

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

Floor Debate
February 05, 2018

[LB17 LB158 LB299 LB321 LB548 LB708 LB710 LB714 LB743 LB744 LB750 LB757
LB775 LB906 LB913 LB923 LB955 LB1001 LR312]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-first day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Pastor Steve Mason from the SouthPointe Christian Church in Lincoln, Nebraska, Senator Wishart's district. Please rise.

PASTOR MASON: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Mason. I call to order the twenty-first day of the One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

PRESIDENT FOLEY: Thank you, Mr. Clerk. Any corrections for the Journal?

CLERK: I have no corrections.

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

CLERK: Mr. President, the Banking, Commerce and Insurance Committee has selected LB750 as one of its two priority bills. Two gubernatorial appointees: one to the Climate Assessment Response Committee and a second to the Boiler Safety Code Advisory Board. Both will be referred to Reference for referral to standing committee for confirmation hearing. That's all that I have, Mr. President. (Legislative Journal pages 513-514.) [LB750]

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Doctor of the day and visitors introduced.) Speaker Scheer, you're recognized.

SPEAKER SCHEER: Thank you, Mr. President. We will be passing out a memo from me this morning in regards to priority bill designation. The deadline, again, is February 14 at adjournment, which will be noon, so keep that in mind, to submit for a Speaker priority, not your priorities. But the 14th is the last day that you can request a Speaker priority. Your priority,

Floor Debate
February 05, 2018

individual priorities and committee priorities, will be due on the 20th and we will try to have the Speaker priorities out on the 21st. There is more that probably has to do with staff on this, so make sure your staff read it closely. I just want to bring your attention that when you're prioritizing someone else's bill, whoever the introducer is must sign on your prioritization letter as well. I will continue this year. Just heads-up, the Speaker priorities will not allow amendments other than a fix-it type amendment or a committee amendment that does not expand the base of the bill. And so if people are out there and thinking they're...will want to try to throw something again on a bill that is Speaker priority, that won't be tolerated. The bill will just not come back. You can sure do it, but you'll kill the bill for the person that is trying to push it through. As well, and if, again, if there's any questions, please stop back and talk to me or your staff can call Spencer or Laurie and they can help in that regards (sic). This morning we will be passing over LB611. There was what we thought an agreement that there would be no fiscal note in relationship to that and Senator Stinner found out Friday that there was still going to be one and, based on the movement of a bill with a fiscal implication, it will go through General File but not Select. So we will pass over that unless or until that can be waived as well. So if there is any questions, again, please contact myself or the office and we'll be glad to try to work things out. And again, just reiterating in relationship to Friday's comments, consent agenda, not there yet, don't do anything, I don't want anything until I make an announcement. Thank you.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Erdman, for what purpose do you rise?

SENATOR ERDMAN: A point of personal privilege.

PRESIDENT FOLEY: Please proceed.

SENATOR ERDMAN: Thank you, Lieutenant Governor. Good morning, Nebraska. As you all may know, last Saturday there was a chain of e-mails released by the University of Nebraska and Lincoln Journal Star picked those up. And I have no problem, I didn't object to any of the e-mails that were sent. But this morning I'm going to bring the attention to what exactly happened and how I got involved and what the misconception is about what I said or what I did. First and foremost, where I live, we get very, very little information from eastern Nebraska. So about five, six days after the incident on August 24, I called Ronnie Green's office on a Tuesday and I said to his staff, please have Chancellor Green call me, I would like to speak to him. No response. Wednesday I called Chancellor Green's office. I said, have Chancellor Green call me, I need to speak with him. Thursday I called Chancellor Green's office. I said, I'm going to write an op-ed for the paper and I'd like to talk to Chancellor Green, I want him to know what I'm going to say before I send it out, please have him call me because I'm sending it out at noon. No response. So I mailed it. The next week I text Chancellor Green's office and ask if we could have a conversation. No response. On Friday of the next week I sent an e-mail to President Bounds and

Floor Debate
February 05, 2018

I said, basically, the University of Nebraska needs new leadership starting at the top, because I had reached out to Chancellor Green numerous occasions, no response. Chancellor Green told me that Friday...or President Bounds told me, Chancellor Green will call you today before the day is out. If he doesn't, please call me. I don't have to baby-sit Ronnie Green. Okay? No call on Friday. I didn't call Hank Bounds and say, your boy didn't call me. Okay? Saturday night, after one of those rare occasions we won a football game, I get a text from President Bounds and he said, Ronnie Green will call you first thing Monday morning. Sunday morning, 8:00 my time, I get a text from Chancellor Green's office wanting to know what time would be best for him to call me. So he called me on Monday, first conversation I had with him in two weeks. I have talked to some of you other senators who have called Ronnie Green's office and you have said, that's amazing, how did you get him to call you back? Senator Krist sent a real complimentary e-mail and I talked to Senator Krist about that. And I don't appreciate being told what my position is. And I've told Senator Krist this before and I'll tell him again this morning. My position is the same as anybody else who is here and if he wants me to check with him before I send something out, please let him know...let me know. I didn't come here to play patty-cake. When I see the incident that happened on August 25, it had absolutely nothing...I never said once it was a free speech issue, never did, never have. My position was it was a code of conduct on employees of a university, not free speech. But they've made into free speech and the reason they did is because the university doesn't want you to know...

PRESIDENT FOLEY: One minute.

SENATOR ERDMAN: ...and the public to know how students are treated in class. So we fast-forward a month or two and we decide that nothing is happening that should have been happening, so we wrote an op-ed piece, and there were three of us. And President Bounds gets on the radio and tries to distract the real problems they have and he said that Senator Brewer never even seen the op-ed piece that we sent out. It's what he said. Senator Brewer and Halloran and I worked on that op-ed piece Monday, Tuesday, Wednesday, and Thursday of that week and, just before we mailed it, Senator Brewer still wanted to make changes. So if Senator Brewer never seen it, why would he want to make changes to it? So he took us on task on the radio. So then the regents called and they wanted to have a meeting with us because we had scheduled a meeting, or I had tried to schedule a meeting with Ronnie and Hank. And on the 16th of November, we did have a meeting. And at that meeting we had prepared several documents that showed exactly how students are treated in the classroom and how their grades were deducted because they didn't believe politically like the instructor. We also had an e-mail that Senator Brewer had received from an instructor named Fay (phonetic) and the instructor said that Senator Brewer, in Lakota, was a fool or looked foolish, and signed her name, English professor. When we showed that to Ronnie Green and Hank Bounds, you know what they said? Oh, man, that's too bad. That was it. That's too bad. Those e-mails, those things that we prepared for Ronnie and Hank to look at to prove our point, were left laying on the table when they left. That day of the

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

Floor Debate
February 05, 2018

16th they assured us we have no problems at the University of Nebraska, none. They were adamant about that. And I'm going to tell you what I said at that meeting, but that's all been in the e-mail, it's all been made public, so you don't need me to explain that to you again. But the point was they already had written their letter of apology to the Speaker, to the Governor, and to the senators about how they knew there was a problem on the university campus. They already knew that. But they wait till 5:00 on Friday night to release it so it gets buried in the news. That's how that works. So after the meeting on the 16th day of November, Senator Brewer and Senator Halloran each received a call from Hank Bounds and Hank Bounds told them that she was either going to sue us, Courtney Lawton was going to sue the university, or she has, and because they can't use insurance funds or tax dollars to pay for punitive damages, that we're going to be liable for any damages she may be entitled to. Well, he didn't call me till Friday morning, the 17th. And when he called me, I said, okay, let me get this clear, you're telling me that because of what we told you our opinion was, we're going to be liable for her punitive damages? He said, yes, we'll be sending you a notice to that regard. And I said, if you called me to scare me, frighten me, or threaten me, it's not working, okay, so why don't you get started fixing the problems you have at the university and leave us alone? And guess how long that call lasted after that. He said have a nice day and that was the end of the conversation. I've sent them other e-mails, sent one on the 20th asking when they're going to apologize for calling us liars and those things that they did on the radio, because they admitted that we were right. And then on the 21st, I asked him in an e-mail how he was going to send that notice to me. Was it going to be a certified letter, e-mail, snail mail? How was he going to send that to me? No response. A week or so later, I got a response from Regent Whitehouse telling me what my position was or should be, and so be it. We have made some progress. The university has written a new free speech policy. They have become aware of some of the things that they weren't willing to admit before, so we have made some progress. But I want you to know this morning that it never was about free speech. We have a code of conduct for students.

PRESIDENT FOLEY: Senator Erdman, if you could bring this to a conclusion, please.

SENATOR ERDMAN: Say that again, sir?

PRESIDENT FOLEY: If you could bring this to a conclusion, please.

SENATOR ERDMAN: I will. So they have a code of conduct for students, but they don't seem to have one for professors. So it's still happening as it did before. I got a call last week from a grandmother whose daughter goes to the University of Nebraska, granddaughter. She said the first day of class they asked her to stand up and announce what party affiliation she was with and what her religion was. She dropped the class. So it's still going on. So I wanted you to know this

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

Floor Debate
February 05, 2018

morning that when this all started, it started as a code of conduct. It didn't start as a free speech issue. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Erdman. Senator Krist, for what purpose do you rise?

SENATOR KRIST: Simply to a point of privilege, please.

PRESIDENT FOLEY: Please proceed.

SENATOR KRIST: I don't want to...I want to deescalate this. I think I've talked to all three of the senators about this issue privately. But because my name was mentioned by Senator Erdman, I felt compelled to stand up. In my time here, I have found that staffs will filter phone calls even from the 49 of us. That includes the president of the university all the way down to the county commissioners. I would invite all of you to have those key people on speed dial, or to ask someone for their cell phone numbers moving forward, because we all know that those filters sometimes don't break down and you can't talk to somebody in a timely manner. My only critique of how this all went down was simply to say I was disappointed that they didn't get to talk to you about the issue. It had nothing to do with free speech with me either. Senator Erdman knows that. Senator Brewer knows that. Thank you, Mr. President.

PRESIDENT FOLEY: Thank you, Senator Krist. We'll now proceed to the agenda, General File, 2018 senator priority bill. Mr. Clerk.

