Legislature, there are additional lyrics to Bob Seger's song, "You're Still the Same." He talked about knowing how to play the game, but don't stay in the game too long. When an objective has been achieved, there is nothing else to do. I said I would teach this morning. If I haven't taught you anything, maybe I've taught you something about me. I can find a way. Senator Krist was absolutely correct when he said you should have an exit strategy.

SPEAKER SCHEER: Excuse me, Senator Chambers.

SENATOR CHAMBERS: Yes.

SPEAKER SCHEER: I made an error. Those were pulled. You are the next in the queue; however, your amendment is next in line, so you are welcome to open on your amendment.

SENATOR CHAMBERS: Thank you. I should have waited until you said that, but I assumed that's what you meant that I should speak on. The purpose was to teach new people and remind old people that you are dealing with somebody that you've never dealt with before. And those of you who've dealt with me in the past don't think I'm really what I say that I am. So I said, experience is the best teacher and some will have no other. You know what my exit strategy was on this whole thing if it came to that? 12:01 a.m. Time would take care of it. Time tells a better tale than any man. I don't care if you all stayed in session until 12:02, that's the beginning of a new legislative day. And that day would start without temporary rules and we would go through

Floor Debate
February 07, 2017

the whole thing then. Why can't you all get along? You don't have to get along with me. You don't like black people. You don't like me and I know that. Get along with each other. I'm watching you all fight. White people fighting white people, but you always want to blame somebody else for it. You can't get along. All of you are Christians. Maybe there is somebody Jewish here and I don't know it and if they are, I'm not intending to be dismissive. I presume all of you are Christians. I presume you all believe in Christ. And if you believe in Christianity, you believe in three gods. You don't call it that. You call it the Godhead, but there are three gods: the Father, the Son, and the Holy Ghost. I call him that "other one" for the rhyme: the father, son, and the other one. You all believe these things? If your religion cannot bring you together as brothers and sisters to treat each other with respect, and you pray every morning, why should I have anything but contempt for it? I'm not the one who make you all fall out with each other. You all are referring to each other in the most ungodly terms. You are accusing, you are bickering, you are snarling, you are getting even, you are being traitorous, you are stabbing in the back; and I'm watching you, a black man. You're letting me see what white supremacy is all about; and it is pretty poor stuff. You are letting me see what Christianity is about; pretty poor stuff. It was probably most honest during the inquisition when they burned people at the stake because that's what Christians seem to delight in, inflicting pain and suffering on people who cannot help and defend themselves. That's what I watch here. You all don't pick on anybody your own size. You don't pick on me. You won't even call my name, you call out other people. Senator Groene hollers at Senator Pansing Brooks, and I come to her aid because I cannot stand to watch a woman mistreated. And you can call it paternalism, whatever you want to, but it could have been a small scary senator and I would have spoken. I had to speak for Senator Larson when they were trying to shut him up. I had to speak for him because his white brothers and sisters were tired of listening to him. And his white brothers and sisters wanted to shut him up and I, his adversary, had to speak for him and got them off his case. That's what I...that's why I feel superior. I said feel. You show me why I ought to feel that way. You whine, you complain, you gripe, then you get together in little clumps and talk about how you are going to get even with each other. It is quite instructional. The book that I will write, if I write one, will be wild animals I have known. They won't be the four-footed ones, they will be the two-footed ones who profess to be Christians. They soil everything they touch. They destroy everything they can get their hands on. A beautiful creature and they want to kill it, destroying habitat for God's creatures. The god...you all talk about god. What do I see? What do I hear all around me? If your god hears everything and sees everything, and you put the masculine pronoun on that god, so I will do it, does he hear the same thing I hear? Does he see the same thing that I see? Is he well pleased with what he hears, with what he sees? And you all think that when you make little snide remarks to and about me it makes me any difference? No. Children behave that way. I don't look for anybody to produce more than they can produce. Your "Bibble" says: How can they learn? How can they know if they are not taught? But it also says: How can they be taught if there is no teacher? But then it adds a third proviso: How can that one teach if he or she has not been sent? You all read all that, you could read it. But you don't read it all. And if you read it, you don't

Floor Debate
February 07, 2017

understand it. It doesn't mean anything to you. It is good to be used if you are going to say a prayer, if you're going to use a eulogy, or if you're going to be somebody in a theological argument. But does it inform your actions? No. And you know that what I'm saying is true. That's why you all are so angry at me. You hate to have a black man who can put it to you like this and be telling the truth. You get these little titles, chairperson of this, chairperson of that, and thinks it makes you something special? No. Lobbyists show that you are not anything special. They don't treat you any differently, unless they want something from you. Then you corrupt your own system and I spend all this time trying to make it right, then you get mad at me. Well, we spent a lot of time talking about rereferrals yet because I think it ought to be done. And when I think it ought to be done, I will undertake to do it. I won't be grumbling and griping wherever you all go drink and eat together. I will try to correct it in the forum where the correction is possible, even if it is not likely to occur. I don't do what I do to please you all. I don't have to please you all about anything. And if I was trying to please you, you think I would talk the way that I talk now? I'm trying to make you better than what you appear to be, but as good as you can be, and as good as you ought to be. But you all will go give talks to students and you will talk very much in the way that I am, knowing that it doesn't mean a thing. You are saying what you think they should hear. You can't tell them--watch what I do, read what I have said, and you go and do likewise. Senator Groene is Chairman of the Education Committee, but from what I read in the paper, and he didn't deny it, they talked about his use of profanity. Would he tell the children in the classroom talk like I talk; use the words that I use; I'm your example? We need the example, not the words. And they are not examples as they should be. That's why I say you put people in these positions who are not qualified, no experience, no knowledge. But thanks to what you all did on the first day, you have corrupted this Legislature and it is messed up for the rest of the session. Senator Larson took unilateral action. He didn't get an agreement with me that I would withdraw my amendment because he knew he couldn't make me agree to anything. But if I come to the conclusion that what I wanted to do has been done, then I will say as Jesus said on the cross, it is finished. You all didn't even know what he meant when he said those words.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: Oh, how I wish that you Christians were really Christians. Oh, how I wish you believed in Jesus. Fervently I wish it. But like so many other things that I fervently wish for, it will never be realized, not by the people on this floor. Christian doesn't mean anything. God doesn't mean anything. They are just words to you all. Now if we were going to match each other, I would venture to say my conduct would match up well to the conduct of anybody in here. But that's not what I am interested in. I'm interested in us using the power for good that we have to do good and that has not been the case. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers. You're next in the queue.

