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Floor Debate
February 15, 2017

[LB9 LB22 LB45 LB97 LB119 LB267 LB347 LB419 LB590 LB602 LB614 LB644 LR36]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the thirtieth day of the One Hundred Fifth Legislature, First Session. Our chaplain for the day is Senator Lou Ann Linehan. Please rise.

SENATOR LINEHAN: (Prayer offered.)

SPEAKER SCHEER: Thank you, Senator Linehan. I call to order the thirtieth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Record, Mr. Clerk.

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

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

CLERK: There are, Mr. President. I might indicate there is one correction. (Read corrections re LB347, Legislative Journal page 481.) Mr. President, Senator Kolterman offers a new resolution, LR36. That will be laid over. And I have an explanation of vote from Senator Riepe (re LB119 and LB22). That's all that I had, Mr. President. (Legislative Journal pages 481-482.) [LB347 LR36 LB119 LB22]

SPEAKER SCHEER: Thank you. Senator Brasch, you're recognized for a moment of personal privilege.

SENATOR BRASCH: Thank you, Mr. Speaker, and good morning, colleagues. This morning I would like to recognize and thank the Nebraska Wheat Growers Association who has delivered to your offices cinnamon rolls in observation of Bake and Take Day. In Nebraska, it is estimated that over 1.2 million acres of land are growing wheat. The economic value is over \$213 million to our economy. Over 50 percent is exported. For more than 40 years, wheat organizations across the entire country have designated a Bake and Take Day to celebrate the story of agriculture and wheat farmers in particular. The concept of Bake and Take is to share a baked item with friends, neighbors, community leaders, and coworkers to celebrate the friendship, family, community, and professional bonds that we share. Again, we thank and recognize all of Nebraska's Wheat Growers on Bake and Take Day. Thank you, Mr. Speaker, and thank you, colleagues.

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

Floor Debate
February 15, 2017

SPEAKER SCHEER: Thank you, Senator Brasch. (Doctor of the day introduced.) Mr. Clerk, we'll proceed to the first item on the agenda.

CLERK: Mr. President, Senator McCollister would move to withdraw LB419. [LB419]

SPEAKER SCHEER: Senator McCollister, we had started on this, but you might want to refresh our memory. [LB419]

SENATOR McCOLLISTER: Yes. Thank you. Mr. President, and good morning, colleagues. As you know, this item has been on the agenda for a number of days. So it's high time for us to move it off. You may recall that my bill, LB419, was amended and put into Senator Watermeier's bill, LB45. That included the United States Public Health Service and the National Oceanic and Atmospheric Administration. We simply grafted those two agencies into Senator Watermeier's bill, which meant that my bill was superfluous. So with that, I would move to withdraw LB419. [LB419 LB45]

SPEAKER SCHEER: Thank you, Senator McCollister. Senator Chambers, you're recognized. [LB419]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I've been critical of the Speaker for not scheduling certain things in the way that I thought would be appropriate, but he has the power to do that. He's demonstrating it this morning. So I want to take this moment--I didn't want to do it on a point of personal privilege--to acknowledge I'm aware of what the Speaker did and I appreciate it. Thank you. Oh, and I will support Senator McCollister's motion, but I'd like to ask him a question or two if he would yield. [LB419]

SPEAKER SCHEER: Senator McCollister, would you please yield? [LB419]

SENATOR McCOLLISTER: Certainly. [LB419]

SENATOR CHAMBERS: Senator McCollister, did you have any idea that we would get to the thirty-first (sic) day before your motion to withdraw would come before us? [LB419]

SENATOR McCOLLISTER: No, I didn't. [LB419]

SENATOR CHAMBERS: But we have to learn how to appreciate the things that in the broader scheme of things may seem to be small things, would you agree with that? [LB419]

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

Floor Debate
February 15, 2017

SENATOR McCOLLISTER: Yes, and I saw robins in my yard this morning. The sun came out-- beautiful, warm day. So this is the day. Thank you, Senator Chambers. [LB419]

SENATOR CHAMBERS: Behold, I make all things new. I'm quoting. And here is something I would ask you also. We could have disposed of this motion that you have as quickly at the beginning as we're going to dispose of it now, correct? [LB419]

SENATOR McCOLLISTER: Yes, sir. [LB419]

SENATOR CHAMBERS: Do you remember me mentioning that I wanted to bring the body down to what amounts to a short session by our having 60 days remaining? [LB419]

SENATOR McCOLLISTER: I recall you saying that, Senator. [LB419]

SENATOR CHAMBERS: Are we at that point now? [LB419]

SENATOR McCOLLISTER: Yes, indeed. [LB419]

SENATOR CHAMBERS: Could I declare a success? [LB419]

SENATOR McCOLLISTER: If you care to. [LB419]

SENATOR CHAMBERS: If I want to describe it that way, but you notice I didn't say victory. And that's all I will ask you. Thank you. Victory would mean that you were in a contest and you prevailed. Success could mean the same thing. But sometimes people have to be shown what can be done before they accept it. Compared to the number of what you all are calling senior representatives and you don't mean age, but those who have been here a little while, compared to the large number of brand-new people, you can understand why we have a difficult time. Many of them were co-opted before they got here. They made pledges and oaths and sold out their self-respect without realizing that's what they were doing. Recognizing that they made a mistake, they do not have the moral rectitude to leave a path which is inappropriate to walk. They should learn something from me if they don't learn anything else. It's never too late to acknowledge that something that you stated or something that you're doing is not the best thing to do, turn around, and correct it. I will do that. I'll make that acknowledgment. I'm not interested in winning an argument just to win it. I have made up my mind that this is going to be one of the most difficult sessions I've ever had, not because of the subjects that we deal with, but because people cannot be what they know they ought to be. I was particularly incensed at Senator Larson of all people to stand up here and say, well, I guess you can't believe...take people at their word--he of all

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

Floor Debate
February 15, 2017

people. There are times that I have to mention the names of senators and some of you come to me and tell me you're glad that I'll do it. Well, you all have a mouth, you can do it too. But you don't have the same thing motivating you that I have motivating me. That's all I will say on Senator McCollister's motion, but I definitely will support it. Thank you, Mr. President. [LB419]

SPEAKER SCHEER: Thank you, Senator Chambers. Seeing no one else in the queue, Senator McCollister waives closing. The motion before us is to withdraw LB419. All those in favor vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB419]

CLERK: 36 ayes, 0 nays, Mr. President, to withdraw LB419. [LB419]

SPEAKER SCHEER: LB419 is withdrawn. Next item, Mr. Clerk. [LB419]

CLERK: Mr. President, Senator Chambers would move to rerefer LB644 from the Government Committee to the Judiciary Committee. [LB644]

SPEAKER SCHEER: Senator Chambers, you're welcome to open. [LB644]

SENATOR CHAMBERS: Thank you, Mr. President. The comments I made while we were addressing Senator McCollister's motion, I would by reference incorporate those into what I'm going to say this morning. All of these rereferencing motions could have been taken up when they were made. Two of them went by the boards because the bills had gone to that pest hole that I call the Government Committee. The Chairman knew those bills were misreferenced. He did not have enough integrity to acknowledge it. A death penalty bill should go to the Judiciary Committee. Because his committee is stacked, it went to his Government Committee. Another bill that dealt with an issue that should have gone to the Judiciary Committee went to his committee. That committee is worse than the Bermuda Triangle. And the Chairperson is what I have referred to as a political operative and we have before us a motion today where I want to rescue a bill from the Bermuda Triangle and a committee which is stacked and whose Chairman is not, in my opinion, possessed of the integrity necessary to maintain the traditions and practices of the judiciary...of the Legislature when it comes to referring bills. I noticed in the paper today he insulted a woman who is on the commission that regulates companies like one that he is on the board of. His company was fined for not doing what they were supposed to do under the law. His company, over a period of years, has made hundreds of thousands of dollars in robocalls. Then he has the nerve to say that what they're doing in Senator Smith's Committee is not by way of retaliation against this particular commissioner. That's all that it is. And the rationales that they give are the kind you find given by somebody who has taken leave of his or her senses or thinks that everybody who reads what they say will have taken leave of his or her senses. I have not taken leave of mine. I've served with some of these people. I have watched them. I have

Floor Debate
February 15, 2017

listened to them. And they have the nerve to say that this commissioner ought to be subject of a legislative investigation, but he never...Senator Smith never said that Senator Murante, who is a member of his committee, should be investigated for not having filed a conflict of interest statement when he's on the board of a committee...of a company that would require him to make a report. He should have declared a conflict of interest. He says there is none. He's just like your so-called President. By saying it makes it so. He does have a conflict of interest and he offered a bill that establishes it. And when you look at the record and see the hundreds of thousands of dollars his company has made through these robocalls and him saying that what he's offering has nothing to do with that company making money or not making money, you'll see how false he is. He accused this lady of lying when she made a statement to his committee, the committee of which he is a member, which is Senator Smith's committee. He said she made a statement that's absolutely false, but he didn't document it and the woman denied what he said. When campaign statements were checked to see whether or not a person had been a paid campaign worker, that person was not listed as a paid campaign worker. You think that Senator Murante will apologize for having made that public statement? No. He doesn't have to. He's in a Legislature that has now been infected by what's happening at the national level with Donald Trump. Lie, lie, lie. I told you all the other day before Flynn quit that he was a liar, that it was known he was a liar. But they were not going to do anything unless they were forced to. Well, when the documentation came out that Flynn had lied, they had to get rid of him, not from a standpoint and position of moral rectitude, but it was too embarrassing, even for somebody like your so-called President Donald Trump. I'm going to get into why this particular bill ought to be rereferred to the Judiciary Committee. I handed out an article, frankly I don't care what you do with the bill. There has been so much that is corrupt in this session that has been done by various Committee Chairs, some of them I'll drop the word "corrupt" and just say lack of leadership. Some of these things involve the Speaker. You all think that I'm going to be a member of the Legislature, elected by people in my district and I'm going to come down here and not point out the wrongful things that I see happening around here and we can point out the wrong of everybody else, we....not we, at least one senator will even accuse somebody of being a liar. And he couldn't prove it and he has no evidence. That's what people do on this floor. That happened to have been done, I don't know if it was in the context of the committee hearing or afterward to a reporter, but the words found their way into the newspaper this morning. I'm going to be the bell ringer. I'm going to be the whistle blower. I'm going to give a shout-out to Senator Larson. There is some information sent to me that I want to talk to him about and I'm going to share it with him and have him tell me that it's all false. So I don't know where he is. He's usually not on the floor when we're conducting business. But Senator Murante or one of his other buddies can tell him what I said. I don't whisper behind my hand in a secret corner. I say it here and I mention the names of the ones that I'm speaking about so that they can counter it here. You all say that you want transparency? Well, let's have transparency, not because the "Republican" Party insists on it, or these pantywaists who got what they wanted the first day by misleading all these rookies. That's what I see as having been contemptible. What I see as showing a lack of moral rectitude is

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

Floor Debate
February 15, 2017

when people know that they've been suckered and tricked into something, but they continue down that path. You all need to break free of those shackles, regain, if you ever had it, your self-respect and spend your time in this Legislature doing what you came here to do, not to do what the Governor told you to do, not to do what the "Repelican" Party dictates to you, not to do what some disingenuous older senators tricked you into doing. All that should do is tell you what you're involved in. There is no law that binds a person to an agreement obtained through fraud, misrepresentation, or trick. How could you swear an oath to somebody about what you're going to do here when you don't even know what it is that you're going to do here, the things that will come before you? You think these ones who tricked you into doing that didn't know what they were talking about? There were robocalls made against my good friend, Senator Kolowski. He's one of the few people on this floor who doesn't mind me making that connection. We don't deny that we're friends, neither of us does. And those robocalls implicated me again. [LB644]

SPEAKER SCHEER: One minute, Senator. [LB644]