CLERK: Mr. President, LB710 was a bill introduced by Senator Baker. (Read title.) Introduced on January 3 of this year, referred to the Judiciary Committee for public hearing. The bill was advanced to General File. There are committee amendments pending, Mr. President. (AM1683, Legislative Journal page 469.) [LB710]

PRESIDENT FOLEY: Senator Baker, you're recognized to open on LB710. [LB710]

SENATOR BAKER: Thank you, Mr. President, members of the Legislature. LB710 is seeking to clarify and restore the intended use of a Nebraska statute that has been in place for decades, Statute 25-1801. This statute is used by plaintiffs who bring lawsuits for \$4,000 or less and allows those plaintiffs to recover costs, interest, and attorney fees if they meet the statutory prerequisites. The general purpose of this statute is to provide more access to the court system for the recovery of small claims. While the interest and attorney fees are worded under the statute are minimal, it does help the plaintiff cover the costs associated with filing the lawsuit. LB710 is not substantively changing the recovery under the statute, but instead will make clear

Floor Debate
February 05, 2018

the prerequisites of the statute, namely the type of claims and plaintiffs to which the statute applies. LB710 also establishes a specific date which interest is calculated, provides further definitions and clarity to certain terms. LB710 was developed by the Nebraska Collectors Association, their defense attorneys, following a string of lawsuits being filed against the association's members in federal court. In these federal lawsuits, opportunistic attorneys are using this statute to claim violations of federal law in filing lawsuits on the class-wide basis against businesses, attorneys, and individuals in the state, despite the use of this statute by numerous creditors for decades, despite the thousands of state court decisions finding that the creditors have met the requirements under the statute, those federal lawsuits are still being filed. However, due to pressures by insurance companies and the need to remain insured, these lawsuits are forced to settle without receiving answers from the federal judges. In a recent settlement, the predatory attorneys received \$315,000 while the class members received less than \$20. LB710 would help end this type of litigation by defining and clarifying various provisions. It will simply return the use and practice under the statute as it has been applied with the state courts for the last century. LB710 will allow Nebraska businesses to continue to operate as they always had been without the fear of being sued. You may hear comments today about theories about the collectors are losing in federal court and that is what has prompted LB710. I assure you this is not the case. The collectors continue to fight these battles, but have been and may continue to be forced to settle. You may also hear today the suggestion that Legislature should not get involved and we should just let the federal courts sort it out. However, that is not a real remedy to the problem. Not all issues addressed in LB710 are currently in front of the federal court. Instead the legislation is proactive by attempting to curb future problems. You may hear the senators speak of their dislike in awarding interest and fees to plaintiffs under the statute. However, keep in mind these practices are already in place and that it's not being changed by LB710. I will explain briefly the clarification set forth in LB710. First, the statute it currently enumerates eight types of claims for \$4,000 or less to fit under the statute. Nearly all types of claims are provided for. LB710 would eliminate the categories of claims, simply add...simply apply to all lawsuits for \$4,000 or less. This clarification is needed so that absurd arguments can't be made that the statute doesn't apply. An example of this type of argument was a lawsuit brought for unpaid services did not fall under the services category of the statute because it was a lawsuit for an unpaid account. LB710 would eliminate this type of argument. Second, LB710 changes the word "presentment" to "accrued," and then defines accrued for the purposes of determining when interest shall begin to run under the statute. Presentment is not currently defined in statute, and even if it was defined, it's difficult to prove. Accrual is defined in LB710 to be at the time the services took place. This makes it easy to determine when interest should accrue. Keep in mind the interest under the statute does not apply to all unpaid accounts under \$4,000. It only applies to those accounts that need to be sued upon to collect and where a judgment has been entered by the court. Further at the committee hearing of the bill, a retired county court judge testified he believed especially the change from "presentment" to "accrual" was needed to be made for the ease of understanding to all parties involved. Third, LB710

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

Floor Debate
February 05, 2018

clarifies when attorney fees can be recovered under the statute. Currently, the statute provides that fees may be recovered if an attorney is employed in the case. LB710 provides attorney fees can be recovered when an attorney is retained, employed, or is otherwise working in connection with a case. Well, this clarification shouldn't be needed, the argument has been made that the creditors who use in-house counsel cannot recover attorney fees. Once again, state court judges who are aware in-house counsel is working on the case have routinely awarded attorney fees. This language is simply to restore current practice under the statute. Fourth, LB710 makes it clear that the person or business attempting to recover unpaid debt has the ability to utilize the statute regardless if the claim is assigned to them or not. Many businesses in our state use collection agencies to collect past due debts. In doing so, oftentimes it has legally assigned to the agency to collect. Once again for decades, business have used the current statute that have been allowed by the state court judges to recover unpaid debts, even if the debt was assigned. This clarification is simply to curb class action lawsuits by predatory attorneys to ensure the continued use of this statute by all types of creditors. Lastly, I'd like to thank members of the Judiciary Committee for working with me on AM1683 which clarifies the personal injury cases do not qualify under this statute. And I believe Senator Morfeld will be offering an amendment that was agreed to by the proponents of this bill to delay the interest start date to 30 days after the date of accrual. I urge you to vote yes on both of these amendments and on LB710. Thank you for your time and consideration. [LB710]

PRESIDENT FOLEY: Thank you, Senator Baker. As the Clerk indicated, there are amendments from the Judiciary Committee. Senator Ebke, you're recognized to open on committee amendments. [LB710]

SENATOR EBKE: Thank you, Mr. President. I would call...note that the committee's statement refers to actually two amendments. AM1683 is a combination. We rolled AM1656 and AM1676, mentioned in the committee statement, into AM1683. AM1683 is an amendment brought to the committee by Senator Baker's office after working with those interested in the bill and makes a few minor adjustments to the bill as originally drafted. First, it removes extraneous language in the draft by striking the word "judgment," with respect to the interest award that may be available. Second, it strikes a reference to the date the charges were incurred in defining the date when a claimant accrues for purposes of application of the statute. And finally, it adds a new subsection of the bill to create an exception to application of the statute in cases where the cause of action alleges any, quote, personal injury, regardless of the legal theory asserted, unquote, in the case. This proposed amendment is brought to alleviate concerns raised by the Nebraska Defense Attorneys Association during public hearing. LB710, as amended by AM1683, advanced from committee on a vote of six yes, zero no, one absent, and one not voting. On behalf of the committee, I ask for your green vote on AM1683 to LB710. Thank you, Mr. President. [LB710]

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

Floor Debate
February 05, 2018

PRESIDENT FOLEY: Thank you, Senator Ebke. Debate is now open on LB710. Senator Krist. [LB710]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues. Good morning, Nebraska. I stand in support of AM1683 and LB710, the underlying bill, LB710. The reasons are very simple. In a world where people have issues and are turned over to collection agencies, we need to make sure that the most pennies are put into the place that it needs to go. That is the creditor needs to pay the debt as much as possible to the provider of services and/or product. When you have another level or higher level that's able to again take more money out of that collection pot, less money is being sent to the provider of those services. We have had an issue that has come up in the state from several attorneys that I think are trying to take advantage of this statute and that was never intended. It was never used this way until recently. I know that there are members who don't have any use for collectors. I know that there are members that don't have little use for lawyers who are in a business of not being ethical, and we can disagree on that issue. But when it comes to actually putting a person in a position where most of that money is going to go to legal services rather in kind to where it should go, I have issue. And I think AM1683 cleans up my issues with LB710, which is why I voted it out of committee. With that, I'd ask for your support on AM1683 and the underlying LB710. [LB710]

PRESIDENT FOLEY: Thank you, Senator Krist. Mr. Clerk. [LB710]

CLERK: Mr. President, Senator Chambers would move to amend the committee amendment with FA96. (Legislative Journal page 514.) [LB710]

PRESIDENT FOLEY: Senator Chambers, you're welcome to open on your amendment. [LB710]

SENATOR CHAMBERS: Mr. President, and members of the Legislature, this is one of those bills that I do not like. I don't believe you can bring a clean thing out of an unclean thing. I don't believe you can make a silk purse out of a sow's ear. I heard what Senator Baker was saying and before I launch into my...he might consider it diatribe, I would like to ask him a question or two. [LB710]

PRESIDENT FOLEY: Senator Baker, would you yield, please? [LB710]

SENATOR BAKER: Yes. [LB710]

SENATOR CHAMBERS: Senator Baker, how many years have you and I been together in the Legislature, if you can calculate that? [LB710]

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

Floor Debate
February 05, 2018

SENATOR BAKER: This is the fourth year, Senator. [LB710]

SENATOR CHAMBERS: Senator Baker, during all of that time, I've never noted you to have a speaking impediment. When do...first of all, do you have...have you developed a speaking impediment? [LB710]

SENATOR BAKER: No, probably always had it. [LB710]

SENATOR CHAMBERS: Say it again. [LB710]

SENATOR BAKER: I probably always have had it. [LB710]

SENATOR CHAMBERS: Okay. Then you were reading something when you were on the floor, is that correct? [LB710]

SENATOR BAKER: That's correct. [LB710]

SENATOR CHAMBERS: And there were a couple of times when you stumbled a bit. Is that correct? [LB710]

SENATOR BAKER: Probably. [LB710]

SENATOR CHAMBERS: You did not write what you were reading, did you? [LB710]

SENATOR BAKER: No, no, I did not. [LB710]

SENATOR CHAMBERS: It was prepared by the people who support this bill, isn't that true? [LB710]

SENATOR BAKER: Correct. [LB710]

SENATOR CHAMBERS: And they put in there something about predatory lawyers, didn't they? [LB710]

SENATOR BAKER: Yes. [LB710]

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

Floor Debate
February 05, 2018

SENATOR CHAMBERS: And could you read that again for me, because I wasn't expecting it and I missed what went before, but I heard after, once you said predatory lawyers. [LB710]

SENATOR BAKER: I assume you don't mind taking time on this. [LB710]

SENATOR CHAMBERS: I don't mind because we're going to be on it a good while. [LB710]

SENATOR BAKER: That's fine. [LB710]

SENATOR CHAMBERS: And haste makes waste. [LB710]

SENATOR BAKER: We'll keep looking, Senator. I'm not finding it off hand. I know that was in there, yes. [LB710]

SENATOR CHAMBERS: Well, I want to...I have plenty of time this morning, so I'm willing to let my ten minutes opening be dedicated to you trying to find what you read. But before you continue or resume your search, do you recall reading something in that statement they prepared for you about predatory lawyers? [LB710]

SENATOR BAKER: Yes, I do. [LB710]

SENATOR CHAMBERS: But when you read it, it did not make any particular impression in your mind so that you would know where in that statement they prepared for you they had inserted it. Is that more or less correct? [LB710]

SENATOR BAKER: Well, it's more or less correct, and on the first part, I did say opportunistic and later the word predatory was there. [LB710]

SENATOR CHAMBERS: Have you found it? [LB710]

SENATOR BAKER: Nope. [LB710]

SENATOR CHAMBERS: Not yet? This might be something like a memo that recently was released by the "Repelicans" in Congress. People who voted to release it hadn't even read it. And the orange man in the White House released it, if he read it, didn't understand it. [LB710]

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

Floor Debate
February 05, 2018

SENATOR BAKER: Okay. All right, Senator, we found it. And the reference was...was talking about... [LB710]

SENATOR CHAMBERS: You can read the beginning of the sentence so that it will be in context. I just want to hear the statement of which that...those words were a part. [LB710]

SENATOR BAKER: However, due to pressures by insurance companies and the need to remain insured, these lawsuits are being forced to settle without receiving answers from the federal judges. In a recent settlement, the predatory attorneys received \$315,000 while the class members received less than \$20. [LB710]

SENATOR CHAMBERS: Now, you don't mind discussing that statement with me, do you? [LB710]

SENATOR BAKER: I don't. [LB710]

SENATOR CHAMBERS: Okay. Why did you refer to the lawyers as predatory? [LB710]

SENATOR BAKER: Well, it seems like they're taking advantage of a certain interpretation by one federal judge in the Nebraska district, taking advantage of something that wasn't being interpreted the way it's supposed to be, that is being interpreted the way it's not supposed to be. Basically, negating the Nebraska statute. [LB710]

SENATOR CHAMBERS: Let us discuss something about judicial process and decisions reached by judges. Did a federal court render a decision that the predatory bill collectors are dissatisfied with? [LB710]

SENATOR BAKER: Repeat that. [LB710]

SENATOR CHAMBERS: Did a federal court enter a judgment with which the predatory collectors are unhappy about? [LB710]

SENATOR BAKER: Not to my knowledge. The fact of the matter is that it takes hundreds of thousands of dollars and much time before something can be heard in federal court and they've settled before that happens. So, it's a matter of settling because they almost must because of the time involved and the cost involved, and the insurance company says, it's cheaper to go ahead and settle this rather than take it all the way to federal court. [LB710]