Floor Debate
February 07, 2017

SENATOR CHAMBERS: Would this be my third time?

SPEAKER SCHEER: This is your...you opened on your amendment. This would be your first to speak. You have a second and a close.

SENATOR CHAMBERS: Thank you. Members, you can leave if you want to and I will not ask for a quorum call. You shouldn't be compelled to listen to what you don't want to hear. But you're not wanting to hear it is not going to stop me from saying it because there are far more people watching and listening to us than you all realize, and they are not in this Chamber. Do you think I would make the appeals to you that I do if I thought you all were the only ones listening? I would do better to talk to those marble columns, these eagles up on...on this beautiful wood who got the arrows in the wrong hand and the olive branches in the wrong claws. They're reversed. You all didn't even notice that. You all are Americans, you all are patriots. I'm not a patriot. Obviously, I'm not an American. If I were American, I would have all the rights and privileges of an American under the constitution, which I don't have. You'll never see me praising the flag. It means nothing to me. Doesn't mean anything to you all either or you would honor it by saying that those things you tell me it represents and symbolizes you would honor it by making sure those things are realities. Two lies are told every time you give the flag salute, which you all do now by the way. Grown people saluting a flag like little kids in a kindergarten. One nation, indivisible--when have you white people mentioned that it has never been more divided than it is now, and you tell that lie every time you give the flag a salute? That's why you should not do that. And it is why kids don't pay attention to what you tell them they ought to say. They say I use as an example. America is more divided now than it has ever been. Okay, one nation under God. Under God? All the child abuse, trafficking, teachers sexually assaulting children in school? Senator Groene didn't say anything about that, but we have had a raft of those cases. He didn't say anything about teachers doing that. No, he insults them because they have tenure. He doesn't care if they rape little girls. He is upset about them having tenure. One nation under God--if this is the best God can do, God is in trouble and Jesus died for nothing. With liberty, liberty, you know that's a lie. And justice for all? And all the people who have been taken off death row, who are found to have been falsely convicted and sentenced. Racism everywhere. LGBTQ people could not tell you there is liberty and justice for all. It is not there for them. It is not there for the Native Americans. It is not there for the Latinos. It is not there for women even. And it is certainly not there for black people. You all tell that lie and you think I should come in here, if I came in here, except that I don't ever sit down, that's why I can't come in here when you give the flag salute. I'd be standing up and you think I'm standing up for the reason you stand up. That's what I see every single day this Legislature comes into session. I don't know if you say that...go through that nationalistic religion of the flag salute every day, but every time you say it, remember this, somebody sees that you are lying and you know you are lying. One nation under God. Indivisible? With that so-called President hating Muslims, ridiculing...

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

Floor Debate
February 07, 2017

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: ...people who are disabled. Every time he signs one of his executive orders, like a little kid in the first grade, see teacher, see what I did, see, see. And he doesn't even understand what he did. It is the most dysfunctional presidency of all time. This woman lied and talked about a massacre somewhere down south, and now that's been the joke everywhere. She said what I meant to say; no, she was ignorant. And that so-called President is surrounded by ignorant people. And I get a chance to watch white supremacy in action. And I say again, it is pretty poor stuff. Mr. President, I hope nobody will mistake me for being a Christian or in any way influenced by Christianity, but I want to withdraw my pending amendment.

SPEAKER SCHEER: By unanimous consent, no objections, it's so ruled. Thank you, Senator Chambers. The last would be Senator Harr, would you like to close on the motion to extend temporary rules?

SENATOR HARR: Just quickly. Thank you. The eagle is facing the wrong way, but that was because this was built before 1945 when Truman changed it so that the eagle now faces the olive branch instead of the arrow. So just wanted to clarify why the eagles aren't correct with that. I would ask for you to please adopt the temporary rules. Thank you.

SPEAKER SCHEER: Thank you, Senator Harr. All those in favor of extending the temporary rules till next Tuesday vote aye; all those opposed vote nay. Please vote. Please record, Mr. Clerk.

CLERK: 41 ayes, 0 nays to adopt temporary rules.

SPEAKER SCHEER: The motion is adopted. Mr. Clerk.

CLERK: Mr. President, a new resolution: Senator Stinner offers LR32; that will be laid over. I have a Reference Report and communication from Committee on Committees regarding the committee assignments for Senator Clements. Name adds: Senator Brewer to LB494, Senator Ebke to LB503, Senator Lowe to LB576, Senator Erdman to LB645. (Legislative Journal pages 439-440.) [LB494 LB503 LB576 LB645 LR32]

Mr. President, priority motion. Senator Brasch would move to adjourn the body until Wednesday, February 8, at 9:00 a.m.

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

Floor Debate
February 07, 2017

SPEAKER SCHEER: You have heard the motion. All those in favor say aye. All those opposed vote nay. The ayes have it again. We are adjourned.