SENATOR CHAMBERS: And if you look at some of those articles that I handed around today, you will see where Senator Brashear came down here as the head of the "Repelican" Party before he was in the Legislature and he ran on the platform of stopping Senator Chambers. Then the reporter, after doing some research, said this is a common practice. There are senators on this floor right now who did that in their campaigns. They haven't stopped me. They haven't even tried to stop me. It's one thing to have somebody present you with a straw man and another thing to see the man that straw man is to represent and you stand up to him and do to him what you said you were going to do when you were not in his presence. I defy any and all of you. And the reason I'm taking this opportunity, when we get to the rules, you know that I sometimes digress. But this is on my own motion. Something that I am trying to achieve. So if I don't exempt myself from the process... [LB644]

SPEAKER SCHEER: Time, Senator. But you are... [LB644]

SENATOR CHAMBERS: Thank you, Mr. President. [LB644]

SPEAKER SCHEER: Senator, you're next in the queue. So you're on your first. [LB644]

SENATOR CHAMBERS: Thank you. If I do not exempt myself from the process I employ, you know I'm not going to exempt you. I want this motion to prevail. In order that those who read transcripts will know my rationale, I'm going to read this article from the World-Herald dated January 30 of this year, headlined "Judicial commission proposals draw fire." I always call this the subheadline, "Bill would eliminate one board and change the way members are appointed to another." They relate those boards and this article to LB644 that I want to get out of the

Floor Debate
February 15, 2017

"Bermuda Triangle" Committee and put it into the Judiciary Committee where it belongs. "A legislative proposal to eliminate the commission that identifies the need for new judgeships in Nebraska is drawing criticism from the Nebraska State Bar Association. So is a related proposal that would allow the Governor to appoint only members of his political party to a different commission that nominates candidates for judicial vacancies. The changes affecting the two judicial commissions are contained within LB644, introduced by the Government, Military and Veterans Affairs Committee. The proposals may have more to do with getting attention than they do with making actual changes to the commissions. State Senator John Murante, the Committee Chairman, said last week that his committee is required by law to conduct a periodic review of the roughly 200 state boards and commissions to determine whether they should be modified or eliminated. As a part of that review, the committee staff sent out surveys last year to get the input from those who oversee the commission and boards. Members of the judiciary refused to answer the survey. Murante said that without a response, the committee was left to offer its own proposed changes so a hearing can be scheduled to gather input from the broader public." They didn't have to do that. The law doesn't say they have to do that. Quote from Murante, I would have welcomed the information last fall, but we'll provide a public hearing where they can come and justify their existence, Murante said. He can't get rid of the commissions. They are created by the constitution. They don't have to justify their existence to Senator Murante. He can threaten a commissioner. Let him threaten the judiciary. That's so silly. If I seem upset this morning, you all are extremely perceptive because indeed I am. Continuing, "State Court Administrator Corey Steel, in a pair of letters sent to Murante late last year, provided an explanation for why the two commissions did not respond to the survey. In legal speak, it boiled down to a separation of powers argument. The commissions are not created by the Legislature and they do not fall under the control of the executive branch. Therefore, they are part of the separate but equal judicial branch, Steel said in the letters." I wonder if Senator Hilgers recognizes that and realizes it. If he didn't, he was instructed this morning also. Continuing, "The proposals certainly got the attention of the Nebraska Bar Association, which has roughly 7,000 dues-paying members. The association will oppose both, said Lincoln attorney Tim Engler, the bar's president-elect. 'There's no reason to be messing with them,' Engler said. 'These commissions serve a very useful function.'" Digressing, a useful function with anybody with two brain cells working is aware of it. Continuing, "Judicial nominating commissions..." [LB644]

SPEAKER SCHEER: One minute. [LB644]

SENATOR CHAMBERS: "...are tasked with screening and interviewing candidates for a judgeship. The commissions are led by a Supreme Court judge and include four lay members appointed by the Governor and four lawyers elected by the Bar Association. Not more than four members of the same political party may serve on the commission. Under current practice, the Governor typically appoints two members from his political party and two from another party. Political affiliation of the lawyers who serve on the commission also must be balanced." Rather

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

Floor Debate
February 15, 2017

than break off in this article when I'm in the middle of a sentence or a paragraph, I will just run out this time that I'm speaking by commentary. The Legislature gets no respect, and based on what's happening, it shouldn't. The judiciary is entitled to respect. They are trying to maintain their dignity. [LB644]

SPEAKER SCHEER: Time, Senator. [LB644]

SENATOR CHAMBERS: Thank you, Mr. President. [LB644]

SPEAKER SCHEER: Thank you, Senator Chambers. (Visitors introduced.) Senator Ebke, you're recognized. [LB644]

SENATOR EBKE: Thank you, Mr. President. As the Chair of the Judiciary Committee, I was complicit in this original rereference and let me talk about that just a little bit. Senator Murante came to me and asked me about rereferencing the bill. He said that this was a part of an interim study that his committee had been working on. I took a quick look at the bill and I saw the discussion of noxious weeds and the Nebraska Potato Development Commission and the Carbon Sequestration Assessment and Emergency Medical Services and Perfusionists Committee and the Department of Insurance and the Health Advisory Board and the Medicaid Reform Council and I said, yeah, okay. Unfortunately, I did not see at the time the section about the Judicial Nominating Committee. I don't have a problem with the rest of it going to Senator Murante. And if the rest of this goes to the Government...if the whole thing goes to Government...stays in Government, Veterans and Military Affairs, that's fine. I think it will get a fair hearing. That said, if it comes out with the Judicial Nominating Commission section as it is, I would expect that there will be significant effort on the floor which I would support to remove that from that portion of the bill. I messed up there and I want to publicly acknowledge that. I should have looked a little more carefully and made sure that nothing that fell under my jurisdiction or my committee's jurisdiction was not included. Thank you, Mr. President. [LB644]

SPEAKER SCHEER: Thank you, Senator Ebke. Senator Chambers, you're recognized. [LB644]

SENATOR CHAMBERS: And I believe this is my third time? [LB644]

SPEAKER SCHEER: No, this is your second and you have your close then. [LB644]

SENATOR CHAMBERS: Oh. Thank you. I'm going to finish the article. I accept everything Senator Ebke said at face value. But for some lawyers in here, they don't get a pass. They know better. They should have spoken up. I talked about this before. They should have talked to their

Floor Debate
February 15, 2017

buddy and leader, Murante, and said you see the motion on the floor. We don't even need to discuss that in terms of a rereferencing. An acknowledgment could be made. If legislative floor action was necessary to undo it, with everybody agreeing, there would be no need to have a discussion of the kind that is going on today. But I'm going to smoke some of these people out who like to sit and not say anything. Continuing with the article, "The proposal contained in the Government Committee bill would allow the Governor to appoint just citizens who share his political affiliation, meaning the four lawyers on the committee would have to belong to different parties. For those who think the change is an attempt to allow the Governor to stack the commission with his own party, Murante said the requirement for balanced political affiliation is written into the Nebraska Constitution. Changing it would require a vote of the people. Regardless, it's a terrible idea, said James Hewitt, a retired lawyer and college professor who published a history of the Nebraska Supreme Court in 2007." Naturally, being a retired lawyer, a professor of law, and a publisher of the history on the Supreme Court disqualifies him to know anything about what we're talking about, in the same way that any judge who disagrees with the so-called President, Donald Trump, becomes a so-called judge. I'm going to speak up for the other branches of government if I see their powers impinged upon as is happening here with this proviso: I won't defend the executive branch as much because the Governor runs that and he's got control over many people in the Legislature can take care of himself. The judges are restricted by the standards according to which they operate to not engage in certain political back-and-forths. And some people know that and they take advantage of it. So although I'm trained in the law, I'm not a lawyer. I don't belong to the Bar Association. But lawyers have an obligation to speak for the courts and even judges under attack when those are unfair and unwarranted. The lawyers know that judges are prohibited from speaking on certain issues. And that's where these lawyers come in. I know what they're supposed to do because I read. They don't read. And if they read, they don't care. And I think that's wrong. It shouldn't fall to me to do these things. I should be the bomb thrower trying to undermine the judiciary, the Legislature, and the executive branch because they don't pertain to us except usually in the breach of the things they're supposed to do. Continuing, "Hewitt, who has served on a judicial nominating commission, said lawyers should be appointed because of their legal backgrounds and expertise, not solely because of their political opinions. 'This is a lousy bill and should see the trash can,' Hewitt said." And I'm going to be the trash collector if it gets out here. Continuing, "The judicial resources commission, the other entity affected by the bill, holds annual hearings to determine whether new judgeships are needed in the state. The commission also reviews caseload statistics and makes recommendations about how to best use existing court resources. It was the commission, for example, that recommended adding a juvenile court judge in Douglas County. A bill that would add two new judges to the court advanced to the floor January 23 from the Judiciary Committee. In the days before the commission was formed, state senators would battle over new judgeships, said Bill Mueller of Lincoln, a veteran attorney and lobbyist. 'The commission ensures that all citizens in Nebraska will have access to judicial resources,' said Mueller, who also serves as legislative counsel for the bar association." Members of the Legislature, by me speaking openly

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

Floor Debate
February 15, 2017

like this, I give all of those who feel that I've unjustly said something about them the opportunity in the same forum where I said it to take me to task. And by the same token, it gives me the opportunity... [LB644]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Time, Senator. [LB644]

SENATOR CHAMBERS: ...to make a rejoinder. Thank you, Mr. President. [LB644]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Continuing debate, Senator Murante, you're welcome to speak. [LB644]

SENATOR MURANTE: Thank you, Mr. Lieutenant Governor. Members, good morning. I rise in opposition to the motion to rereference LB644. I thought I would spend just a few minutes and I won't talk very often. This will probably be my only time on the microphone today on this. LB644 is a bill that is somewhat different from other pieces of legislation. As was stated previously, the Government Committee is charged by Nebraska state law to every four years, conduct an analysis of every board and commission in the state of Nebraska. And for the past year, the Government, Military and Veterans Affairs Committee has done just that. We contacted the 200-plus boards and commissions in this state and it is actually our job to determine whether those boards or commissions should exist or should be modified and then to provide that recommendation to this Legislature for ultimate approval. I have with me, if you care to read it, a large stack of papers that consist...that contains the Government Committee boards and commissions report. This is the compilation of the data. Following the compilation of that data, we had the introduction by the Government, Military and Veterans Affairs of LB644 which is the boards and commissions report which contains 25 boards or commissions across the state of Nebraska which we propose to either eliminate or to modify in some way. And to be clear, the state law does not say that we are limited to...actually it doesn't limit us. It mandates us to do an analysis not just of those agencies which are contained entirely within the executive branch, but of those boards and commissions, which are even part of the executive branch. And that is the issue before us today. So with respect to Senator Chambers' concerns that the judicial nominating commission is exclusively part of the judiciary and does not contain...is not contained at least in portion in the executive branch, in light of the fact that half of the commission is appointed by the Governor, it was the legal analysis of our committee that it was part of the executive branch and accordingly, we were required to ask them to submit the information and they were required to answer us. And to be clear, they have always answered the Government, Military and Veterans Affairs Committee. This was the first time in the history of the Unicameral the judiciary said they would not give us the information which is their prerogative. With respect to Senator Ebke's

Floor Debate
February 15, 2017

concerns, I can tell you what has traditionally been the process of the boards and commissions bill of the Government Committee. It's my intention to continue that process, which is to say that...and I'll even back up a step. Upon the introduction of LB644, the process continued, which is to say oftentimes, oftentimes that we will get a response to the survey from an agency head or whoever is filling out the form itself, who has an opinion. And that opinion should be that a board or commission doesn't exist. And then it lands in our board and commission report. And what typically happens is when the bill is introduced, there is a flash in the pan because now there is a greater public awareness of the bill that's before us and that's a good thing. Those agencies and boards and commissions which are affected, then contact the Government Committee and we've been in those conversations for the last month and a half. And we take their opinions into consideration and then we conduct a public hearing. And that public hearing is scheduled a week from now. And they will come and make their case about the justification for the existence of the board or commission. And that's... [LB644]