Floor Debate
February 05, 2018

SENATOR CHAMBERS: No, it was in federal court. And the federal court handed down a judgment, a decision that the predators...see, when I went to law school, they had a course called creditors' rights. They never had one called debtors' rights. I think they misspelled the word, it should have been predators' rights. Law schools train people to earn money through the practice of law. Lawyers earn money based on billable hours. What good are billable hours if the one you're going to bill has no money with which to pay you for those hours? So since the law school is turning out individuals to practice that craft, they want to give them the tools to help those who have money. People would not be debtors if they had money. The ones who have money are the predators, you called them creditors. So the law schools will teach lawyers-to-be how to help predators. [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR CHAMBERS: There was a time in England when they even had prisons for people who had debts they couldn't pay. They had work houses and when the story of Scrooge was being written and somebody came to his counting house to collect something for the poor, Scrooge said they're not my poor. Are not there work houses for these people? And it seems to me that you are on the ship that is manned by the predators. And I am interested in those who have been cast into the sea among the sharks. And because my time is up this time, I'll wait until I'm recognized and then I'll continue my discussion with you. [LB710]

PRESIDENT FOLEY: Thank you, Senator Chambers. You're actually next in the queue, you may continue. [LB710]

SENATOR CHAMBERS: Thank you, Mr. President, and I'd like my light to stay on because I'll put it on again. Senator Baker, was there a good bit of exchange during that hearing between me and people who supported this bill? Somebody turn his mike on, please. [LB710]

SENATOR BAKER: Yes, sir, there was. At one point, you seemed to refer to debt collection as being a racket. [LB710]

SENATOR CHAMBERS: Yes. And those who are in the rackets are known as racketeers. Now, these racketeers were complaining, and see if what I tell you next is what they complained about. A federal court gave an interpretation to a federal law that allowed people who were being pursued by these predators to take their case into federal court. And once in federal court, there had been a decision handed down that the predators did not like. That was not the highest federal court, so there remained avenues in the federal system to be pursued. Do you remember hearing that part of the discussion? [LB710]

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

Floor Debate
February 05, 2018

SENATOR BAKER: I did, and may I ask you a question? [LB710]

SENATOR CHAMBERS: And do you remember me... [LB710]

SENATOR BAKER: Would that be a no? [LB710]

SENATOR CHAMBERS: Say it again. [LB710]

SENATOR BAKER: May I ask you a question? [LB710]

SENATOR CHAMBERS: Well, I'm the questioner right now and I want to finish this and then I'll let you question me... [LB710]

SENATOR BAKER: Thank you. [LB710]

SENATOR CHAMBERS: ...because I don't want you to lose track of where I'm going. [LB710]

SENATOR BAKER: I don't mind. [LB710]

SENATOR CHAMBERS: Okay. I was mentioning that they had additional steps that they could take in the federal system to try to obtain an overruling or overturning of that lower court decision. Do you remember me making that point? [LB710]

SENATOR BAKER: Oh, you said that, okay. [LB710]

SENATOR CHAMBERS: Do you remember hearing them say that they didn't want to go that route? [LB710]

SENATOR BAKER: I remember hearing them say that it was extremely expensive. It cost hundreds of thousands of dollars and much time. It was cheaper if their insurance company would simply settle rather than taking it forward. [LB710]

SENATOR CHAMBERS: But there is, right now, a legal avenue open to the predators if they choose to pursue it. Isn't that true? [LB710]

SENATOR BAKER: Well, that would be one way, but there is another way. [LB710]

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

Floor Debate
February 05, 2018

SENATOR CHAMBERS: So, the other way is to come to the Legislature and get some chuckleheads to give them what they want so they don't have to go through the legal process which is there in the way that a poor person would have to, being unable to get the Legislature to enact anything that benefits poor people. Now, that might be a mouthful, but here's what I'm getting at. The Legislature is doing what the law schools did. They will cow tow to the predators, but they give no thought to the poor people. And there are very few people not trained in the law, and some who are trained in the law, who are not effective in representing people in actions where it is them against the predatory collectors. So these people hire a lawyer. Now, are you aware that these collectors do not represent themselves in court, but rather employ lawyers to represent them? Are you aware of that? [LB710]

SENATOR BAKER: Yes, most business owners are not necessarily attorneys, so they either have an attorney on staff or they hire an attorney. [LB710]

SENATOR CHAMBERS: So I would call the lawyers that represent the predators, predatory lawyers. So labels can be applied by anybody to anything. Isn't that correct? [LB710]

SENATOR BAKER: Well, yes, but you're assuming that everybody that the collection people are going after is poor, and that... [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR BAKER: ...they're poor. That's not necessarily the case. [LB710]

SENATOR CHAMBERS: I know how these predators operate. Now, because I'm going to take plenty of time, I don't want you to forget the question you wanted to put to me and fair is fair, we're exchanging ideas. I will answer whatever question you may like to put to me. [LB710]

SENATOR BAKER: Okay. Senator, do you think it's right and appropriate that the state of Nebraska has a statute, 25-1801, to provide a way for small claims to be resolved? Do you think that's right and appropriate? [LB710]

SENATOR CHAMBERS: Well, sure. Any time a person who is under the hammer of a collector can find an avenue under the law to get some relief, that person should pursue that avenue. What you're dealing with is a bunch of people who don't want... [LB710]

PRESIDENT FOLEY: Time, Senators. [LB710]

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

Floor Debate
February 05, 2018

SENATOR CHAMBERS: ...to pursue the law. Thank you, Mr. President. [LB710]

PRESIDENT FOLEY: Thank you, Senator Chambers and Senator Baker. Senator Hansen, you're recognized. [LB710]

SENATOR HANSEN: Thank you, Mr. President, and good morning, colleagues. I thought I'd rise on LB710 in part because Senator Ebke in her committee opening noted this came out of committee 6-1-1. You've already heard from one of the ones, Senator Chambers, and I, the other one, I thought I would get up and explain my hesitation with the bill. LB710 and the committee amendment and this whole process, listening to the hearing and the Judiciary Committee, has been interesting because I think some of my hesitation and my frustration with the issue is not necessarily in Senator Baker's bill. It's in the underlying statute and his bill kind of changes a lot of things around it and with it, without actually kind of getting to some of the fundamental issues. You know, Senator Baker's bill, if you look at the amendment, if you look through his bill, there's a lot of cleaning up, just very antiquated language and whatnot, and that's probably a good thing for us to do long term. But the fundamental issue in LB710 is that for certain types of claims under \$4,000, we have a special statute that treats them differently than other ones. So in most court cases, there is the concept of the American rule. And the American rule is every side pays for their own attorneys. Other countries do other things differently. Sometimes the winner always pays...loser always pays. It varies. But here, we have the kind of the default rule that each side pays their own attorney. And that is usually only changed via statute. That's what we have here in LB710, or at least the underlying Section, 25-1801. And that provides currently an exemption for small claims usually that are all contract claims and kind of unpaid debts that if you sue for an amount less than \$4,000, you can get interest and you get attorney fees on top of this. But it's for a small subset of claims, and I'm still trying to figure out why we've decided to treat those claims differently and why not. So under LB710, with the committee amendment, if I...if a creditor was owed less than \$4,000, we'll say \$3,000 by somebody say for home repairs, they could under the statute sue and they could get 6 percent interest and 10 percent attorneys fees. But if they were owed \$5,000, they would be barred from getting interest or attorneys fees. And with the committee amendment, we are explicitly exempting out personal injuries sentiments. So my interpretation of that is if somebody flaked on a \$3,000 car repair bill, they could be forced to pay the other side's attorney's fees, but if somebody has \$3,000 done to...damage done to their car which caused the bill in the first place, they cannot recover attorney fees in that personal injury lawsuit. That's what...that's the kind of status of law we're going to leave if we pass LB710 and AM1683. And that's something I think we need to have a discussion on, on whether or not that is the appropriate amount. I know Senator Baker in his opening has talked about it being an opportunity for small businesses to have an easier access to court. But why that amount? Why these...why all of these amounts? You know, other fees to consumers, other fees to individuals, personal injury lawsuits, there's a lot of times when people have a difficulty accessing the courtroom and that's why we have all sorts of efforts to make that

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

Floor Debate
February 05, 2018

accessible. But why in this particular section do you get near automatic interest rate and we get near automatic attorneys' fees for a limited subsection of claims for a limited small amount? And that's something I think we as a legislature, before we change and keep going with this section, need to kind of step back and evaluate. Do we like where the current law is and we will use this as an opportunity to discuss some changes. With that, Mr. President, I'd yield my time to Senator Chambers if he'd take it. [LB710]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Chambers, 1:20. [LB710]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Hansen. And Senator Hansen is dealing with the broader ramifications of the law that exist even without Senator Baker's bill. What I'm dealing with is the fact that senators are given bills that they don't understand. They have statements written to them by the lobbyists, statements which are insulting to different groups. Now, if Senator Baker on his own had contrived those words, I would be discussing it with him in a different way. But my advice to all of these senators who have been here a while and those who just came, you read before you present those things on the floor. Be sure that you understand what's in that statement and that you agree with everything in it, that you're prepared to defend everything in it. I don't even have to look to know that somebody is reading a statement because I've been here long enough and most of you all have speech patterns that I'm familiar with. Senator Baker, in my opinion... [LB710]

PRESIDENT FOLEY: Time, Senator. [LB710]

SENATOR CHAMBERS: Thank you, Mr. President. [LB710]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Baker, you're recognized. [LB710]

SENATOR BAKER: Thank you, Mr. President. Senator Chambers, would you yield to a question? [LB710]

PRESIDENT FOLEY: Senator Chambers, would you yield, please? [LB710]

SENATOR CHAMBERS: As many as you choose to ask me. [LB710]

SENATOR BAKER: Okay. So recently you indicated that you had at some point in the last year or two had trees removed from your property. About \$5,000 worth was your bill, is that correct? [LB710]

Floor Debate
February 05, 2018

SENATOR CHAMBERS: I'm not understanding...what did you say? [LB710]

SENATOR BAKER: You had said that you had trees removed from your property as part of your proof that you did reside where you said you did. [LB710]

SENATOR CHAMBERS: Oh, you're talking about my... [LB710]

SENATOR BAKER: Yes. [LB710]

SENATOR CHAMBERS: Oh, right, right. [LB710]

SENATOR BAKER: Okay, so what if you thought later that you were being gouged and that should have been able to have those trees removed for \$2,500, should you have to pay the bill? [LB710]

SENATOR CHAMBERS: When a person signs a contract, the presumption is that there was a meeting of the minds, something for something else. It can be a promise for a promise. They gave me a list of charges that they were going to make and a list of the services they would perform. They performed to my satisfaction so I paid them. If, on the other hand, they had agreed to cut down two trees and trim a third tree and they had not trimmed the third tree and tried to collect for work not done, I would not have paid them, I would have said take me to court. And then we would have taken the contract and the courts say that a contract consists of what is within the four corners unless there was fraud and deception which is not what I want to talk about right now on the tree example. They would have to prove that they performed in accord with the contract and I would have photographs to show that they did not trim the tree that they were trying to charge me for having trimmed. So I would not pay, but I would not pay because I did not get what was offered. If they had done everything that they were supposed to do, then I would pay them, so I'm probably not a good one to ask that question. I always pay my debts, and in fact, I had gotten some information that the FBI had on me and I got it through that public information law and they had one statement that said, he always pays his bills on time, which I do, because the money that I owe is not my money. Somebody has extended something of value to me counting on me paying for it. So that money that I owe, it is not mine anymore, so I pay my debts. [LB710]

SENATOR BAKER: Okay. Thank you. May I pursue another question with you? So would you agree then, not just because a person thinks he got gouged doesn't give him the right to avoid paying the bill? [LB710]

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

Floor Debate
February 05, 2018

SENATOR CHAMBERS: Well, yeah, if you think you've been gouged, don't pay it. And let whoever thinks that you didn't get gouged, sue you. [LB710]

SENATOR BAKER: So if I walk into Nebraska Furniture Mart and buy a new large screen TV and I think they charged too much, I shouldn't have to pay for it? [LB710]

SENATOR CHAMBERS: Well, that's not a reason for not paying. [LB710]

SENATOR BAKER: I thought I got gouged. [LB710]

SENATOR CHAMBERS: Then they would sue you. [LB710]

SENATOR BAKER: They would, and they should. [LB710]

SENATOR CHAMBERS: Okay, so we agree on that. [LB710]

SENATOR BAKER: So, the crux of the matter is this, that Nebraska statute provides a way for people to settle small claims being defined as \$4,000 or less, but one particular federal judge says, well, that doesn't...that statute doesn't apply anymore if the person who is owed money gave it to a debt collection agency. That's what this is all about. [LB710]

SENATOR CHAMBERS: So what's wrong with that? That's what I said, a judge handed down a decision that the collectors don't like. [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR CHAMBERS: A federal judge did. [LB710]

SENATOR BAKER: It's a matter of you and I disagreeing on what the intent of Nebraska statute is, and the intent of this is to clarify, and so it can go on the way it was conducted for almost 100 years, until five years ago. [LB710]

SENATOR CHAMBERS: Well, slavery existed for decades and centuries until the Thirteenth Amendment was enacted, and even after that, I'm not free. There's a debt owing to me, which this country has never paid and does not intend to pay, and there's no court I can go to to collect on it. So you're talking to a man who is a creditor, the United States is a debtor, and the United States refuses to pay me and people similarly situated. So I'll tell you what, you help me come up

Floor Debate
February 05, 2018

with a realistic way to collect on that debt which is owed to me and mine, and I'll help you get a bill like this. [LB710]

PRESIDENT FOLEY: Time, Senators. Thank you, Senator Baker, Senator Chambers. Senator Chambers, you're next in the queue and this is your third opportunity. [LB710]

SENATOR CHAMBERS: Thank you, Mr. President. It's my third opportunity on this amendment, but I plan to keep us on this bill for the three hours, talking about it or other things. I want some of these lobbyists, some of these entities who hire those lobbyists, know that they have to contend with me, and they probably thought that by this point in the session I would be worn down, because I never sit down. Well, as far as anybody knows, I am an android, but they cannot tell. So I look like an ordinary person, but in reality I'm not an ordinary person, and I don't even get tired. They don't know why I don't get tired, but I don't get tired, because I take better care of myself than other people do and that's why I don't get tired, and you all do. Now, there are other issues that I constantly will inject into our discussions because the legislative floor is my bully pulpit and when a bill of this kind comes, it lends itself to my discussing the things that mean something to me. Poor people, debtors, could never get a senator...maybe I would, but I can't do everything for everybody at the same time, bring a bill with any hope or expectation of its passage that would give them some relief from predatory bill collectors. They can't do it. Even when the small claims court was put into place, that was to supposedly help people so that they wouldn't have to pay the costs of a lawyer. But if a poor person wins in small claims court, the companies that use small claims court as a collection agency will then have the matter moved to district court, and in district court, lawyers are allowed. The poor person cannot afford a lawyer. The poor person may not show up. The company gets a default judgment. Then is entitled and empowered to use whatever means are available under the law to collect on that judgment. And they didn't win it on the merits. They won because they had the money to employ a lawyer in district court and the poor person did not. So even the existence of a small claims court is a charade. It is a hoax. And people who will not look at the way things work, to use that cliché, how things work on the ground, have no idea that these fine pronouncements in the law, in the constitution, do not apply to those for whom they should be intended. The powerful, the majority, do not need these protections. They have the wherewithal to protect themselves. But to project a certain image, especially a hypocritical country like America, they'll put these charades in place, words on paper, and give that to the world and the world will take America's word for it because they're white too. And they say, well, you've got all of these enlightened provisions in your constitution. You have civil rights laws. You have civil rights decisions by federal courts. For example, segregated schools maintained by law violate the constitution. So they say in other countries, you don't have segregated schools. Well, yes, you do. They have segregation by law and segregation based on practice and tradition. The law can be wiped away and the segregation continues apace... [LB710]

Floor Debate
February 05, 2018

PRESIDENT FOLEY: One minute. [LB710]

SENATOR CHAMBERS: ...without being disturbed and that is what is happening right now. I am not one of those black people who is going to say, white people get upset when I talk about things the way they are. One of the best ways to put me in my place, if that's what you want to do, is go to the facts and show that I'm lying, or that I'm mistaken. And I will say, let me give you the best testimony and evidence, the evidence of your own senses. Let me take you to these schools. Let me show you the racial segregation. Then maybe you will accept it. And then they will say, well, Jesus said, I won't believe that if somebody came back from the dead and told me. You cannot persuade those who are determined not to be persuaded. On this bill, Senator Baker cannot persuade me, but I'm going to go far afield, farther than I have so far. Thank you, Mr. President. [LB710]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Chambers, you are recognized to close on FA96. [LB710]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, my bills are like Dracula. My motions are like Dracula. You cannot drive a stake through it one time and think that's the end of it. But, there are times when I may launch into a course of action and it will occur to me that for whatever reasons, I will not pursue it, and then I don't pursue it. I'm free to do what I want to do. Despite the fact that I have this black skin, despite the fact that I descend from those who were held supposedly as property, I'm probably the freest person in this universe, certainly the freest person on this floor. Nobody dictates to me. Nobody gives me instructions and tells me jump and I jump. That happens to all of you on some occasions, and you know it. You're not completely free. So enjoying this type of freedom, at least this intellectual freedom, you could put me in jail, but when I'm in jail, I'm free. The jail becomes a prisoner. You cannot imprison me. You can imprison my body, but the me, which is me, just inhabits this mortal coil and I'm not about to shuffle it off. And I'm going to create as much discomfort as I can for those who oppress not only me and mine, but those who are situated similarly to me and mine. They may be your complexion, but once people become tyrannise and cruel and oppressive, they don't draw lines. White men oppress white women. That's why I've got three more items that I'm going to distribute in my Ernie grams about judges who are...commit degradations against women and how they are not properly dealt with, but how I have taken action against some of them. Not the white senators here, not the white Governor, not the white lawyers, and some of these are white female lawyers who are mistreated by white male judges. Then these people have the nerve to say, I'm a racist. I should exalt when I see white men abusing white women, and white men who are weak, who are fearful, who have also been conditioned and trained and had whatever spirit that was in them squeezed out drop by drop, or to use another analogy, sliced away, a layer at a time. And now they walk around. Watch them when you see them in these halls, they're bent over, not from age. They look like the ones who have been toting that barge and lifting that bale.

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

Floor Debate
February 05, 2018

They're bent over, they won't look up, they look at the ground, not looking where they're going because they think they will fall, but there's something about nature. This was said by Ralph Waldo Emerson: Nature is quick to dress a man in the livery that he deserves based on the way he lives his life. And if you are attentive and observant, you will know what he is by the way he comports himself. So, watching the way I comport myself is not going to tell you anything because you don't pay attention to black people. I know that. [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR CHAMBERS: That gives me just about time to draft a motion, and you all would be disappointed if I did not do this. So, this has to be another Dracula bill. I don't like to disappoint those whom I have given reason to rely on me to do certain things. And although I have spoken the times that I'm allowed, and this is my close, I'm not through by a long shot. And you are not rid of me. You are not quit of me. When the time comes, Mr. President, I would like to have a call of the house and a roll call vote. [LB710]

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, please. [LB710]

CLERK: 20 ayes, 0 nays to place the house under call. [LB710]

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 Hilgers, could you check in, please. Senator Kolterman, Williams, Morfeld, Brewer, Groene, Erdman, Larson, Speaker Scheer, please return to the floor. The house is under call. Senator Briese, the house is under call. Senator Chambers, all the senators are present with the exception of the Speaker. We will proceed. Thank you, Senator Chambers. Question before the body is the adoption of FA96. Those in...oh, I'm sorry, a roll call vote was requested. Mr. Clerk, please call the roll. [LB710]

CLERK: (Roll call vote taken, Legislative Journal page 515.) 0 ayes, 34 nays, Mr. President. [LB710]

PRESIDENT FOLEY: The amendment is not adopted. I raise the call. Mr. Clerk. [LB710]

CLERK: May I read a few items, Mr. President? [LB710]

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

Floor Debate
February 05, 2018

PRESIDENT FOLEY: Please do. [LB710]

CLERK: Thank you. Your Committee on Appropriations reports LB775 to General File with amendments. Amendments to be printed: Senator Pansing Brooks to LB158; Senator Erdman to LB17. And priority bill designation: the Appropriations Committee has selected LB775. Mr. President, Senator Chambers would move to reconsider the vote just taken with respect to FA96. (Legislative Journal pages 515-518.) [LB775 LB158 LB17 LB710]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your reconsideration motion. [LB710]

SENATOR CHAMBERS: Thank you, Mr. President. I had mentioned that this is a Dracula bill. It's going to come back, my motion, my offered amendment. But there are two characters from literature who often are put together in movies, Dracula and Frankenstein. Then the wolfman, who is a lycanthrope. When you were bitten by a wolf, you became one, that was lycanthrope. And they put the word, w-e-r-e, werewolf, but in other countries they have wereleopards, werebears, were whatever, a human being that partakes of the characteristics of whatever the most fearsome creature is. So werewolf just happens to be the one in this country. But when you look at Frankenstein, the book is titled Frankenstein. Mary Shelley wrote it. She was married to Percy Bysshe Shelley. She was a youngster. She, Shelley, and I think Lord Byron were up in the Alps somewhere and they decided that each would tell a ghost story. Hers turned out to be Frankenstein. But the one that carries that term in the movies is a monster. The one who Shelley created was not a monster in the beginning, and his name was not Frankenstein, his name was Adam, not Adam Morfeld. Adam Morfeld had not yet come, but maybe Frankenstein's monster foretold his coming. At any rate, after that digression, when the creature was made and given life, he was highly intelligent. He was literate. He spoke French. He understood things, and that should not be a surprise. The brain that was put inside of his head was not the brain of somebody who is insane, somebody who is irrational. Wherever the brain came from, it was from somebody who could think, so why when that brain was put inside Adam's head, would he suddenly become a grunting, stumbling, bumbling, lummoX of Hollywood fame. He was not that. There was an accident that involved a child and they thought, the villagers did, like ignorant illiterate people from rural areas will tend to do, assume that he had done it because he was a very hideous creature. His skin was tight, it was yellow, his eyes were yellow, and the skin barely covered his bones. And he was very, very tall. He could have played on a basketball team, center. I don't know if he could shoot. But at any rate, he at one time told these people, beware lest you make me what you say that I am. For a young person, Mary Shelley wrote a very insightful, profound book. And she developed this creature and took him from something that was very thoughtful, sensitive in feeling, through a period when he did some bad things, back to when he decided that the world would be better off without him. But at any rate along the way, he told Dr. Victor Frankenstein, you are my creator, but I am your master. And he demonstrated that in a