PRESIDENT FOLEY: One minute. [LB644]

SENATOR MURANTE: ...that's the way the process should work. And traditionally by the time the bill hits the floor, what is contained in the omnibus boards and commission bill are the provisions of the boards and commissions that are universally accepted and controversial parts of the boards and commissions bill are put into shell bills, which is why we have another probably four shell bills in the Government Committee, just in case we decide to progress forward. So there will be an opportunity to take each of these proposals one by one and talk about their merits and that's what we have done. We believe that is what we are legally required to do. And accordingly, I would remind everyone that the legislative precedent is clear. The Government Committee's boards and commission report belongs in the Government Committee. If LB644 doesn't belong in a Government Committee, nothing does. This is our statutory obligation. This is what we have worked for in the last year and a half. Our conversations continue... [LB644]

PRESIDENT FOLEY: Time, Senator. [LB644]

SENATOR MURANTE: Thank you, Mr. President. [LB644]

PRESIDENT FOLEY: Thank you, Senator Murante. (Visitors introduced.) Senator Howard, you're recognized. [LB644]

SENATOR HOWARD: Thank you, Mr. President. I yield my time to Senator Chambers. [LB644]

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

Floor Debate
February 15, 2017

PRESIDENT FOLEY: Senator Chambers, 5:00. [LB644]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. Members of the Legislature, I need some clarification, so I would like to ask Senator Murante a question to see if I heard him correctly. [LB644]

PRESIDENT FOLEY: Senator Murante, would you yield, please? [LB644]

SENATOR MURANTE: Yes. [LB644]

SENATOR CHAMBERS: Senator Murante, you said that the Governor makes appointments to these commissions that I'm speaking of. Therefore, you deem them to be a part of the executive branch. Is that what you said? [LB644]

SENATOR MURANTE: Yes. [LB644]

SENATOR CHAMBERS: Does the Governor make appointments to the Supreme Court and other courts in the state? [LB644]

SENATOR MURANTE: Yes. [LB644]

SENATOR CHAMBERS: But his appointing those judges does not make the judiciary a part of the executive branch, does it? [LB644]

SENATOR MURANTE: No. [LB644]

SENATOR CHAMBERS: Thank you. Members of the Legislature, use some logic. Forget what you think about me. This is where you test your ability as a thinker. There is no lawyer on this floor who thinks that the mere fact that the Governor makes an appointment to a commission it's a part of the executive branch. I'd like it ask Senator Hilgers a question or two if he will yield. [LB644]

PRESIDENT FOLEY: Senator Hilgers, would you yield, please? [LB644]

SENATOR HILGERS: I would. [LB644]

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

Floor Debate
February 15, 2017

SENATOR CHAMBERS: Counselor, I'd like to ask you a question. [LB644]

SENATOR HILGERS: Of course. [LB644]

SENATOR CHAMBERS: And if you don't know the answer, this is not to be a trick question. Do you know which part of the constitution the commissions that we're talking about is found? By that I meant, is it in the part of the constitution dealing with the executive branch or dealing with the judicial branch? [LB644]

SENATOR HILGERS: My memory is, Senator Chambers, is that it's..there is a separate section that deals specifically with the judicial nominating commission. I do not believe that it's in the executive branch section. [LB644]

SENATOR CHAMBERS: You said they are in the executive branch? [LB644]

SENATOR HILGERS: No, no, no. [LB644]

SENATOR CHAMBERS: Oh. [LB644]

SENATOR HILGERS: I do not believe they are, but I would to double-check. [LB644]

SENATOR CHAMBERS: You're correct. Thank you very much. Members of the Legislature, don't believe me. Believe your constitution. The constitution which you all have not read will talk about each branch of government separately. If you look in the table of contents, you will see a listing for the legislative branch, one for the executive branch, one for the judicial branch. If the commissions are created pursuant to the constitutional provisions in the judicial branch, are they members of the judicial branch or the executive branch? You all are more intelligent than that. He's leading you down a primrose path and will make you look like a fool. The Governor may make appointments. That does not convert the commissions into a branch of the executive department. You heard what Senator Murante said. He doesn't know enough to handle this subject. I do. I'm a member of the Judiciary Committee. I shouldn't have to work this hard. But you all are not going to do what you need to do. You're not going to do your work. So I have to do my work and your work. But I don't care what you do with the bill. I almost hope you will not rereference it now to just show how foolish you all are. You've been told by Senator Murante his rationale for putting the bill in the "Bermuda Triangle" Committee, the Government Committee. He's not the only one who did it. I'd like it ask Senator...is Senator Watermeier here? I didn't expect him to be on the floor. All he is, is the second most powerful leader in the Legislature. So you wouldn't expect him to deal with mundane issues of the kind we're talking

Floor Debate
February 15, 2017

about now that relate to the constitution and the proper referencing of bills from the committee of which he is the Chair. It's beneath him. When it comes to intelligence, it's beneath me, too, but I'm here. And I have an obligation to these new people, some of whom came down here to put me in my place, to try to instruct them on the way things are done and I will give you background and tell you where you can go to find the facts, but you won't do it. You heard Senator Ebke. She's not so offended at me that she's going to go along with something that should not be done in the way it was done. We can make these motions to correct mistakes. The one who told you to do this has given you a fallacious, nonvalid reason. [LB644]

PRESIDENT FOLEY: Time, Senator. [LB644]

SENATOR CHAMBERS: Thank you, Mr. President. [LB644]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hilgers, you're recognized. [LB644]

SENATOR HILGERS: Mr. President, good morning. Before today's session I did have a conversation with Senator Chambers and he said, please listen, is what he said. And I've listened to every word that he said on the arguments on the floor this morning. And I will say, as an attorney and as a member of the committee, what I'm focused on is the question before us this morning. The question is not the merits of this portion of LB644. On that question actually, I do have some serious concerns. And the question before us also is not whether if this portion were to be a standalone bill itself to which committee should it be? I think on that point, Senator Chambers makes a good argument regarding the power of the judiciary. Now, I do think there is a counter argument, which is historically this commission has provided information to the Government Affairs Committee suggesting that perhaps they don't see it quite as a pure judicial entity and maybe more of a quasi-judicial entity and I do think there is a distinction between an appointment of a judge, which we would all agree is a judicial officer and securely within the judicial branch, versus an appointment of someone, a layperson who is on the committee that selects those judges. I think that's an argument we could have. But that's not the question I think before us this morning. The question I think before us this morning is whether or not LB644 in its entirety should be rereferenced to the Judiciary Committee. I think that question is not as close of a question as those other questions that I referenced, because this is a bill that has historically been in the Government Affairs Committee. It deals with a whole variety of issues that would never be historically within the Judiciary Committee and with the totality of circumstances--which as Senator Chambers, he is not currently a member of the bar, but he went to law school, he would recognize that phrase--the totality of the circumstances in my view leads me to the conclusion that this bill ought to be in LB644 because on the one hand you have a bill that historically has gone there. It's a bill from that committee, it deals with a number of issues

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

Floor Debate
February 15, 2017

with a variety of subject matters. And on the other hand, you have a portion of that bill which arguably should be in the Judiciary Committee. That is, in my view, not a clear-cut argument. It's a good argument. It's not a clear-cut argument. I think there is a strong counter argument. And on balance, where should it go? Well, I think on balance, again, the question before us is on LB644, I believe that it should be in the Government Affairs Committee. But I certainly appreciate Senator Chambers' comments this morning and I would yield the rest of my time to him for his rejoinder. [LB644]

PRESIDENT FOLEY: Thank you, Senator Hilgers. Senator Chambers, 2:30. [LB644]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Hilgers. This is the kind of debate we ought to have on the floor of the Legislature. It's what can happen when two lawyers on opposing sides will believe strongly in his or her position. But when they get in the courtroom and they're arguing, they do it in the way that lawyers argue. I would like to ask Senator Hilgers a question or two. [LB644]

PRESIDENT FOLEY: Senator Hilgers, would you yield, please? [LB644]

SENATOR HILGERS: I would. [LB644]

SENATOR CHAMBERS: Esteemed and worthy colleague, have you read this bill, LB644? [LB644]

SENATOR HILGERS: I have. [LB644]

SENATOR CHAMBERS: So you know that about 10.5 pages are taken up with just these two commissions and not nearly that much of the bill is taken up with any of the others? You're aware of that. [LB644]

SENATOR HILGERS: That would fit with my recollection. [LB644]

SENATOR CHAMBERS: Okay. Thank you. That's all I want to ask because I don't want people to think I'm misrepresenting the nature of the bill. Clearly merely the number of pages given to a subject would not make the difference. But in this case, the jockey is too big for the horse. The jockey is the material dealing with the judicial commissions that we're talking about. [LB644]

PRESIDENT FOLEY: One minute. [LB644]

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

Floor Debate
February 15, 2017

SENATOR CHAMBERS: The name of them even contains a clue as to which branch of government is involved. It has been stated by the one who speaks for the courts that this subject is deemed a subject involving the separation of powers. So the judicial branch has spoken also. We are merely parsing words to say that traditionally a bill like this has gone to the Government Committee. The changes in this bill are stark. That's why those who are in the legal profession looked at it, at the merits, and condemned the bill. Senator Murante is trying to stick his fingers in the eye of the court. To write a bill as trashy as this one is nothing other than to insult the judiciary and say we're going to rub your face in it. You better come here or we're going to do something to you. [LB644]

PRESIDENT FOLEY: Time. [LB644]

SENATOR CHAMBERS: They can't do anything to the courts. [LB644]

PRESIDENT FOLEY: Time, Senator. [LB644]

SENATOR CHAMBERS: Thank you, Mr. President. [LB644]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Continuing debate, Senator Morfeld, you're recognized. [LB644]

SENATOR MORFELD: Thank you, Mr. President. I rise today listening to the debate and trying to figure out how I'm going to vote on the motion to rereference. I also rise in response to Senator Chambers' call for the members of the Legislature that are attorneys to stand up and speak on this bill because I do think it is an important discussion to be had about the makeup of our judiciary. In addition, I would not...I would call Senator Murante a lot of different things, friend being one of them, but definitely not my leader, as Senator Chambers suggests, in the body. But that being said, I think the issue here, and we're confused...no, we're not confusing. I think Senator Hilgers actually laid this out fairly well. The issue here is not whether or not oversight of boards and commissions are the purview of the Government Committee. I think that's fairly clear. I think the issue that I have with this legislation being referenced to Government is the fact that we are dealing with the fundamental makeup of how we nominate members of the judiciary to the bench because the bill doesn't just deal with the organization and purview...excuse me, the organization and oversight of the commissions. It fundamentally changes the makeup of a commission that decides the makeup of an entire branch of government. And that's my concern with LB644 and its referencing to the Government Committee. That should be the purview. The makeup of the commissions that decides the makeup of the judiciary should be the purview of the Judiciary Committee. Now, I'll talk privately with Senator Murante, but if I can receive assurances that that portion will not make it

Floor Debate
February 15, 2017

to the floor if LB644 gets out of Government Committee, which I'm assuming it will, then I will vote against the rereferencing of this bill because I trust Senator Murante's word. But that being said, if this portion, if his intent is to get this portion of the legislation that changes the fundamental way that we nominate the judiciary comes out of Government Committee, to me that's improper. And to me, that is the purview of the Judiciary Committee. Thank you, Mr. President. [LB644]

PRESIDENT FOLEY: Thank you, Senator Morfeld. Senator Schumacher, you're recognized. [LB644]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. The language regarding the judicial nominating folks in the bill is highly problematic. And if you haven't read it and you think that this isn't about partisan influence into the judicial branch of government, you should. Lines like this inserted: ..."no quorum shall exist unless all members appointed by the Governor are present". "No action of the commission shall be valid unless concurred in by a majority of its members and a majority of the members appointed by the Governor". Next page, "All citizen members shall be affiliated with the political party with which the Governor is affiliated." Next page, stricken language that says, "Not more than two lawyer members of each commission shall be registered members of the same political party or category, and not more than two alternate lawyer members shall be registered members of the same political party or category." I could go on and on. But just on the surface, this smacks of an attempt to politicize the judiciary branch of government. To a certain extent, it already is. You have the judicial nominating committees which are organizations constituted under the bar that make a nomination. And it usually I think is three nominations for a judgeship. And the Governor still picks from among those three. This change in mechanism further politicizes the process. So I think this morning it may be appropriate to talk a little bit, literally, about the elephant in the room and address the question, who...when we say the Republican Party is attempting to exert its influence in this hall and across the hall in the Supreme Court and its lower branches, just who is the Republican Party? Some of you may have been told that there are good Republicans in this body and there are bad Republicans in this body. Who says so? Let me again to address in the next few sets of remarks those issues. And I do so I think with a small modicum of authority. From the early '80s until 2010 I was very active in the Republican Party, maybe serving more if not as many or near as many years as anybody else in this body in the local Republican Party, serving as Chair of the Platte County Republicans for more years than I can remember. Also, serving on the state central committee for many, many years. So let's talk about how the party is formed and how the people of the party are ignored. In our party organization--some of you know this because you've been to local party conventions; some of you don't because you, like most, the vast majority of the people in the state, have never been to one--but every two years at least they hold a county convention. And to get to go to the county convention, you just sign up

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

Floor Debate
February 15, 2017

with the election commissioner and for the most part, you get to go to the county convention. There's some technicalities on that but very few and they're very simple to deal with. [LB644]

PRESIDENT FOLEY: One minute. [LB644]

SENATOR SCHUMACHER: And when you do that, you will show up at a convention in most of the counties which have very, very, very few people show up. Some of them are genuine citizens who want to do their duty. Some are there to advocate for a particular Presidential candidate or a particular cause that happens to be vogue for that year. But nevertheless, you scratch your head and you say, really? Now 30 years ago, there used to be, at least in my county, at lot of people show up. There maybe was 50 people out of a county of 20,000 or 30,000, and there were some pretty good discussions on real issues. That feathered out over the '80s and the '90s until very few people really show up unless they were there for a special cause or special candidate. Okay. At that level, they're supposed to select a number of people to go to the state convention every two years. And so a...depending on how many voters they had for the President in the prior election, they get to select a number of people. And so people who showed up there get an opportunity to go to the state convention. And I will pick up with a discussion of the state convention and the party organization on my next turn at the mike. Thank you. [LB644]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Hansen, you're recognized. [LB644]

SENATOR HANSEN: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. Senator Schumacher mentioned the elephant in the room, and I want to talk about the one power broker that's dealt with in this act that we haven't talked about yet. If you look on page 1, line 18, this bill references the Nebraska Potato Development Committee. And as we know, as we know, those are some quite influential individuals down here at the Capitol. So maybe we should make sure this goes to their purview and goes into the Agriculture Committee. Sorry, I had to just get that in there. I rise as part of one of the other lawyers who...to speak on kind of the overall subject of our judicial branch, judicial independence, and the appropriate measures on how to oversee that as a legislative body. I appreciated Senator Ebke's comments and understand them as well, that regardless of what committee this ends up going to--and I understand the arguments for Government; I understand the arguments for Judiciary--that we're going to have to take a very heavy and critical eye to the judicial nominating commission and other related judicial commissions and committees in this bill. And that's something I certainly plan to do on the floor if the committee amendment does not change or remove them significantly. But I do want to say just in terms of what committee we're going wait...get to. I know earlier it was discussed waiting, you don't want to necessarily measure by number of pages which committee a bill should go to, but when we're talking about the various boards and commissions, I

Floor Debate
February 15, 2017

highlighted the Nebraska Potato Development Committee as well, but there's the Community Gardens Task Force, the Perfusionist Committee, and other ones of that nature that are not, in my mind, of the same weight and the same magnitude to us as a body, us as a state as the judicial nominating commissions and the Commission on Judicial Qualifications and the others. That's what's going to be tipping my hand to think this should likely go to Judiciary as opposed to Government. I understand the argument as the Government has a clearinghouse for different commissions and I appreciate their tradition there. And I understand the difficulties here, including, I believe, a perfusionist is a type of surgeon. And there are several other medical services. So, you know, maybe there should be an argument for HHS, but I would even stack up against those, the kind of measure and weight and significance, what change are we going to do in this bill that we are going to feel in the state of Nebraska for years to come and for decades to come, and any of those changes that are going to have decades of impact on the state if we make them as so introduced in the green copy are going to be to the Commission on Judicial Qualifications and the judicial nominating commission. And those are unquestionably subjects of the Judiciary Committee. If those ten pages or so had been introduced as their own green copy bill, I don't even think you would have an argument to send it to another committee, so that's why I plan on referencing it to...supporting the motion to rereference. That being said, I do think we'll have the opportunity to have a fair hearing in either instance. I have to expect that from many of our committees, and I look forward to having a full discussion on the floor of how this comes out. And with that, I was actually pretty entertained by Senator Schumacher's stories of county conventions, so I would yield the balance of my time to him if he could use it. [LB644]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Schumacher, 1:00. [LB644]

SENATOR SCHUMACHER: Okay, picking up on the story, so folks from these county conventions go to the state convention. State convention, the morning of the state convention is basically a dog and pony show, very little substance, everybody appropriately applauds to the appropriate political rhetoric. The afternoon is two-minute maximum speeches and motions, and really not a lot of substance. Oh, a political platform is ground out, but a lot of times that's a ditto of the previous years. But one thing that does happen at that stage is a thing called the central committee of the party is selected. And the central committee is supposed to be the governing body of the party until the next convention. And it had been used to meeting four times a year. I think that may have been trimmed back to three times a year. But that particular body is supposed to be the thinkers and the leaders of the party. And each of the little districts get to select a certain number of people to go to that central committee meeting and be the governing body of the party. [LB644]

PRESIDENT FOLEY: Time, Senator. [LB644]

Floor Debate
February 15, 2017

SENATOR SCHUMACHER: Thank you. [LB644]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Crawford, you're recognized. [LB644]

SENATOR CRAWFORD: Thank you, Mr. President. Good morning, colleagues. This has been an interesting discussion in terms of how we reference bills and the process and the implications of that process, and I just thought it would be important while we're laying a record on some of these issues to address one of the concerns that we had in the Referencing Committee with LB644. And that is that the bill as drafted, the meat...I mean, the base content of the bill, the larger structure of the bill, was the general commissions bill that you would expect the Government Committee to handle. So that was the framework of the bill, and many of the parts of the bill, but inside of that bill was what probably should have been a separate bill, which had many substantive changes to one of those specific commissions. And so that, I think, raises an issue and I just want to lay it on the record for us to come back and consider as we're thinking about rules in the future or as we're thinking about our practices, because that is a challenge in terms of referencing when we get a bill. And the bill actually really should have been drafted as two bills or maybe even three bills. And there are different reasons why someone might put different content in the same bill. One might be because they're thinking that it will get referenced a certain way, and that is their strategy, to try to put something that should be a separate bill that would go somewhere else, if it were a separate bill inside of a bill. That's one reason that that might happen. Another might be, you know, someone who just is new to the process and doesn't see that it really should have been separate bills or, you know, an effort to pull together an omnibus bill and really it gets some content in it that really should not have gone to the committee that the other content in the bill was perfectly appropriate going to that committee. And so I think what we see in referencing is sometimes when a bill comes and it's a bill like LB644, you have that challenge of where to reference it, because it really more appropriately would have been drafted as two separate bills, so that each part of the bill could have gone to its most appropriate committee. And so in faced with that choice, because it came to us in the form that it did, we had to ask which part of this bill demands the most scrutiny, and which part of this bill demands the most expertise? And so, because the rest of the bill is very routine commission updates, the part of the bill that required the most expertise and rigor and attention was the part that addressed the judicial commission. So since the bill came to us as one bill, we had to choose a place to reference it, and so, in my case, I voted to reference it to the Judiciary Committee because that's the part of the bill that required the most rigor and expertise to decide. And, again, it would have been better if that had been drafted as two separate bills. That, I think, really comes back to also the issue of the Referencing Committee dealing with bills that are drafted, you know, with other language before or after or other ways in which it gets drafted to... [LB644]

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

Floor Debate
February 15, 2017

PRESIDENT FOLEY: One minute. [LB644]

SENATOR CRAWFORD: ...try to influence referencing when those parts of the bill may not be strong, substantive parts of the bill. And we have seen that in Referencing Committee as well, when there are elements added to the bill to...and the example...and I can talk about that more in a future return. I won't go into that right now since I'm just about out of time, but I think there is an issue when we get a bill in Referencing when it has been drafted to...when it should instead be two bills or the substantive component of the bill is drafted inside a bill with other content to try to get the bill to be referenced to a particular committee. And that's a concern that the Referencing Committee has. We try to handle it by trying to push the bill where we think the most substantive content needs to be, but maybe there are other things we should do in terms of being able to handle a bill that comes to us that should be two bills or that comes to us... [LB644]

PRESIDENT FOLEY: Time, Senator. [LB644]

SENATOR CRAWFORD: Thank you. [LB644]

PRESIDENT FOLEY: Thank you, Senator Crawford. (Visitors introduced.) Senator Schumacher, you're recognized. [LB644]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Continuing on with trying to address the elephant in the room, so we were at the stage of the state convention selecting this thing called a central committee. Supposed to establish policy, run the show during the two-year interim. And, by and large, some really good people get selected by this process to be on that state central committee. And in my service on that committee, I asked the question about the time term limits started brewing how come the Republican Party does not have a legislative committee where this body of...called a central committee comes up with good ideas for legislation? Once upon a time it had one. And then it magically dissolved. So I agitated. I said, let's do this. We may become the institutional memory of the Legislature, since we're going to have this churn that's going on. Why don't we start developing real policy instead of just blabbering something in a platform that's God, mom, and apple pie? Let's come up with good ideas on telecommunications, on roads, on welfare, on all of these things of needs for the state rather than just being an empty drum beating. And I sold the package. A legislative committee was constituted, I don't know, around 2004, one of those years. And it was constituted also on the district level, the three congressional districts. And the folks...I think I was either chair or vice chair at the state level and at the congressional district level and we started having discussions. And since most of the people on that central committee level are ordinary people like your constituents are, the discussions started getting pretty good. We actually started coming up with ideas. Holy smokes. Some of those ideas weren't dogma. Some of those ideas were

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

Floor Debate
February 15, 2017

really good. And you know what happened after a couple of those meetings? Poof, there were no more meetings called or permitted and I doubt if even today the Republican Party has got a legislative committee, which then asks the questions where does these ideas that are supposed to infiltrate into here and control things come from? Who's pulling the strings? We talk about transparency, okay? Now, I never was on a thing called executive committee of the Republican Party, maybe too much of a rabble-rouser to be there, but I did listen in on some of their meetings. And you know what I found? They ain't making decisions either. So who is directing the policies that are supposed to be executed in here? Clearly somebody is, but clearly it's in the most untransparent way. So when we talk about partisan politics, stacking judicial committees, and commissions, about we're for this or we're for that, who is that? Who determines who's a good Republican and who's a RINO, who the freshmen senators should trust and who they should mistrust, who is that force? You look at the party chairman over the years... [LB644]

PRESIDENT FOLEY: One minute. [LB644]

SENATOR SCHUMACHER: ...they come and go like the wind. But the thing, the force doesn't change. What economic interest, what social interest is being facilitated and directed in the name of the good Republicans? My next time at the mike we'll talk a little bit more. But the object of this game is particularly directed to the freshman class who may have been indoctrinated along the lines of, there are good Republicans that follow the dogma, and there are people who question it. But I can tell you one thing, the average Republican is not calling the shots in here. Thank you. [LB644]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Baker, you're recognized. [LB644]

SENATOR BAKER: Thank you, Mr. Lieutenant Governor. I will yield my time to Senator Schumacher if he'd like more time. [LB644]