Floor Debate
February 05, 2018

very graphic, horrible way. Frankenstein, the book, was a metaphor for science. Science was burgeoning. Mary's mother and father were both intellectuals. They were involved in the issues of the day. They wrote pamphlets. They engaged in discussions and science was beginning to burgeon. And some people were worried that men were going to let loose forces that they could not control. So, her book was symbolic of what she thought might happen with science, it would run away. What made me think of that this morning, I was coming down here and I put on public radio. They had a feature involving a guy who had helped create the Internet, and then he saw how manipulative it had become, how addicted people become to it. And he now sees it not as something that would be a help to people, as he was hoping and thought it would be, but something that has come to control them. And that's when I thought of what Mary Shelley wrote. You are my creator, but I am your master. And that's what that Internet has become. That Internet is the Frankenstein monster of today. One reason it pays to read literature is because there are profound messages in those writings. And when somebody with a good mind is manipulating words and creating fictional...fictionalized circumstances, that person can bring together what is needed to create not only a dramatic presentation, but a lesson and a message for those who can hear it. That takes me back to what I was telling you all about the other day with Dr. Jekyll and Mr. Hyde. Dr. Jekyll was a thoughtful person. He had come to believe that people have wicked things inside of themselves, and if a person who is knowledgeable about science took the time to do so, those traits could be weeded out. And he decided that he himself should be the guinea pig. I'm paraphrasing and shortening it up. So he got these chemicals and he administered them to himself. And to make the story shorter, he would be transformed into a person named Edward Hyde. He shrank in size. He became furtive. He looked kind of like one of these weasel-like animals, something like lobbyists and politicians who take on that livery because of the way they conduct themselves, and Edward Hyde began to do terrible things. The irony...the story was written by Robert Lewis Stevenson. Hyde was very aware of Jekyll. Jekyll was not as aware of Hyde. As Hyde began to do these terrible things, he began to grow in size and stature. When he wore Dr. Jekyll's clothes and became Hyde, he had to roll up the cuffs so that they wouldn't drag the ground. A point was reached where he filled out those clothes. And as he grew in physical stature, he took more and more control of Dr. Jekyll. At one point Jekyll could move from one to the other by choice and at will. As time went on that became not the case anymore. He actually, in some instances, enjoyed being Hyde. And when the police and others became of the person doing these bad things, Jekyll knew that Hyde was doing it. When he was Jekyll... [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR CHAMBERS: ...he would not have been clever enough to escape. But he knew that as Hyde, he would be able to. Hyde was cunning. Hyde understood human nature better than Jekyll. And he could have told Jekyll, like Adam told Dr. Frankenstein, you're my creator, but I'm your master. But that's not what he would have said. Jekyll, you are me, and I am you. We are the same. When you walk toward a mirror, the image in that mirror that's thrown back to you

Floor Debate
February 05, 2018

and as you approach the mirror, that image approaches you. It looks just like you. Well, I'm what you really are. You know you like what I do. Then Dr. Jekyll, to shorten up the story a lot... [LB710]

PRESIDENT FOLEY: Time, Senator. [LB710]

SENATOR CHAMBERS: Thank you, Mr. President. [LB710]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hansen, you're recognized. [LB710]

SENATOR HANSEN: Thank you, Mr. President, and thank you, colleagues, and thank you, Senator Chambers, for that literary history lesson. I appreciate listening to that. I wanted to kind of zone back into the bill because I've had a couple of people approach me off mike and we've had some good discussions over just kind of the overall concept. I knew when I mentioned the American rule earlier that maybe some attorneys' ears would pique up and turn around and at least one got me. One of the things I want to be clear about in this bill is just kind of what it is. I want to...because I'm still just struggling with the overall concept, and I appreciate the body and Senator Chambers giving us the time to kind of think about it and work it out on the floor. One of the things, as I was rereading the bill, and I don't know if it clicked with me earlier is, not only is there an opportunity for attorneys fees, and just to be clear, this is attorneys fees only for the plaintiff's attorney. If the plaintiff brings suit and loses the defendant doesn't get attorneys fees under this section. There is also an opportunity for attorneys fees at the appellate level. And I think at the appellate level it's mandatory attorneys fees. So if you bring a judgment and lose, for whatever reason, you have an opportunity, of course, to appeal it. But if you appeal it and lose again, you are mandated to lose attorneys fees. So you've already been dinged with attorneys fees once, maybe there was a dispute, maybe you were trying to go pro se the first time and you learned your mistake and you tried to go with counsel the second time. When we get to the appellate level it says, if a cause of action is taken to the appellate court, and the plaintiff recovers...and the plaintiff recovers a judgment thereon, the appellate court shall tax as cost in the action to be paid to the plaintiff an additional amount for attorneys fees, and there's a little bit more describing that. I'm just questioning the overall public policy here as, you know, I know we want to make sure courts are accessible, but we should make sure courts are accessible for both sides of an action. I mean, if we're dealing with...if we're dealing with a situation where there is actually like a bill in dispute, there's actually a bill in dispute and two parties are disputing whether or not, you know, a \$2,000 bill is valid, this section would apply to them, and the defendant, if they lose, has to pay attorneys fees for the other side. And if they say lose because they were unrepresented or otherwise couldn't afford an attorney, they then in a chance to escalate, if they lose again, get dinged again, so they're going to have to pay attention to that and

Floor Debate
February 05, 2018

that might actually have a chilling affect on whether or not they want to come into that. And that might be in a situation where there is actually like a very good dispute over the bill or the judgment or whatnot, because I mean, we're talking about debts and I agree everybody should pay their debts. That was kind of talked about in the opening, but I mean, there's genuinely situations where people are, say, in dispute over the amount. You got quoted one thing, they billed you another thing. You don't think it's appropriate, you refuse to pay because they're overcharging you. You pay part of it. You know, they take you into suit for the other half, yada yada yada. According to this statute, the person who owns the debt, the debt collector or the person who originally did the work, is pretty much guaranteed attorneys fees throughout this process if you dare challenge their interpretation of the bill. Even if that's a correct interpretation of the bill and you just happen to...even if it's a correct interpretation of the bill, or in your mind a fair and legitimate argument is probably the better way to say this, you have a fair and legitimate argument to dispute a debt and you lose on that, you get dinged with attorneys fees. And if you say, no, I truly believe this was the thing, there was some sort of trial, court error, I want to go up, you get dinged a second time with attorneys fees. Meanwhile, if you say go to court and prevail on a claim, the debt collector, you know, the debt collector or the agency, whatever, they did flub a contract, they did quote you, they didn't provide services, whatever it is, you go in and prove that, you don't get their attorneys fees. They've taken you to court, you've successfully beaten them, you don't get attorneys fees, you had to pay for your own attorney or do a pro se. [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR HANSEN: Thank you, Mr. President. I just want to kind of make a step back and make sure we're all thinking about this and make sure this is the public policy we want to set for kind of this limited selection of small claims arising to kind of debts and contracts. So while I appreciate the discussion of Mary Shelley and Dracula and all of that, I wanted to make sure we had an opportunity to kind of focus back in on the bill at hand. Thank you, Mr. President. [LB710]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Chambers. [LB710]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Hansen. But you can see from our sparse numbers, nobody is listening, but it's good that you're putting that information on the record. And I'm putting things on the record and I want people who watch us to see that there are interesting things that go on on the floor and they can be tied into what we're doing. Monsters are created and then they wind up being the master of the one who created them. I see that Senator Baker is back at his desk. I'd like him to answer a question or two if he will. [LB710]

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

Floor Debate
February 05, 2018

PRESIDENT FOLEY: Senator Baker, would you yield, please? [LB710]

SENATOR BAKER: Certainly. [LB710]

SENATOR CHAMBERS: Senator Baker, how old were you or young were you when you first got religion, whatever that means, when you became aware of religion and adopted a religion? [LB710]

SENATOR BAKER: My parents tried from day one, I suppose. [LB710]

SENATOR CHAMBERS: Were they ever successful completely? [LB710]

SENATOR BAKER: No. [LB710]

SENATOR CHAMBERS: All right. Did you go to church when you were little? [LB710]

SENATOR BAKER: Yes. [LB710]

SENATOR CHAMBERS: Did you hear a recitation that people labeled the Lord's Prayer and some religions call it Our Father? Are you familiar with that? [LB710]

SENATOR BAKER: I am familiar. [LB710]

SENATOR CHAMBERS: Do you know all...I'm not going to have you do it, but could you recite it based on memory alone? [LB710]

SENATOR BAKER: Standing on my head. [LB710]

SENATOR CHAMBERS: Now, I'm not going to have you do that, either. I want you to finish this line for me. First of all, to whom are those words addressed based on the way it starts? [LB710]

SENATOR BAKER: Our father. [LB710]

SENATOR CHAMBERS: And who is that? [LB710]

Floor Debate
February 05, 2018

SENATOR BAKER: Who art in heaven. [LB710]

SENATOR CHAMBERS: No, that's where he lives. And also, little children heard that, and they thought that God must be an artist because they thought it was with art in heaven, rather than which art in heaven. Why do little children think that God's name is Mason, by the way, his last name is Mason? Did you know that's God's last name? [LB710]

SENATOR BAKER: I don't think it is. [LB710]

SENATOR CHAMBERS: You didn't know that? [LB710]

SENATOR BAKER: I sure didn't. [LB710]

SENATOR CHAMBERS: Well, some little children were talking to each other and they gave that prayer and one said that God's last name is Mason and the other one said, well, why? And the little child said, well, the prayer says, our Father with jars in heaven. And the one who makes jars is Mason. So God's last name must be Mason. That's what little children hear. Now, I'm not going to do any trickery with you like that. But finish this, if you can? Forgive us our debts. [LB710]

SENATOR BAKER: As we forgive our trespassers. [LB710]

SENATOR CHAMBERS: Forgive us our debts. [LB710]

SENATOR BAKER: Forgive us our trespassers. [LB710]

SENATOR CHAMBERS: No, you're taking another version. Forgive our trespasses as we forgive those who trespassed against us. [LB710]

SENATOR BAKER: That's my version. [LB710]

SENATOR CHAMBERS: Your version, huh? Have you heard the version that I'm mentioning, forgive us our debts as we forgive our debtors? [LB710]

SENATOR BAKER: I have heard that. [LB710]

Floor Debate
February 05, 2018

SENATOR CHAMBERS: Okay. But you don't believe in that, do you? [LB710]

SENATOR BAKER: I don't believe in that? [LB710]

SENATOR CHAMBERS: I ask the question. [LB710]

SENATOR BAKER: I believe ought to pay their debts. [LB710]

SENATOR CHAMBERS: Do you think the course that this bill is taking would carry out that admonition? I don't mean that you let people run over you. If they contract a debt, they should pay it. But do you think a point can be reached, based on that recitation, when the person is unable to pay off, so you should forgive that debt? You don't believe that should happen, though, do you? [LB710]

SENATOR BAKER: That argument is about 100 years too late, and the statute has been on the books for about that long. [LB710]