PRESIDENT FOLEY: Thank you, Senator Baker. Senator Schumacher, 5:00. [LB644]

SENATOR SCHUMACHER: So that brings us to kind of some of the issues we're going to be talking about, serious issues for this year. In order to promote a political agenda, you've gotta have something that sticks when people go and vote their gut in the ballot box. In order to hide your policies that you really want to get done, you have to get the votes at the ballot box. And what's the easiest, dirtiest, cheapest way that you can do that? Page 1, tell them you're going to cut taxes. It works. It masks everything else that you're up to. It becomes the central theme of a campaign and of an administration following a campaign and that's been the case for years. So when we say and when we face these issues of we're going to cut property taxes but then the plan

Floor Debate
February 15, 2017

to cut property taxes, really maybe a 2 percent shift back and forth, really not taking effect for some years, at least beyond the next election, and a plan to cut income taxes basically declaring that we're so smart, we know whether or not income taxes are a good idea to cut eight years from now? We can't even get through our rules, let alone be so smart as to say whether a tax cut of X percent or X fraction of a percent is a good idea eight years from now or maybe ten years from now. Who comes up with those ideas? Really? A drop in taxes from 6.84 percent to 5.99 percent is going to bring a flood of people into the state, in whose economic interest is that? Is it the family of \$20,000-\$120,000 a year, who will see a few hundred bucks, maybe, more likely under a hundred bucks? Or is it folks who have really nice numbers, who will see thousands of dollars of cuts, maybe more? Why is it that we have a 6.84 percent income tax that is paid by people who draw W2 forms? I think the doctors, the lawyers, the accountants, the businesspeople who work for a living draw and pay close to 6.84 percent, but you know what our top bracket actually pays? Four-point-something percent, okay? That means there are a whole bunch of people paying 6.84 percent or 6.75 percent effective rate. There must be a whole lot of people paying darn near nothing effective rate. [LB644]

PRESIDENT FOLEY: One minute. [LB644]

SENATOR SCHUMACHER: Okay? Could that be the force behind the force? As you begin to look through the fog, you begin to get an idea where the force behind the force is. And the ag sector who thinks they're going to get hundreds of millions of dollars in property tax relief, really? Where's that going to come? It's got to be concealed with the smoke-and-mirror proposal which really doesn't change much. So at the close of this part of the comments I ask you, are there good Republicans and bad Republicans? Should we be asking questions? Is it smart to send far less than the LR34 Committee said was necessary... [LB644]

PRESIDENT FOLEY: Time, Senator. [LB644]

SENATOR SCHUMACHER: Thank you. [LB644]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator McCollister, you're recognized. [LB644]

SENATOR MCCOLLISTER: Thank you, Mr. President, members of the body. I support the motion to rereference LB644 to the Judiciary Committee. I serve on the Reference Committee and voted initially to move this bill to the Judiciary but was not successful in that vote. My wisdom in voting that way was subsequently ratified by the number of e-mails and phone calls that I've received pointing out the problems with the bill and indicating that it should be referenced to Judiciary. I think that wisdom was ratified, so I will be voting to rereference this

Floor Debate
February 15, 2017

bill. I would yield the balance of my time to "Professor" Schumacher if he wants the time.
[LB644]

PRESIDENT FOLEY: Thank you, Senator McCollister. Senator Schumacher, 4:00. [LB644]

SENATOR SCHUMACHER: And I only planned on talking 15 minutes, but this is an important topic. Our penitentiary, the LR34 Committee and the committees before that that study the horrendous mess out there that's going to end up with a lot of people getting killed, just a matter of time when the tumblers fall the right direction or the ACLU brings a lawsuit that says release a bunch of them and the federal court agrees because we're at like 160 percent or something like that of what we should be in the penitentiary, and because we haven't addressed mental health issues, because those are easy things to cut. Well, the idea of the LR34 Committee I think concluded there are lots and lots of money that needs to be spent over in Corrections. And also at those same hearings, we heard a prison director basically said and kind of read-between-the-lines language, I can only ask for so much because of budgetary constraints. So we know he didn't ask for enough, but yet we hear that he is fully funded. Really? Mental health puts 20 percent, 30 percent, 40 percent of the people in there. We're not addressing it. Our efforts at cutting the budget, are we borrowing for the future, and whose interest would it be if we borrowed from the future, whose interest? Were we really such wild spenders under Johanns and Heineman that we can cut the rate of increase to a third without hurting ourselves, without borrowing from the future? And in whose interest is that? Where is the theory that is driving this bus? What is the purpose of the rhetoric that you are being called upon to execute a program on? We know. We really know that the burdens on government are going to be greater, not less, in the future. Baby boomers who are going to look for a safety net because they couldn't or didn't save enough. Young mothers who are trying to raise kids on increasing percentage by themselves, having to go to work and those kids hitting the school system, not having the basics that moms used to teach kids at home. [LB644]

PRESIDENT FOLEY: One minute. [LB644]

SENATOR SCHUMACHER: Whose interest is it for them to be neglected for those kids not to have an adequate preschool service system? Whose interest is it in to postpone that day of reckoning with the baby boomers who haven't saved enough--whose interest? Who's making money off the deal? Shouldn't that be where we are focused? But, you know, I'll bet you, at least it's been my experience here, in those committees, there's very little in-depth discussion of where we should go with the state or what's a good long-term policy, but a lot of quick discussion along a dogmatic line to get a result and a bill moved... [LB644]

PRESIDENT FOLEY: Time, Senator. [LB644]

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Transcriber's Office

Floor Debate
February 15, 2017

SENATOR SCHUMACHER: ...and then maybe out here on the floor. Did you say time?
[LB644]

PRESIDENT FOLEY: Yes, I did. [LB644]

SENATOR SCHUMACHER: Thank you. [LB644]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Wishart, you're recognized.
[LB644]

SENATOR WISHART: Thank you, Mr. President. I rise today, I'm still determining where I fall in terms of where my vote will be on this motion to reconsider or...I'm still learning the language, but to change which committee it will have a hearing in. I do have some deep concerns with LB644, with the changes to the Judicial Commission, but that is not as much what we're talking about today. Today we're talking about the procedures for referencing. So I do have a few questions for some members of the Referencing Committee. Senator Crawford, would you yield to a question? [LB644]

PRESIDENT FOLEY: Senator Crawford, would you yield, please? [LB644]

SENATOR CRAWFORD: Yes. [LB644]

SENATOR WISHART: So, first of all, thank you for bringing us some of the historical documents that give us a little more perspective on this. You spoke a little bit to the need for a rules change because I can imagine that there are other big pieces of legislation that have substantial parts of them that don't make it to the committee to which they should be referenced. Can you talk a little bit more about a potential rules change that may work to fix this? [LB644]

SENATOR CRAWFORD: I was raising the issue for us to consider and I do not have a specific idea of what that might look like. Right now I believe a key way that we handle that situation to try to discourage that is to try to make sure that the bill goes to the committee where it needs and deserves the most expertise and rigor. And so that's how this was handled. Now, in the future...so what that change and whether it's a rule change or a process change or what that looks like would be something to the effect that when a bill came to the Referencing Committee, perhaps the bill...perhaps the Referencing Committee would have an option of indicating that the bill deserves to be split. So that's I think something that it could...a way in which it could look. In many states, bills get referred to multiple committees. And so that's a way that other states handle it is that if there's a bill like this, they would just refer it to both committees and both

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

Floor Debate
February 15, 2017

committees have to have...would have a say on it, and obviously that adds time and complexity. So something along the lines of being able to challenge that a vote...that a bill be split. What we do on the floor sometimes is there's an ability to ask...to divide a question, so maybe it's something like a divide-the-question rule, only it has to do in terms of dividing content for referencing. [LB644]

SENATOR WISHART: Thank you. That was very helpful. I was going to ask Senator Chambers a question, but he is deep in thought. I will ask Senator...I'll ask Senator McCollister a question if he would yield. [LB644]

PRESIDENT FOLEY: Senator McCollister, will you...I don't see him on the floor at the moment, Senator. [LB644]

SENATOR WISHART: Speaker Scheer, I would ask a question if he would yield. [LB644]

PRESIDENT FOLEY: Speaker Scheer, would you yield, please? [LB644]

SPEAKER SCHEER: Yes, I will. [LB644]

SENATOR WISHART: So, Speaker, I'm just trying to get more perspective on the typical procedure for this kind of referencing. Do you have examples of legislation since you've served on the Referencing Committee where there was a piece of that legislation that had so much of an impact... [LB644]

PRESIDENT FOLEY: One minute. [LB644]

SENATOR WISHART: ...that it was referenced to a committee where otherwise the whole bill would not have been referenced? [LB644]

SPEAKER SCHEER: Not that I recall. [LB644]

SENATOR WISHART: Okay. Thank you. I'll probably be back to ask some more questions. But with that, I don't have much more time to yield, so thank you. [LB644]

PRESIDENT FOLEY: Thank you, Senator Wishart. Senator Chambers, you're recognized to close on your motion to rereference LB644. [LB644]

Floor Debate
February 15, 2017

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to tell you all something. There are people who come to me when they have an issue before the body and they need somebody to speak on that issue, and they give me time. Then where there's something that obviously means a great deal to me, they don't do it. You cannot trust anybody here. There are people I've tried to work with. I've even pulled amendments of mine during the rules debate because they ask me to do that so something they were working on could be done. Then I can't get the time that I need for this, but here's why it doesn't matter. It has given me an opportunity to explain to you all why nobody who makes a deal speaks for me. They're not trustworthy, they're not reliable, and they want to receive, but they're afraid to give back. You know why some of them didn't give me time today? They're afraid to. But it's all right to discuss the rules. And there are people who come to me when they have consideration that they want to get where the rules are concerned, because they know that I'm bigger than all the rest of them. I will overlook these petty slights and do what I think is best for the institution and that's where they have me. I really will do it, but I want to say on the record that I know what's going on. Did you hear Senator Murante challenge anything I said about him wrongfully accusing a woman of lying? You all read the paper. Nobody saw fit to say anything about it. If one of you is attacked unfairly on the floor and I speak up for you, you like that. But you won't do the same thing when it involves somebody else. I will, and that's the problem. You know that I will, so you let me do it. But you're not controlling me. I'm going to do it anyway, but I want to let you know that I know what you all are doing. You're not tricking me. You're not pulling the wool over my eyes because as I said about Jesus and me, he had no need that anybody speak to him of man for he knew what was in man. You think I don't know what's in all these senators sitting around here? You know I don't...you think I don't pay attention to how they jump up and what issues they speak on when they come to me and they want to talk about things and work things out, when the operative Senator Murante wants to speak at great length on some things and ignore things that are much more of consequence than what we're talking about? He cannot say that I'm not telling the truth when I mention what he does. You saw Senator Smith jump up on the floor the other day and have so much to say about the way the committee was being operated. He didn't jump up and say anything back to me, did he, because he knows it's somebody his own size. There was a linebacker named Brian Bosworth who played for Oklahoma. One of the years he played, he was the best linebacker in the country. He said that he didn't like to play these cream puff teams that Oklahoma would schedule as all the powerhouse teams did. They were mastiffs and they would be blooded on poodles and Pomeranians and Chihuahuas. And Brian Bosworth said I like to play Nebraska because then we're picking on somebody our own size. He had a sense of dignity and self-respect and he did not want to bully these little schools. He wanted to play somebody where it's somebody who could stand up to him. I want you all to know I'm going to do what I am going to do anyway, but I notice when you all are conspicuously absent and silent. But I'm still going to fight against inappropriately amending the rules. But I'll say even on that, I don't care how they amend the rules. They can't stop me. They'll stop the rest of

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

Floor Debate
February 15, 2017

you, and that's what you all are afraid of. You want to protect yourself and make it easy for yourself because you won't stand on this floor and do as I do. [LB644]

PRESIDENT FOLEY: One minute. [LB644]