SENATOR CHAMBERS: Okay, here's what happens, brothers and sisters. You all are the ones who pray every morning, not me. And Senator Baker is bringing a bill for those who prey, p-r-e-y. [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR CHAMBERS: They prey on the poor, they prey on the unfortunate, the ones who cannot afford representation. And while he's feeling so much commiseration with these predators, and these operations are multimillion dollars operations, maybe locally not that much, but they make plenty of money, they can afford a lawyer. And he's asking the Legislature to bail them out. But the people who have nobody to care about them are going to be victimized. And as Senator Hansen pointed out, again and again and again. You have to pay the one who is going to stab you. You have to strengthen the hand that's going to take your life. And Senator Baker wants this Legislature to help carry that out and I'm going to do what I can to stop it. And for three hours, I'm going to hold forth and I can talk about anything that I want to. From time to time I will come back to the bill. I don't think that if there were debtor prisons today, this Legislature would do anything about it because they watch humongous fines and bonds...bail put on people which they cannot pay, knowing that amount will keep that person in jail until a long-delayed trial. And when he or she goes to court, the judge will let the lawyer know and tell that person, cop a plea and we'll let you go with time served because if you are convicted... [LB710]

Floor Debate
February 05, 2018

PRESIDENT FOLEY: Time, Senator. [LB710]

SENATOR CHAMBERS: ...the sentence is not that long. Thank you, Mr. President. [LB710]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Schumacher. [LB710]

SENATOR SCHUMACHER: Thank you, Mr. President, and members of the body. Is Senator Hansen in the room anymore? [LB710]

PRESIDENT FOLEY: Senator Hansen, are you available for a question? I do not see him, Senator Schumacher. [LB710]

SENATOR SCHUMACHER: Apparently not. Just in response to Senator Hansen's comments regarding the attorney fees on appeal, that appears to be on page 3, starting at line 10 for a paragraph. And in my reading of that, that really doesn't change in this bill. This bill doesn't, in substance, change attorney fees or the amount and condition of attorney fees on appeal. I would take a second to go through what I do see, changes in this bill. It makes it clear that the plaintiff includes anyone who is assigned the claim. Apparently there's been an argument about that, but I think generally that's been thought to be the case anyway. It lists in the old law eight things in which you could get some protection or some rights under this act. Now, it changes to just any lawsuit. I'd be curious to know what new things this covers that it didn't cover before. The next thing it seems to do, it seems to allow some wiggle room on the rate of interest. The old law said 6 percent interest and now it says at a rate provided by contract or some other writing. Well, that could be nothing, or it could be, sometimes those language say 16, 18 percent or the rate of interest charged by a credit card or something, so apparently it leaves wiggle room, quite a bit of it, on the issue of what interest can be awarded. It says that an attorney working on the case is entitled to be awarded some attorney fees. Before that, it said an attorney employed on a case. Not sure if that's a big difference or not. It sets a date for when you start figuring interest from, and then it makes it very clear that the collection agency is to be considered in the same status or stand in the shoes of the business person, doctor, accountant, whatever, that originally rendered the service or goods and ran up the bill. I think that's the summary of this particular legislation. You can draw your own opinions as to whether or not the changes that had been made are good changes or not. But just for a little fun in the last couple minutes here, we've been talking about debt, and forgiveness of debt. And in some fairly decent financial circles these days, some scratching of heads is being done is what happens if we lose control of debt. We decided to add another trillion and a half to the federal debt using a theory that, don't worry about it, it will come back to us on the backside somehow on growth. But what happens if, indeed, the debt and the banking system that has issued the debt and the corporate system that has issued the bonds, fails? And I was at a deal at the Harvard Business School, man, probably eight, nine years ago

Floor Debate
February 05, 2018

now, in which that question was posed. And the active discussion was around the Bible and a provision in Leviticus whereas every 50 years a jubilee was had and debt disappeared. [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR SCHUMACHER: So it raises kind of an interesting question. If all debt were to disappear, besides making the people who are owed the debt very unhappy, would the world change very much? The sun would still rise, the trains would still have tracks, the oil wells would still pump, the electrical generators would still turn, people would still know what they knew the day before, so what would change in the event of a jubilee? Thank you. [LB710]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Krist. [LB710]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. I think that one of the things the nonlawyers in the room really need to understand about the way we present, introduce, and people throughout Nebraska, the way we introduce a bill and what is brought to us as subject matter oftentimes it's an individual, oftentimes it's a lobby, oftentimes it's just a factor of life and the people around you that make you feel compassionate enough as a senator to introduce something. But when it really comes down to it and that subject matter is taken to the Bill Drafters, it comes back in many different forms. LB710, one such bill, came back with specific purpose to not allow a misinterpretation of a 100-year-old statute. A new interpretation of the law at the federal level that would allow people, and this actually happened, where a lawyer is able to take thousands of dollars away from a debt to represent someone or to take them to court and the actual person who is paying the bill paid most of what was due, and the actual creditor, the person who provided the services, got less than \$100. Now, why would we want anyone to be taken advantage of? So in my mind, when I voted on this bill, and I listened to the testimony, I looked at an interpretation of a 100-year-old statute and a very smart lawyer that was taking advantage of the situation. And I guess that's what they get trained to do, and what they do, and I have all respect in the world for ethical lawyers, but in some cases I think taking it to the next level and actually taking advantage of somebody is not right, it's not ethical. And you'll notice that the threshold here is \$4,000. So this might be a bill that your neighbor has at a garage and they've fallen behind, they've fallen on bad luck and they can't pay their bill, so a creditor, an organization that collects for that actual provider, is asking the creditor, I can't make way with this individual, please help me collect the debt. And that's always been, I think, a substantial part of our society, you can call it a shylock, if you wish. I believe that sometimes negotiations break down between a provider of services and the person who has received the services. But I think the most important thing here is to read into the record what our legal counsels, and I have a lot of faith in our legal counsels in the Judiciary Committee, have given a summary of purpose and/or changes to the bill, Senator Schumacher

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

Floor Debate
February 05, 2018

alluded to those earlier, and then an explanation of the amendments. I quote: LB710 would allow a successful plaintiff in any case involving an amount of \$4,000 or less to recovery costs, interest, and attorney fees incurred in pursuing the matter. The bill would allow recovery of such attorneys fees and costs regardless of whether the claims pursued by the plaintiff are liquidated or assigned. And I think that's a key to the advantage that's been taken by lawyers--my own words, I'm not quoting now--I think that's a key to the new interpretation of the law that's being taken advantage of, particularly in the federal court system. Such attorneys fees, costs and interest would be available to the plaintiff in a lawsuit as filed at the expiration after 90 days after the claim has accrued. Meaning, pay it in full, or we're going to the next level. The bill further establishes that a claim accrues on the date, and I'm quoting again, the bill further establishes that a claim accrues on the date the services, goods, materials, labor, or money were provided. [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR KRIST: The date of the charges were incurred by the debtor. It defines, in my words, it defines the date by which the interest starts. The explanation of the amendments, AM1656, exempts from the application of the statute claims alleging personal injury. So we've taken personal injury out of it. AM1676 strikes language related to the definition of the accrual of the claim, removes language that would run...time line from the date the charges were incurred by the debtor. That, in essence, is the bill. I'll continue to support it because I continue to believe that those people who have a debt less than \$4,000 need the edge not to be taken advantage of by someone who is going to come in and interfere with the process. I'm picking the lesser of two evils. There's no question about it, there's no question about it, but that is my judgment. Thank you. [LB710]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, you're recognized. This is your third opportunity. [LB710]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, legislators are the ones who allow businesses to be built on the backs of the poor, on the backs of those who start with nothing. And the "Bible" even took care of that. It said...Jesus said this, to him that hath shall be given. From him that hath not, shall be taken that even which he seemeth to have. Even the little bit that you seem to have, they're going to take, and Legislatures populated by legislators such as we have today are encouraging the proliferation of these businesses who exist only to be like vultures and buzzards taking advantage of the poor, and those who cannot help themselves. We encourage bad acts, and we reward bad actions. But if it's done by one of these operations that is referred to as a business, it's all right, it's smart business. These people who know nothing about finance should know something about it. Well, if that's the case, why is it

Floor Debate
February 05, 2018

against the law to have insider trading? Because you're dealing with big shots, and you don't want some of them to be taken advantage of. But they make all of this money, they should be able to take care of themselves and let them do it, and if they could involve themselves with insider trading, they would do it. There are some people who have brought down financial empires who have hurt the economy of countries through insider trading, and using money that's not theirs to gamble with, not on football games and basketball games, but playing the stock market. Don't they call it playing the stock market? But they're considered respectable. And all they have to do is say I want this, and the Legislature says, you've got it. I've seen the way these collection agencies hound people. I'm aware of calls that have been made to people on Sunday, late at night, early in the morning, threats that are made. You think this Legislature cares? No. I'm going to take this time, and I know that Senator Baker is going around to get signatures for those...or pledges to invoke cloture. Invoke cloture. Then you know what my only alternative is? Take every bill to cloture so we don't get to it again. And you all don't think I can. This is a short session, brothers and sisters. I have not even begun yet. This is the 21st day, 21st day. Three times 20, make it easy for me, is 60. Two-thirds of the session left. And you think that I cannot burn these days. I'm burning up a whole legislative day. I've burned up entire legislative days in the past. And you say, ah-hah, but pretty soon we're going to go all day, um-hmm, and I'll burn them up too and I'll wear you out in the process. And if I say, let's stay here until midnight, how many midnights will you stay till? You think you can wear me out? That's what they used to try in the old days, and the later it got, the more energized I became. Maybe I'm part Dracula. When the heavenly shades of night are falling, then I become stronger and stronger. [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR CHAMBERS: Try me. Test me. Get these bad bills, get the signatures, or the pledges, and then see what happens. And I'll have a bill, you can try to kill it again, but you're not killing me. You'll just inflame me. If you have a fire-eating dragon, don't try to put that fire out by pouring gasoline. Gasoline is a flammable agent. And the dragon would say, I haven't had such a good drink in I don't know how long. It enhances the dragon's ability to do what a dragon does. And I'll tell you something else, people will pay more attention to what I say when I'm talking like this, than they will when we discuss the points of the bill itself. You know why they don't pay attention to that, because they're locked into it already and they know how they're going to vote, so they don't listen. But it makes me no difference. I'm going to be here for 60 legislative days, and I'm going to take plenty of time. Thank you, Mr. President. [LB710]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Chambers, you're recognized to close on your reconsideration motion. [LB710]

Floor Debate
February 05, 2018

SENATOR CHAMBERS: Thank you, Mr. President. There was a time...Peter was like a bull in a china shop. They say Peter means rock. Well, that's...Jesus called it rocky. He said, rocky, you won't sit still long enough to learn something. I try and I try to tell you, so I'm going to digress, because I can come back to this on my next motion. When these people finally came who didn't like Jesus, the religious people, like the priests, the rabbis, the imams, and the big shot religious people of today, he was creating problems because the poor people were listening to him. So they had to bump him off. They had to get rid of him. They had to ice him, and they figured out how to do it, and they did it, quote, legally, unquote. But his was a lynching, anyway. Jesus told them, you guys are not going to stick by me, and Peter said, yes, I will. When they came to get you, the soldiers, I took a sword and I cut his ear off. Then you picked the ear up off the ground, dusted it off, spit on it, slapped it upside his head and he was better than new. He could hear better out of that ear than he could before I cut it off because it had been touched by the Savior. So Jesus said, okay, we'll see. So as the time came for him to meet his fate, which was a horrible one, but there were others. Crucifixion was the execution for people. Others had been crucified, but anyway, he went to pray. And they say God and Jesus are one, but when Jesus was in that garden, and I don't know how people know what he said because nobody was in there with him and Jesus never wrote anything except when he wrote something on the ground when the hypocrites wanted him to kill a woman. Jesus said, if possible, let this cup pass from me. Nevertheless, not my will, but thine be done. That meant Jesus's will is on my left hand, God's will is on my right hand. When my right hand is over here and my left hand is over there, they are not one. Jesus and God were not one, they were not of the same mind. But Jesus was willing to subjugate his own thoughts. So he sweated blood and he went out to his disciples, who were supposed to watch with him for an hour. He's in the garden of a place called Gethsemane. What was his disciples doing? (snoring) So Jesus went over and he kicked Peter's foot, rocky, wake up. Can't you watch with me for an hour? And so Peter, he was a liar too, he said, well, Lord, I wasn't asleep, I rested my eyes. So Jesus said, okay, I'm going to give you another chance. I got to go back in here and wrestle with God some more. So he went and wrestled with God a while longer. Then when he came out, guess what he heard? (snoring) So he told him, you all are not going to be with me. And Peter said, I'll fight for you and I'll die for you. So he went through some matters, which I might discuss later on, giving you all your "Bibble" lesson for the day, and he had been handled like police handle people. He had been beaten, had thorns pressed down, he was bloody. [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR CHAMBERS: And so Judas had betrayed him. And Peter told Jesus, I'll be with you until the end. So he was warming his hands, it must have been cold. They said, you're one of him, I've seen you with...no, not me. Jesus had told him he would do that three times. That's one. Strike one. So Peter like Casey at the bat, he's ready for that one to come straight down the heart of the plate, and he'd hit a home run. But you all know what Casey did. Mighty Casey struck out.

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

Floor Debate
February 05, 2018

So another person said, I've seen you with him, I've seen you. Peter said, not me. So then somebody said, your speech gives you away, you were with him. And Peter said with an oath, no, I wasn't. Then the book, for whatever it's worth, Jesus looked at Peter and the cock crew, as it said, because Jesus said before cock crows three times, you'll deny me thrice. Jesus looked at Peter, then it all came down on him, and it said Peter went out and wept bitterly. [LB710]

PRESIDENT FOLEY: Time, Senator. [LB710]

SENATOR CHAMBERS: Thank you, Mr. President. [LB710]

PRESIDENT FOLEY: Thank you, Senator Chambers. Members, you've heard the debate on the reconsideration motion. The question for the body is the adoption of the motion. All those in favor vote aye; those opposed vote nay. Record, please. [LB710]

CLERK: 2 ayes, 18 nays, Mr. President, on the motion to reconsider. [LB710]

PRESIDENT FOLEY: The reconsideration motion is not adopted. Mr. Clerk. [LB710]

CLERK: Mr. President, some items, if I might. Confirmation reports from the General Affairs Committee, three separate reports. Your Committee on Judiciary reports LB906, LB913, LB923, to General File. LB708 and LB714 to General File with amendments, and LB955 indefinitely postponed. (Legislative Journal pages 518-523.) [LB906 LB913 LB923 LB708 LB714 LB955]

Mr. President, LB710, the next motion I have to the bill is Senator Chambers. Senator Chambers would move to indefinitely postpone. Senator Baker, you have the option to lay the bill over or take the motion up at this time. [LB710]

SENATOR BAKER: Thank you. Let's keep the bill going. [LB710]

PRESIDENT FOLEY: We'll take up the motion. Senator Chambers, you're recognized to open on your IPP motion. [LB710]

SENATOR CHAMBERS: Thank you, Mr. President. I have to figure a way to gobble up not quite 60 minutes. I think I can do it. I think I can. I think I can. I think I can. Then at 11:30 I'm going to say, I know I can. I know I can. I know I can. And then when the Clerk is to read things into the record, I'll say, I knew I could. I knew I could. I knew I could. You have to teach the same lesson to hard-headed people over and over and over, and I will do it. And some guy sang

Floor Debate
February 05, 2018

the song, oh, oh, oh, over and over, but I'm not going to sing anything this morning. But since I'm talking about...I talked about Jesus. When these people decided they were going to get rid of him, the Jews couldn't execute anybody, they had to get the Romans to do it. So when they brought Jesus to Pilate, who was what you might call a governor, Pilate didn't want anything to do with him. That was a religious argument. It didn't mean anything to him. He didn't like the Jews, he didn't like Jesus, didn't like any of that. But he had a job to do. And they said if you don't do the right thing, we'll say you're not the friend of Caesar. And that strikes terror into any politician. So Peter...I mean...Pilate and Jesus were having a conversation, and Jesus uttered the word truth, and Pilate asked Jesus, what is truth? And I sure wish Pilate had stayed for an answer, but he didn't wait for an answer, he walked out. So we don't know what the answer would have been. But who even cares? Who would even see anything in that little dramatic scene? Somebody who's not religious, but is going to use it to make a point. Not a religious point. But one that can be used by somebody whether they're religious or not. What Thomas Jefferson did was create a Bible that's known as the Jefferson Bible. He took the New Testament, everything that had to do with a miracle, he excised it. Everything that had to do with anything supernatural, he excised it. And he said what was left was still material, good enough to direct your life by. Maybe he was right, but it didn't direct his life, because he was a slaveholder. He thought he had the right to own people like me. He was having sex with girls younger than those sitting up there. And they didn't even have...she didn't even have the right to answer. People know that her name now...they know now her name was Sally Hemings and now the Hemings family and the Jeffersons get together for a family reunion because they can't deny it. This racist who became a President. I bet not a person on this floor can tell me Thomas Jefferson's wife's name. They know the name of the young woman that he raped, but they don't know his wife's name. Who even know whether he had a wife? He didn't act like it. There are anecdotes. Mrs. Jefferson, like any wife, did not want to be neglected. But if it was to happen, do it secretly. Don't do it out there in the open. Tom, you stay out of those slave huts, you leave those black women alone. And Thomas Jefferson thought what it was like, sweating on those hot nights on the plantation in the arms of this nubile girl, this young tender flesh. He said, Mrs. Jefferson, I will leave you alone first. And that's why Sally Hemings' name is known, but Mrs. Jefferson's name is not known. That's what I know about your history. And then...let me read something about your hypocritical Governor. Big headline, Ricketts asks Nebraskans to make a stand. This is from Sunday's paper, February 4, Lincoln Journal Star. Subhead, proclamation urges people to stand for national anthem. More than a year after three Husker football players chose to kneel during the national anthem, Governor Pete Ricketts on Saturday issued a proclamation urging all Nebraskans to stand for the anthem when it's performed Sunday ahead of the Super Bowl. You're not even at the Super Bowl. You're at home. You're supposed to stand up in your house when they play the song for the land of the "tree" and the home of the "slave". Why did he bring it up two years later? Because his boss, Donald Trump, brought it up in his State of the State, State of the Union message. And Donald Trump owns Governor Ricketts, owns Governor Ricketts' mamma and his daddy and he showed publicly that he owns them, and he brought them to heel.

Floor Debate
February 05, 2018

So Trump blew the dog whistle and Ricketts, (barking)...that's yes, master, in dog language. And Ricketts is like that little dog that used to sit by this megaphone, and the slogan under it was his master's voice. Ricketts heard his master's voice, and he echoed it. Let me continue. Quote, from your governor, I do hereby urge all Nebraskans to stand for the national anthem before Super Bowl L...it's a Roman numeral, but it's 52...Super Bowl LII to honor the service and sacrifice of generations of men and women of the United States Armed Forces, unquote, the proclamation reads. That thing was not written to honor the Armed Forces. They've turned it into a political side show. They lied to you all, and you accept it. You think that anybody had in mind these soldiers and sailors and the rest of them? That's what Trump told him to say. And he said, yes, master. Continuing the article. Shared in a tweet from the Governor's official account, the proclamation includes no specific mention of the controversy sparked during the 2016 football season when Nebraska players Michael Rose Ivey, DaiShon Neal, and Mohamed Barry knelt together in prayer before the Huskers game at Northwestern. The anthem is more important than prayer. Don't that beat all? And why now? That happened in 2016. And Trump called those black players who knelt or sat, SOBs, but being a Christian, he could...he used the word, son of a b. But I'm not a Christian, so I won't use it. But one day in a hearing, I was so incensed at what Trump had done in degrading Africa, and Haiti that I repeated, I quoted the words that he said. And it stunned everybody in that room because they know that I don't speak Christian. Continuing. Following the lead of NFL quarterback Colin Kaepernick, for the sake of the transcribers, C-o-l-i-n K-a-e-p-e-r-n-i-c-k, and he was a black man adopted by white people. Following the lead of NFL Quarterback Colin Kaepernick, who remained seated for the playing of the national anthem before games in August 2016, the Nebraska players said they wanted to use their platform as college athletes to send a message about the social injustices... [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR CHAMBERS: ...that they see facing minorities in the world. Nothing about soldiers, sailors. They didn't want to hear that. So they switched the discussion to soldiers and sailors, and airplane flyers, because they don't want to talk about the injustices because NFL itself is unjust. The universities are, this Legislature is. But white people don't want to talk about what we want to talk about. So we have to try to get your attention. Then we're called SOBs by your president. Suppose I sat on this floor and said that orange SOB and said the word? Why these white people would be outraged, wouldn't they? Such words coming from a state senator. How about from your President? Of course, you do hold me to a higher standard than him because I was not born in a gutter. [LB710]

PRESIDENT FOLEY: Time, Senator, but you may continue at your next opportunity. [LB710]

Floor Debate
February 05, 2018

SENATOR CHAMBERS: Thank you, Mr. President. Continuing. Ricketts asked days later about the actions of the Nebraska players during his statewide radio call-in show. Told the caller that the anthem protest was, quote, disgraceful and disrespectful, unquote, to men and women who have sacrificed for the country but that he, quote, respects the right of those players to protest, unquote. I think it's disgraceful the way he treats the poor people in this state. The mentally challenged, the physically disabled, all of those he's cutting for the rich white people like himself, and he calls players disrespectful for not standing for an insulting song. The land of the "tree" and the home of the "slave". And I'm supposed to stand for that? He thinks I'm as little of a man as he is. He thinks Trump could insult my mother and my father, and I would lick Trump's spit like he has done and continues to do. Yeah, I'm saying it about your Governor, Peter Ricketts, who is not much of a man. He'll take out after some football players. But he's a coward when it comes to the things that really counts. And he won't stand up to anybody who will stand up to him. Continuing. Rose Ivey responded the next day by sending a tweet to Ricketts asking for a meeting. A spokesman for the Governor confirmed Saturday that despite repeated attempts, the meeting never took place. The proclamation signed by Ricketts and Secretary of State John Gale, says the American flag is, quote, the greatest symbol of freedom the world has ever known standing for life, liberty, the American dream, and the millions of American men and women who fought and died to defend it, unquote. He's talking about that rag up there. The same one that was on the patches of these racist cops who took Rosa Parks to jail because she didn't sit where they thought she should sit. And you know what some white people don't understand because they don't know anything and don't read, when you got on these buses down south, they had a sign that said "colored" and you couldn't sit if you're my complexion in front of that sign. So she took her seat in the colored section. You didn't know that, did you? But you know what these racist weasels do? When all of the seats that the white people could take were taken up, they moved the sign further back, and encroached on the, quote, colored section, unquote. She was sitting where she was directed to sit. But when they moved the sign back behind her, she said, you insulted me once, I'm not going to let you do it further, I'm not moving. That's what happened. It's not that she sat down in a white section. They expanded it, and shrunk the insulting section. And these cops who took her to jail had American flags. I'm sure the courthouse they took her to said in God we trust. Yeah, the white god, the racist god. In God you trust. The American flag, it is a rag. Let the Governor take out after me for saying it's a rag, because that's what it is. And if he believed in what he claims, in his proclamation that it stands for, why does he want to eliminate Title X? And not in the standalone bill, slips it into a bill that deals with finances. That's him, the big hypocrite. And you all got to go along with him. Just because he's got Governor on his...as a title. [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR CHAMBERS: If he's just somebody out here on the street, you all wouldn't kowtow to him, but you've been trained, you've been conditioned. He's your master, he's not mine. He