SENATOR CHAMBERS: I hope they get rid of the so-called extended...you all call it a filibuster rule. Get rid it and you all will sit here whining and wringing your hands because you're afraid to stand up and fight back. And you know that I'll fight hard on the issues where the fighting should occur. Everybody knows that, everybody in the state knows it and they wonder why you all won't do it. There are more of you than there are of me--48 of you. Yeah, 48 I'm saying. I'm the only one; 48 against 1, 1 against 48. And there's one on this floor who could have spoken authoritatively on an issue that I brought up this morning. He's not even in the Chamber. I'm talking about Senator Vargas. Senator Watermeier is gone. We're talking about what he and his committee had done and he wasn't here when I needed to talk to him. Now that I'm closing and it's over, I see he's over there. [LB644]

PRESIDENT FOLEY: Time, Senator. [LB644]

SENATOR CHAMBERS: I'm going to ask for a call of the house and I want a roll call vote. [LB644]

PRESIDENT FOLEY: Thank you, Senator Chambers. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, Mr. Clerk. [LB644]

CLERK: 25 ayes, 3 nays, Mr. President, to place the house under call. [LB644]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Looking for Senator Bolz, Smith, Brasch, Wayne, Friesen, Groene, Geist, Larson, Vargas. Senators Bolz, Smith, Lindstrom, Vargas, and Friesen, the house is under call. Please return to the Chamber. Senator Chambers, we're still missing Senator Vargas. Senator Chambers authorized us to proceed. The question before the body is the adoption of the motion to rereference LB644. A roll call vote has been requested. Mr. Clerk, please call the role. [LB644]

CLERK: (Roll call vote taken, Legislative Journal pages 482-483.) 14 ayes, 28 nays, Mr. President, on the motion to rerefer. [LB644]

Floor Debate
February 15, 2017

PRESIDENT FOLEY: The motion is not adopted. We're still under call. Speaker Scheer, you are recognized. [LB644]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. I want to take this opportunity to share a few thoughts with my colleagues. We have spent 30 days and although we have accomplished some things, we have not accomplished a lot. And I started looking at myself trying to determine what I might have done that has impeded the process. So I started thinking. I had a good friend on this floor. A year ago, once, twice, maybe three times a week I would go to that senator's room. We'd share a cup of coffee, a Diet Coke, a glass of ice. I haven't done that this year. That's my fault. People say things are different. They are. I had another friend on the floor used to talk to every day, considered a very good friend. We talked about a lot of different things. We'd talk about that senator's mother, her at-home business selling dolls. That senator came into my office with another senator this week, extended an olive branch to me, only I was too busy or pass...just not attentive enough, I didn't acknowledge it. I treated it like a business meeting. That was my fault. It won't happen again. We are acting different this year. We all need to look at ourselves in the mirror, take time to decide why we don't trust somebody, but then look back in the mirror and find out why somebody might trust you...might not trust you. None of us are blameless. For us to be able to move forward, we do have to be able to trust each other. We do have to work with each other. Far too many things have happened in the last 30 days. None of those are we able to rescind. You can't go back in time. What has happened has happened. People don't forget, but you have it in your hearts to forgive. Those that have been wronged, you have to be the bigger person. We have to move on. We have to work with each other. The state is dependent upon that. We have the opportunity to move forward. I've heard from many different senators that we need to work together. I'm going to make a proposal that we do that. But what I want each and every one of you to do though is this can't be Groundhog Day tomorrow. We can't come with the same attitudes, the same misgivings, the same mistrust. We have to change ourselves. You have the power to change yourself, no one else. I would like to see a different body tomorrow morning. I would like to see a body that can work together. Certainly, we will still have our disagreements. We should. Everything is not rosy. I don't expect everything to go exceptionally. That doesn't happen here. That's not why we were supposed to be here. We're here to legislate, not argue on rules. I want to give us the opportunity to be able to work together. For those of you that have told me, give us a chance, I'm going to give you a chance. But now it's up to you. It's up to the body to show that we can work together. Having said that, I have a motion that is filed that will extend the temporary rules until day fifty. That will give us one month to work on the floor together. If there is an agreement on some type of rule change, it gives us a month to do that. That's plenty of time. At the end of the next month, at day fifty, we'll have to revisit that, but hopefully we'll revisit it with a different temperament. So I'm asking you to support that motion. This isn't one that I want to play around with. This is serious business. If we're going to act like a Legislature, if you're going to be a senator, be a senator. This is the opportunity for all of us to do that. I'm not chastising anyone. I have been as guilty as any on this

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

Floor Debate
February 15, 2017

floor. I have made mistakes. To those that I've made mistakes, I apologize. I'm sorry--two hardest words in the world. Take that to heart. Look at yourself and prove ourselves. Come back tomorrow and let's get some work done. Mr. Clerk, I make the motion.

PRESIDENT FOLEY: Mr. Clerk, would you read the motion, please.

CLERK: Yes, sir, I will. Excuse me, Mr. President. The Speaker 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 shall not continue after the fiftieth legislative day.

PRESIDENT FOLEY: Thank you, Mr. Clerk. That is a debatable motion. I'm going to raise the call during the debate. Senator Krist, you're first in the queue.

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I would hope that even though the call is lifted, that all 49 of us stay in our place and support the Speaker. He has shown the leadership that a Speaker needs to show. I applaud him for his actions. I, too, have been different. I, too, have been very different. I used to spend at least 15, 20 minutes to an hour in the Speaker's Office every day--to be clear, every other day for sure, maybe every day, some weeks. For the first time I went in the Speaker's Office this morning and had a talk with my friend, Jim Scheer. Jim and I worked for...Speaker Scheer and I worked continuously for about three months to pass a critical bill and I appreciate his leadership there and again I appreciate his leadership now. I will come back tomorrow differently. I hope you will too. And for those of you that think that this is an exercise in touchy-feely, it is not. It is an exercise in building collegiality and camaraderie and having some serious debate, probably not all pleasant, over the next 20 days, into the fiftieth day and then coming back with a new spirit in negotiating what that rule change may or may not be. Thank you, Speaker Scheer, for your leadership and I would hope that all of you would vote green on this motion.

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

SENATOR WILLIAMS: Thank you, Mr. President, and good morning, friends, Senators, and my Speaker, Jim Scheer. I rise this morning to support the motion that Speaker Scheer has put before us and thank him for his words. And I think it is now up to us. We've talked about, is the discussion about rules or behavior? It's clear that behavior has changed in here. And it's changed because we've allowed it to change. We can change again. We can live up to the challenge that has been issued to us by our Speaker. And I think it's up to every one of us to take a step backward and to recognize that our work here is important and to move on. Work together, show that during this next month we can accomplish those things that are important for the state of

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

Floor Debate
February 15, 2017

Nebraska. We can do or not do, not just try. It's up to us. Thank you, my Speaker, Senator Scheer. Thank you, my friend, Senator Scheer, and my office is always open. Thank you.

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

SENATOR HARR: Thank you, Mr. President, and thank you, Mr. Speaker, for those kind words this morning. Yesterday was I think one of the low moments in the Legislature. At least for me in my seven years. At least for me personally in my seven years here. And it was funny, I got an e-mail yesterday afternoon from this woman, Miriam Silver, who was my first boss out of college. And I hadn't heard from her in 24 years. Just brought a big smile to my face. And it reminded me of a quote she had in her office. My first job I did was Jesuit Volunteer Corps. I worked for this agency and it was the predecessor to welfare reform and it was helping mainly women get off of welfare. And in her office she had this quote and I pulled it up. It says if you could kick the person in the pants responsible for most of your trouble, you wouldn't sit for a month. And I think that's true. And folks, we got a month now thanks to the Speaker if we can adopt these temporary rules. Let's really look at ourselves, both ourselves individually and ourselves as a group and really look at where the problem is and let's address those problems. Let's look at what are the rule problems, what are the behavioral problems and let's hold ourselves accountable not just to each other, but to ourselves and to our constituents who brought us down here, who gave us this wonderful responsibility. Let's not disappoint them. Thank you, Mr. Speaker. I appreciate your words today and I will take them to heart.

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, what have I been saying for 30 days? Now listen to you and look at you. You're getting tired. You're battered. You're being embarrassed by your own selves. You did it. I have not changed. I don't give a lot of credit to the Speaker for what he said. The place is in a shambles. I'm accustomed to white people mistreating us, then get a pitiful face when we might be able to stand up to him and then we're supposed to say all things are forgotten and everything is all right. But nothing is done to correct what had been done before. That nicey-nicey is not going to last, that kumbaya. Don't think I'm going to change. I told you all, change the rules any way you want to, you're not going to stop me and that's what I mean now. When I read things in the paper about the way a Chairman like Senator Smith does people, I'm going to talk about it. If I see where Senator Friesen as a Chairman had done something that I believe is inappropriate, I'll talk about it and the same with Senator Tyson (sic), when those who have so much to say when they are presenting something are here, then when other things are going on, they're all gone. I'm going to talk about it. Look at the room. It's full now because your leader told you get in here, make me look good, and here you are. I think what we were discussing earlier today was more important than this, because this

Floor Debate
February 15, 2017

that you just heard was worked out off the floor. The developmental discussion that leads to decisions around here never occur in the light of day. And those who yap about transparency so much are the ones who are translucent. I haven't changed. Don't look for any change in me. And the first bill we get to, if it's Senator Watermeier's bill, I'm not going to pull my amendments. And I'm not in favor of things that favor a certain ideology, such as antiabortion, to go unchallenged. I'm going to challenge all that. When people bring bills to take money from the public schools and put it in private schools, you think I'm going to sit back and say in the interest of collegiality, I'll go along with it? Senator Murante, the operative, likes Sir Thomas More. I do too. But I condemn More because he was for the Inquisition and a man for the Inquisition is not a good man. But he still said some good things because he was intelligent. They were trying to get him to go along with something the king wanted to do, so he came before a panel and he was asked for goodness sake, Thomas More, why can't you go along with it? He said I'm not going to go along with it and I won't tell you why. So this count or duke said, well, do it...everybody else has gone along with it. He said then what do you need me for? Well, because you're an honest man and you're seen to be an honest man. I'm not going to go for it. He said then do it for fellowship sake. And More is supposed to have said when we stand before judgment and you go to heaven because you did what you thought you ought to do, and I'm sent to hell because I went against what I thought I should do for fellowship sake, will you then accompany me to hell for fellowship sake? They want it their way when they can get their way and they've gotten everything they want this session, everything. Chairmanships haven't changed. The improper deals that were cut have not been rescinded. Now they've got all of you whom they insulted bending the knee and bowing the neck...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...and going along with the program. They're scoffing at you right now because they got you where they want you. So now that they've got you, they say we're going to leave everything like it is, but you all come on over here now and go along. That's what you were going to do in the first place and they knew it. I want you to know that's not the way I am. Thank you, Mr. President.

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

SENATOR ALBRECHT: Thank you, President Foley, and thank you, Senator and Speaker Scheer. I stand today as a freshman and this is my first time on the mike about this particular issue. I want to thank our clerk, Patrick O'Donnell, because during orientation he instructed us freshmen to be still, listen, and watch. You'll learn more doing those three things. So for the last 30 days I've got to do that and on this particular issue it's very apparent to me. Last night I had Senator Hilkemann's wife come up to me at a dinner and she said, Joni, how are you? And I said,

Floor Debate
February 15, 2017

I'm just fine. And she said, it wasn't this way two years ago. Two years ago we were so excited to get here and so excited to meet all the new senators. And everyone helped us in so many ways. But it's just not like that this year. And what I see again as a senator, we all have a lot to learn. Whether I should be a Chair of the Business and Labor or not will be seen later on in the session. Whether I do a good job or a bad job will be known in two years whether they vote me back in or not. But when I stand here and I think of the responsibility that we have to the state of Nebraska to get on with business, it's very apparent to me that I will absolutely adopt the temporary rules and see where we go in the next 30 days. But something else Patrick told me is the best thing that you can do in your first 30 days, not only to listen, but to build those relationships. That's why I'm running to these breakfasts and these lunches and these dinners not just to speak to the people who are inviting us, but to get to know my fellow senators. So there are some people in this room that I haven't even made eye contact with. And I'm probably more like Senator Krist. I'm not going to come around and beg everyone to sign on to my bills. I'm simply wanting to do the best that I can with what I have and I will work with anyone. I think anyone who has got to know me knows me to be truthful with you. If I'm not okay with what you're talking about, I'm going to give you the reasons why, or I'm going to ask more questions and try to understand you. But truly, we have an obligation to our state to get busy and we'll see in the next 30 days whether we really need a rule change or not. I personally would have stayed with the current rules. The one thing I'm going to find out in the next 30 days is why--I'm still trying to find this out--why people don't vote. And if somebody can help me understand that, then I'm good to go and I'll accept it. But if people choose not to vote, to me, we need more numbers than we need less numbers. So we have a lot of very, very serious issues in our state and to be able to go forward we all need to be able to build those relationships, work together, try to understand one another. To be understood is probably the most important thing any one of us can get done in this time. I did receive an e-mail from a gal who said that she used to ask her children to sit down and watch how our government works. We can't let them do that today because they're going to watch how people posture with one another, how they split up and they diversify into different groups and you can just watch things happening on the floor that way. If we're going to come together and get in our little huddles and...

PRESIDENT FOLEY: One minute.

SENATOR ALBRECHT: ...let's talk about something constructive. So, that's just where I'm at. Senator Scheer, I appreciate your words this morning and I hope we can move on and be more productive. Thank you.

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

Floor Debate
February 15, 2017

SENATOR GROENE: Thank you, Mr. President. I stand in support of Speaker Scheer's motion to extend temporary rules through the fiftieth day. I could not swallow 90 days--Senator Williams' attempt to gain peace in the body. The first thing popped into my head is we are now Washington. To go 90 days would be no better than the U.S. Senate going four years without a budget. That's who we would have become if we would have had temporary rules for 90 days. Senator Scheer is wise. His wisdom is showing. His wisdom is why I voted for him for Speaker. He's a good man. He was very patient with this body. We need to work with him. We need to allow bills to come to the floor. We need to argue with each other about issues and be passionate about why we're arguing about those issues. And I agree with Senator Scheer, if we start doing that for the next three or four weeks, we'll remember why we're here. And at fifty-first day, we will adopt the permanent rules. I am sure of that because we will become mature and we will realize why we are here. I personally forgive the 28 people who voted for me for Chairman of Education after being there for 30 days. (Laughter) But I'm doing my public service, learning fast, and we're getting things done in committee. Don't forget, folks, for 30 days, we have done things in committee. We have had hearings. We are ready, all the committees are, to bring bills to the floor. We haven't "execed" in Education on many bills because why? Why disappoints folks? Bring their bill to the floor and it doesn't get heard. What really upsets me is I like filibusters. We wasted 30 days of filibuster time, folks. We could have been talking about different subjects, a different subject every day, instead of one boring, boring subject on rules. So in the end of the day, Senator Scheer has shown the leadership of why the majority voted him Speaker. So let's vote green on adopting the temporary rules. Appreciate it, Mr. President.

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

SENATOR PANSING BROOKS: Thank you, Mr. Lieutenant Governor. I also rise to thank Scheer for helping move the logjam in this body. Clearly, I don't think anybody was surprised when our colleague, Senator Chambers, stood up and said that he's certainly not going to change. I don't think anybody would expect it. Nobody would hope that that would be true. Nobody would even consider it to be true. And similarly, I will not change. But I don't think that's what the discussion is right now. I intend to continue to try to acknowledge kindnesses and compassion for others that I see. I want to thank Senator Albrecht for standing up. She said that it's important to build these relationships. It is. The posturing is not good. It has not been good at all. To agree with sunshine, Senator Groene, briefly on the fact that we have been talking for so long on the boring subject of rules when we could have been talking about a lot more important things, I totally agree with. I've been fortunate because I have been able to, due to a number of different circumstances, made connections with various new members of the body. I feel grateful for that. I haven't had a chance to connect at all with Senator Albrecht. I have talked to her and I did talk to her and have her sign on to a bill that Senator Brewer and I are working on together. But again, that's an example of how we can find common ground. Last year I had a bill allowing there to be license plates for breast cancer. I got every woman in the body except one to sign on

Floor Debate
February 15, 2017

to that bill. Again, there are wonderful things that we can work on together. And we're going to argue about the other things. I hope that by this 30-day hiatus that you all don't expect us to stand up if there are things to which we disagree. Fortunately, Senator Groene mentioned that he likes filibusters. That's where some of our best discussions happen. And did we use it to an extreme last year, all of us? I guess so. But I know that some people believe we have too many laws as it is. So maybe it's done some good. So again, I am grateful to Speaker Scheer for his leadership on this. I consider him a friend. The first year I jumped on and cosigned his bill on human trafficking. I thank him for his leadership on that and he signed on to my bill this year. We've been working with the Attorney General. Again, there are important issues to which we can agree. We need to move forward. We need to find the people with whom we can work on various issues and do the good that we can do in this state. We do not want to become Washington. We do not want to become almost every other state in the nation, which is split and partisan. So I would disagree with those who have stood and said it's a partisan body, get over it, you know that that's the way it is. No, that's not the way it has been. You have not been sitting here and seeing what we've all seen. The extended debate may have been used too much. I don't know. But...

PRESIDENT FOLEY: One minute.

SENATOR PANSING BROOKS: ...we can go forward together and do some good things for this state, for people who are hurting, for people who are really reaching out to us to represent them. And so I thank Speaker Scheer for that olive branch and I also hope that you all understand that that doesn't mean that we're never going to filibuster a bill. I don't want to hear if there is a filibuster in the next 30 days, oh, that shows that we cannot trust anybody to go forward. That's a method of rules and procedure that's valuable and you will find it valuable as well. So thank you very much, Mr. Lieutenant Governor.

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, to Senator Albrecht and the others who think they have the right to compel people to vote, people don't vote and it's none of your business why they don't vote. It's silly. No, that's too kind. It's stupid for people on this floor to say that somebody they did not elect to come down here must vote because they want to make them vote. What kind of Legislature is that? This is silliness that's going on this morning. But I won't be a part of it. And I'm going to when I get the opportunity talk about my gripe with the way Senator Smith behaved himself, or misbehaved in my opinion, carrying bills in which he may have an interest of one kind or another and, as the Chair of the committee, wants to cut the salaries of the Public Service Commission so that ordinary people cannot hold that position because they can't afford it. Then those who are in the industries to be regulated will be sitting on

Floor Debate
February 15, 2017

the commission making decisions favoring those industries. That's what that's all about. Then he wants to compare what they do to what we in the Legislature do. He wants to say, well, we in the Legislature have to juggle what we do, come down here and they do it too. What they do is far more consequential than what we do. They say they should not have to watch people who are elected on a partisan basis regulate and so forth. The Attorney General is always elected on a partisan basis. When I several years ago several times tried to make that a nonpartisan election so that the Attorney General, the state's top lawyer doesn't have a party label and the "Repelicans" defeated it. And now after getting their way and they got the numbers, they want to say, well, we want to change all this because they've got what they want and what they need. I hope he brings that bill out here. I will fight it tooth and nail to say cut the salary entirely and people who go on the Public Service Commission are volunteers. You know they'll be sucking up to the lobbyists. You know who put the people in those positions. Look at who is on the floor of this Legislature. How many poor people are here? Who can afford to be here? Why do you all take money from the Governor? Because you can't afford it and he buys you and you show it by your votes and everything you do and everything you say. These people are talking about their Chairman. Not one of them, these new people, would have been a Chair if that deal hadn't been cut the first day. You all want to forget it. I don't. I take a historical view and I don't forget. I know why these people are Chairs and I look at the way they do. I watch the vote. There was an article in the paper this morning about a person in District 2 who said that the Governor has no respect for them, not one of the people who showed an interest and the Governor invited people to submit their names to replace tarnished Kintner. And not one of them was considered. And a person who supported Kintner was selected by the Governor. And while the Governor knew what Kintner had done, he was carrying Kintner around with him, attacking incumbent senators and even saying on occasion they needed more people like Kintner and at that time, the Governor knew what Kintner had done. You all don't want to talk about it. This is politics. We're adults, at least chronologically. I'm getting information on how much money Senator Murante's robocall company had made.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: I want to find out if he conducted or engineered some of the robocalls against Senator Kolowski. You all don't want to talk about that. The Governor went out and talked against people, had his picture on some of these...at least one of these papers against Senator Kolowski. You all have not been victimized by that vindictive Governor, but he will fix you if you don't do everything he told you to do and you know it, but you're going to do it because being here and having the Governor's approval means more than your self-respect if you ever had any. And I'll have a chance to watch you, and I assure you, I will watch you. And I want you to watch me and I like people to challenge me on the floor because then all the gloves come off and things that I ordinarily wouldn't say, I will then say. But there is a line I won't cross in

Floor Debate
February 15, 2017

dealing with people unless they cross it coming at me, then they're saying no-holds barred, that's the kind of fight that I like.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

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

SENATOR HILGERS: Thank you, Mr. President. Good morning, colleagues. I rise in support of Speaker Scheer's motion. I will say though that I disagree with Senator Pansing Brooks and Groene. I do find rules somewhat exciting. But I do think that 30 days of rule discussion does seem to be a long time. And while I am new to this body, I'm not new to family dynamics and I'm not new to disagreements and I'm not new to resolving those disagreements. And I understand that sometimes disputes go on such that the returns of those arguments diminish and the hurt feelings and the conflicts override any value of the initial debate. In this case, I think that the leadership of the Speaker has done two things. One, he's done something that I know from experience is very difficult to do and that's to stand on the floor in front of his peers and apologize for his actions. I certainly didn't ask for an apology. But it was...shows the true sign of leadership to stand on the floor and apologize for actions. At the same time, the Speaker has given us an opportunity, an avenue, something that we can coalesce around to resolve the impasse at which we stand. For that reason, because the Speaker has shown leadership, it's an opportunity for us to have time to work together on issues on the bills that have been passed through committee, I know there have been dozens of them, I support the Speaker's motion, and I support this effort to resolve the current impasse at which we stand and I look forward to working on the bills as we move forward. Thank you, Mr. President.

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

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I thank Senator Scheer for this proposal. It is a supportable proposal. And maybe we feel momentary relief because we stood at the brink fully armed, ready for legislative Armageddon that would have occurred had the rules expired. Kennedy and Khrushchev, Cuba, 1962, and the outcome--warships drop anchors for 30 days. I listened to the wise man to my right. This kumbaya will be short-lived. Why will it be short-lived? Because the system is cocked and loaded for some real battles here on the floor. Things that for years have died in committee because they are not good ideas, because they are promoted by fractional interests in the population stand ready to be advanced to the floor where there will be extended debate not because of some malicious desire for filibuster, but because the flaws in those bills that should have been ferreted out and

Floor Debate
February 15, 2017

suppressed in committee now must be argued on this floor. So 30 days from now we likely won't be singing kumbaya. We will just start to be getting mad at each other because some of those festering things will have been debated through at least a stage of debate 30 days from now. We will be blaming each other. Not as intensely as we will be 70 days from now, but we will be. And so with those cautionary remarks, I'll probably support this motion as the only way for right now to get a little business done. But I would encourage those of you who sit on committees and got on those committees with the idea of advancing an agenda called by somebody else but you, to be cautious. We are still on very, very thin ice in this body. We still have a risky proposition ahead of us. Do not advance bills out of your committees unless you are sure they are the right thing to do. Do not listen to the kingmakers and the whips. Listen to your constituents and your conscience, because when you put those things out here and the firefight opens, who knows where we will be on this issue in 30 days. We may again be on the brink of Armageddon and Kennedy and Khrushchev may order those anchors pulled out of the water and the missile armed and ready. You have a responsibility that is titanic in nature. So the burden shifts now to those that vote in committee to say to the kingmakers and the whips...

PRESIDENT FOLEY: One minute.

SENATOR SCHUMACHER: ...and the people echoing from those shadowy figures at the heights of political parties, to say to them, no, this doesn't make sense. No, this hasn't been thought through. No, we're a billion dollars projected in the hole. Yes, this is a good idea. This may actually save us money and help people. Maybe it should be advanced even though it has a price tag. You now have the obligation to think. The more stuff that's unworthy that hits this floor, the higher the probability that we will again stand on the brink of Armageddon in 30 days. Thank you.

PRESIDENT FOLEY: Thank you, Senator Schumacher. (Visitors introduced.) Senator Chambers, you're recognized. This is your third opportunity, Senator.

SENATOR CHAMBERS: Thank you, Mr. President. I'm going to see how many of these people who dealt on the rules are going to give me time now that I'm telling the truth as I've always done. Nobody can say they distrust me because I misled anybody. You all wish I would mislead you. You wish I would play like I'm nice. I'd be like some of maybe the nice so-called colored people you all may have known. I didn't come down here to do that and I'm not going to do it and you all are going to fold. You all who got these Chairmanships know you would not have gotten them if it hadn't been for that deal the first day. Don't say it's based on merit and now they can come to you and say, hey, if you want these bills passed, remember we helped you. This is what we want now in return. I know what's going to happen and I've studied you all and you're not very good stuff when it comes to strength in the face of adversity. You're going to fold.

Floor Debate
February 15, 2017

You're going to become conspicuously quiet. You're not going to be on the floor at certain times. And you'll be taught how to check out so that if there is a call of the house, you've been excused and you won't have to come up here. They're going to tell you all of those things. And when you see those people clustered out there, outside this Chamber like flies on a cow's dung, that is an appropriate metaphor. They'll send notes in here, have you running in and out. Senator Watermeier did it so much last session, I was embarrassed. Then they would sent him in here with stuff and he couldn't even explain it when he got it on the floor and I would take him to task as I'm going to do all the rest of you. No-holds barred when you stand on this floor and give the impression that you know what you're talking about, you need to know what you're talking about. Do the same thing to me. Some of you all wouldn't even know what questions to ask somebody like me because somebody out there will do like they do Senator Larson. Run in there and ask him this, ask him this. And Senator Larson doesn't even get the full story before he starts asking questions. Then he cannot even discuss adequately what he was sent in here to say and he uses the telephone and gets these other messages. He doesn't know that the people who are running him around are telling me what they're doing to him. But he ought to know because he knows what they are. And I want to see what Senator Murante is going to say about that lie he said a woman told. He ought to come forth with the evidence. If I say something like that and I find out I've been misled, I will apologize. I'll say I misspoke. I thought it at the time. I found out I was wrong. I shouldn't have said it without the evidence. I'm waiting for his evidence. He ought to ask Senator Vargas a question about what he said this woman was lying about. He won't do it. He doesn't want to stand up like what they call a man and do it. And I don't want you lumping me with the so-called people-of-color groups. I'm not a Latino. Their issues are not mine. I'm not an Italian or Italian (long I pronunciation) as those who don't like them will say and get them running around here cheesing up to them. And when you see these so-called people of color cheesing up to white people, don't think that's me. I'm not one of them. They are not my kind. And I'm not their kind. They carry water more for white people than white people themselves. Read the rhyme about Gunga Din that Rudyard Kipling, one of the worst racists, wrote. And he concludes it, "Though I've belted you and flayed you, / By the livin' Gawd that made you, / You're a better man than I am, Gunga Din!" But he talked about belting him, flaying him.

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: Treating him like a subhuman. Then in the rhyme, Gunga Din is going to be in hell serving these same white men who treated him like a subhuman. That's where Rudyard Kipling placed him in his poem, which is supposed to humanize this person he dehumanized and that's what happens around here. But you need to know what I am. I want you to know. Take me down a step or two. The Governor said he had to put together a coalition to stop me. He said that publicly. Hasn't been able to do it yet. Give me some time, you all who were giving me the time all the rest of the time. Otherwise, I've been silenced. Not like Elizabeth Warren, but just as effectively. Thank you, Mr. President.

Floor Debate
February 15, 2017

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

SENATOR SMITH: Thank you, Mr. President, and good morning, colleagues. I just wanted to, as well, stand and support Speaker Scheer on his proposal to extend temporary rules to day fifty. I think that's very wise. But I also wanted to give special recognition to Senator Matt Williams who I believe started us down this road with his amendment to extend temporary rules. And I do appreciate that very much. I think Senator Williams has really stepped up and worked very hard to try to find some common ground here and I think we should also give recognition to him for beginning us on this path. But again, thank you to Senator Scheer and I support his proposal. Thank you, colleagues. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Smith. Senator Brasch, you're recognized.

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor and good morning, colleagues. Good morning to the second house that may be listening and watching today and wondering, will we ever move forward? Can we move on? We've heard several of our colleagues stand and talk about moving on and we've also heard one of our colleagues of 40 years' experience saying it's not going to happen...42 years, I stand corrected. Our history in this great institution has shown that we are not the first body that Senator Chambers has roared at and we probably won't be the last. He is a steward of his belief and rightfully so, he has done much good for this institution and he has also, in my humble belief, I believe he has held us back at times, whether that's a good thing or a bad thing, that's uncertain in my view and possibly in the view of others. When he is roaring about the first day and this person and that person, I would like to remind this body that look back before the first day. I believe before our first day the events presession at the district caucus level set the tone for our first day and I want to remind everyone of it. That tone was we are now moving away from the seniority, honor system. We saw that happen in several committees, the Executive Committee, Committee on Committees, and other committees. The tone was set and we moved from there. And yes, I was elected the Ag Chairwoman and I believe I'm the first woman Ag Chairwoman is what I've been told. I ran two years ago and lost by one vote. Only one vote. I came so close. And former Senator Johnson and other colleagues, they personally encouraged me to run again for the Chairmanship of the Agriculture Committee and I did so and I did win. I don't believe there was any great movement or conspiracy or anything like that. I believe it was on merit. I ran unopposed. And I hope to serve and serve well moving forward. And colleagues, as far as my votes, I think everyone will agree, they've remained very consistent, consistent with those who elected me to serve not only my district, but this great state. And I have been elected and reelected twice. And over my two-term span, I have worked with the bodies here, but I have also had the experience of working with two different elected Governors. First, it was Governor Heineman and now Governor Ricketts. And when I consider anyone that is running or elected in a statewide election, be it the Governor, a U.S. Senator, or

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

Floor Debate
February 15, 2017

other election, they, too, are elected by a majority of individuals and I believe their beliefs align with a majority or they would not have been elected...

PRESIDENT FOLEY: One minute.

SENATOR BRASCH: ...or they are not reelected. So, colleagues, yes, I believe moving forward will be a very good thing. I believe also adopting these temporary rules is wise and prudent. And it is my hope that as a body, we do continue to move forward and not look back to the first day or even the district caucus, that the state relies on us. Thank you, Mr. Lieutenant Governor. Thank you, colleagues.

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

SENATOR HOWARD: Thank you, Mr. President. As promised yesterday, I yield my time to Senator Chambers.

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

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Howard. And here is what I'm going to do so nobody has to feel like they're on the spot because of what I said. I'm going to offer motions to amend the temporary rules so that I'll have the opportunity to speak on my own time and then nobody will be put in that bind. I told you that a time would come when people are going to be popping up speaking, but then on the substantive issues before us, they're quiet. And they don't have to account to me. But they can come to me and find me when they want something from me. And that's why I said what I said. But I will create my opportunities to speak and then the Speaker who is allowed to speak out of order offer motions ahead of anybody else can tell you a way to stop me by just standing up and saying, we want Senator Chambers to stop. You saw what happened to that lady in Washington, didn't you, when McConnell was upset and he got the lemmings to go along with him. I don't care what you all try to do with me because I'm going to make you do it over and over and over, then you're going to have to do it to some of the others of you and you're going to look very foolish when you change everything you do to try to cope with me and to try to silence me or think that I'm going to forget all of the slights because the man who now, figuratively speaking I emphasize, figuratively speaking, metaphorically speaking, a gun to his head and he's going to apologize. That's like I'm riding down one of those paths in England and it's night and a highwayman comes up and puts a pistol on my head and says, give me your money. And I give him the money. Was that voluntary? There was something that meant more to me than money and that's what I wanted to preserve, so I was purchasing my life at the cost of whatever money that I had. He's been finding every way he could to keep my motion from coming up to rereference and he succeeded on the two worst

Floor Debate
February 15, 2017

bills--the gun bill and the death penalty bill, the gun bill because the NRA wanted that; the death penalty bill because the Governor wanted that. And Senator Kuehn played the flunky and the water carrier for the Governor on that one. Wait until they get to the floor. You all think I don't know how to deal with these issues, don't you? And maybe the Governor can whip you all into line and say, on this bill, those of you I've purchased, you had better do what I told you to do or else. Then you're going to have to do that on bills where the Governor has no interest. Then how are you going to silence me and all clump together? You all aren't going to be together on every issue. I can unite you all against me on some issues. But there are going to be others where it doesn't mean that much to you and you're going to have some of your colleagues adrift. And you're going to say, your bill doesn't mean enough to me to put mine in jeopardy. I'll watch you come apart. I'll watch you fragment. I'll watch you take low. I'll watch you like Jesus talked about the dog returning to his vomit. I know what's in you and you've shown it. I don't have to be a fortune teller. And I'm still wanting to get some information of the farm subsidies that some of these people in our body get, especially when I hear Senator Murante attacking a female...

PRESIDENT FOLEY: One minute.

SENATOR CHAMBERS: ...member of the Public Service Commission. They're good at that. Senator Groene raises his voice at Senator Pansing Brooks. He doesn't raise his voice at me. Senator Murante attacks a female. He doesn't attack me. That's what happens around here. You all won't see what's right in front of your face. These are cowards. And if you don't think your children ought to hear the truth spoken, don't let them watch when I'm speaking. They need to see what happens in this place. They need to hear what happens in this place. They need to see the truth and that means all the false and the phoniness has to be stripped away. Why couldn't what the Speaker said this morning have been said earlier in the session? This is not leadership. This is acting under coercion. People say he's their friend. He's not my friend. And so what if he is? If my brother did something that's wrong, I'd call him out. And blood they say is thicker than water.

PRESIDENT FOLEY: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Chambers. Seeing no other members in the queue, Speaker Scheer, you're recognized to close on your motion to extend temporary rules. He waives closing. The question before the body is the extension of temporary rules. All those in favor vote aye; those opposed...there has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please, Mr. Clerk.

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

Floor Debate
February 15, 2017

CLERK: 29 ayes, 2 nays to place the house under call.

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Hilkemann, please return to the floor. The house is under call. All members are now present. The question before the body is the adoption of the motion to extend temporary rules through the fiftieth day. There has been a request for a roll call vote. Mr. Clerk, please call the roll.

CLERK: (Roll call vote taken, Legislative Journal pages 483-484.) 45 ayes, 1 nay, Mr. President, on the motion to adopt temporary rules.

PRESIDENT FOLEY: The motion is adopted. I raise the call. Are there items for the record, Mr. Clerk?

CLERK: I do have items, Mr. President. Your Committee on Health and Human Services reports LB267 to General File with amendments. Urban Affairs reports LB9, LB97, LB614 to General File and LB590 to General File with amendments. Reference report referring gubernatorial appointees to standing committee for confirmation hearing. Hearing notices from Natural Resources Committee. A communication from the Governor addressed to the Clerk. (Read re LB22 and LB119). I have a conflict of interest statement filing that will be acknowledged and filed in the Clerk's Office. And Senator Linehan would like to add her name as a cointroducer to LB602. (Legislative Journal pages 484-486.) [LB267 LB9 LB97 LB614 LB590 LB22 LB119 LB602]

Mr. President, I have a priority motion, Senator Krist would move to adjourn the body until 9:00 on Thursday.

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