Floor Debate
February 05, 2018

wishes he were. Standing for the anthem, the proclamation reads, quote, recognizes and honors the service of generations of men and women of the United States Armed Forces, unquote. I was the one who for years talked about how you all want to put stuff on a license plate saying you're interested in these veterans, then veterans can't even get treatment and consideration as human beings. See, when you're homeless, you don't look good, you don't smell good, your clothes are not clean. You're begging, you're hungry. He doesn't invite those people into his mansion. He'll invite you all. You don't miss a meal. But he'll invite you all over there to eat. Why doesn't some day he open the mansion and say, all veterans are welcome to come here? [LB710]

PRESIDENT FOLEY: Time, Senator. You may continue on your third opportunity, Senator Chambers. [LB710]

SENATOR CHAMBERS: Why doesn't he open that mansion, as it's called, and say, come here and eat, be fed, be treated like a human being, I respect you, I respect men and women like you, some of whom fought and died for this country? You think he'd want a bunch of poor, smelly people trooping into his mansion? No, he writes these pieces of paper that mean nothing. And then he's done his duty. And you all are not going to speak up. You're not going to stand up to him. If you cared about the veterans, why don't you join me? If I drafted a resolution, who would sign it? Saying the Legislature calls on the Governor to open the doors of that house which the taxpayers pay for--and he doesn't even live there all the time--and welcome the veterans. Give them a meal. Treat them with dignity. Treat them with respect. Let them sit down at a table and let somebody dressed appropriately with a towel over one arm and a pad in that hand and a pencil, may I help you, sir? May I help you, ma'am? What would you like? You think he'd do that? You know good and well he wouldn't do it. Well, if he won't let them come into his house, because they're dirty, they're smelly, and they're not his kind, let him rent one of these big restaurants. Let the Governor with his own money...he spent almost a half million dollars, he and his daddy, to reinstate the death penalty. Let them spend some money to rent one of these big restaurants, and it would be veterans' day. And let them come to the restaurant, since he doesn't want them at his house, the house that taxpayers provide for him. And you all get angry because I talk about a rag? And he talks about what it symbolizes. Well, you show some consideration for those people that it symbolizes. But you know what he says? Those who fought and died, the ones I'm talking about are already dead. They can't come to my restaurant, they can't come to my house. And you all have the nerve to judge somebody else. I honor those young black men. Took more nerve than the Governor's got, than all of you have got. You won't stand alone. You need a lot of company along with you. Not those young men. They knew how white people would regard them. And Colin Kaepernick did it alone the first time. Alone. In front of all those hypocritical white people. By the time the anthem's over, they kicked the ball, a lot of them are drunk. They're talking. They're buzzing. Some of them are sitting down in the stands. But they don't want a black man to stand up for his rights or to kneel for his rights? If you stand up, you're arrogant. If you kneel, that's disrespectful. Well, what kind of protest can we make? No protest.

Floor Debate
February 05, 2018

We don't care what you do. We don't want you protesting. You make people uncomfortable. Don't talk about it. All you do is inflame me. And these kind of bills help me, because they have white people in mind. Your kind. When they present these bills that gouge people. Oh, they hurt us and they hurt us more because we have less to start with, but you all comprise the large numbers. So if I help anybody, I have more white people than black people, because there are more of you. And if I was like you, I would announce on this floor... [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR CHAMBERS: ...that all these white people who are calling my office for help, don't call me anymore. Those who are writing me letters. Those who talk about how their child is mistreated by a teacher, when they've gone to the principal and the principal will not talk to them. Don't call me, call your white representative. You got 47 of them down there. Call them. When the sheriff is messing with your child because you're a family that's not popular in one of these little jerkwater towns, don't call me, call your Governor. Wrap yourself up in a flag suit and tell them, don't do these things to me. They'll burn you and that rag. You all know that I'm telling the truth, but you don't like to hear it told. You wish you could do me like they did Jesus, or you wish you could drag me out of here and hang me up by a rope, pursuant to that flag song, the land of the "tree". Oh, for the good ol' days when you could drag a black man out and hang him. [LB710]

PRESIDENT FOLEY: Time, Senator. [LB710]

SENATOR CHAMBERS: Was that my third time? [LB710]

PRESIDENT FOLEY: Yes, sir, that was your closing, wasn't it? Well, I'm sorry, no, you still have your closing left. You may proceed with your closing. You're recognized for your closing on the IPP motion. [LB710]

SENATOR CHAMBERS: This is my third time or I used my third? [LB710]

PRESIDENT FOLEY: You had three and now you have your closing. [LB710]

SENATOR CHAMBERS: Okay. Where there's a will, as I told you, and my middle name, if you shorten William, it is Will. Where there is a will, there is a way. And the way is under your rules. I don't circumvent your rules, I learn your rules, and I abide by your rules. Maybe I don't really want to stop talking, but when I ask the Chair, have I spoken my allotted number of times, and the answer is yes, then I stop. I'm not like Senator Erdman where the Chair can tell me, close it

Floor Debate
February 05, 2018

and then I can go on for three or four more minutes like he did this morning. I'll tell you what, I'm going to prove it. When the Chair says time, I'm not going to stop. I'm going to keep talking. And he'll tell them turn the mike off. They didn't turn the mike off on Senator Erdman, did they? Because he's one of you all. He's your kind of people. Not my kind of people. I watch what happens here. That happened this morning. That's why I ridicule you in your prayers because I hear what you say with your mouth, and then I watch what you do on this floor. I see the hypocritical things that your Governor puts in a proclamation. Why doesn't he write a proclamation for the family that has an autistic child? For the family that has a small child who has innumerable seizures? Why doesn't he come over here and say, we will support, meaning his administration, legislation? You know what the orange man did? And that hypocrite over there did not object to it? He got a bill through Congress or through his power, it's called let's try it. Medicines that have not been approved by the FDA, but if families are desperate and there's hope in these medicines, let the people try them. You all have read that. That's what the orange man said from Washington, D.C., and those who follow him love that. What about medical cannabis for the children in this state, huh? You don't put those things together, do you? Let these families try it. But the pharmaceutical companies say, no. He says that he's going to reduce the cost of drugs. Why won't he talk about medical cannabis? Because he doesn't like children, he hates children. You know why I say that? Those people he loves, he does something for. Look at the big tax breaks he gives to the corporations and the rich people. He hates the nonwhite people in Puerto Rico. Look what's happening to them right now. And they're part of the United States, but they're not your complexion. You don't hear him talking about what the great job is that he's doing, do you? Do you care at all? And all I'm doing is taking a little time here, and you get upset. Oh, it's so easy to punish you. All I have to do is what I do well. I have facility in doing it and I enjoy it. And you're going to say, I'm a bad fellow because I take a little time and they still don't have electric power in that island. There's a little bit of it because some private individuals are going around trying to hook up people's houses. That's a part of America. Why didn't Governor Ricketts talk about that? Don't talk about people who are dead, talk about people right now who are not given what things are promised to people who are supposed to be Americans. I see the underside of the garment every single day. [LB710]

PRESIDENT FOLEY: One minute. [LB710]

SENATOR CHAMBERS: I hate that rag. And let people say that I should say something else. I'll tell you, almost you make me speak like a Christian just like when old Paul the imposter was before Agrippa and a guy said, Paul, thou art mad. And the guide said that Paul was talking to, he said no, he's not mad, almost you persuade me to be a Christian. Almost, but not quite, because you're all crazy. Almost. You all make me want to speak Christian in talking about that rag and the hypocrisy in this country. But I haven't stooped to that level yet. I will never stoop low enough to be a Christian. My conscience won't let me do that. I cannot see somebody hungry, and I have the wherewithal, and I will not give them something to eat. [LB710]

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

Floor Debate
February 05, 2018

PRESIDENT FOLEY: Time, Senator. [LB710]

SENATOR CHAMBERS: Thirsty and I won't give them a drink. Thank you, Mr. President. [LB710]

PRESIDENT FOLEY: Thank you, Senator Chambers. Members, you heard the debate on the IPP motion. The question for the body is the adoption of the motion. Those in favor vote...Senator Chambers. [LB710]

SENATOR CHAMBERS: The house and a roll call vote. [LB710]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please. [LB710]

CLERK: 12 ayes, 2 nays to place the house under call. [LB710]

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. Members, the house is under call. Please return to the floor and check in. Senator Watermeier, Senator McCollister, Senator Pansing Brooks, Morfeld, Geist, Thibodeau, Brewer, Scheer, Hilkemann, please check in. Senator Hughes, please check in. Senator Hughes and Senator Hilkemann, please return to the floor and check in. Senator Chambers, we are lacking Senator Hilkemann. [LB710]

SENATOR CHAMBERS: We can proceed. [LB710]

PRESIDENT FOLEY: Thank you, Senator Chambers. The question for body is the adoption of the IPP motion. A roll call vote has been requested. Those in favor say aye; those opposed say nay. Mr. Clerk, roll call. [LB710]

CLERK: (Roll call vote taken, Legislative Journal page 523.) 0 ayes, 36 nays, Mr. President, on the motion. [LB710]

PRESIDENT FOLEY: The IPP motion is not adopted. I raise the call. Mr. Clerk. [LB710]

CLERK: Senator Chambers would move to reconsider that vote, Mr. President. [LB710]

Floor Debate
February 05, 2018

PRESIDENT FOLEY: Senator Chambers, you're recognized to open your reconsideration motion. [LB710]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, this motion is to give you a chance to redeem yourselves. Now, I'm going to put another motion up there and that will carry us to the end of this legislative day, and as those two guys, one of whom died, who give car talk at nine o'clock on public radio, at the end they say, you've wasted another perfectly good day, or hour. They know a lot about cars, and that time is not wasted when you listen to them. And they're very, very funny. So I'm not going to say that you wasted another perfectly good legislative day. Because had I not done this, what you would have done was not good, in my opinion. We have not talked about interest rates as such. But this is a pernicious bill because it allows you not only to undo somebody who is poor, but to add insult to injury. It would be like a poor person who had to bring corn to the one who buys it in a crocus sack. They steal the corn from him, then they take the sack also. That's what you want to do with this bill. You're going to help the predators and then take what little bit that debtor may have thought he or she had. The other day when we were talking about Senator Schumacher's bill, dealing with the interest that you pay on delinquent taxes, there were people who actually argued on this floor and said that that interest rate should be usuriously high as an incentive, but it hurts the poor more than anybody else because they like to hurt the poor. They're sadist. I think when they were little, they stuck pins in beetle's eyes and pulled the wings off butterflies. That's what they did as children, and now they carry it over until today. You can speculate about what their upbringing must have been. They're now in a position where they can let it all hang out. And though there's power in this Legislature to make this little corner of America, what you all boast about it being, and you won't do it. You won't do it. But when it comes to hurting those who cannot help themselves, you pile on with a vengeance. So, I've decided with whom I will cast my lot, and it's not with you all. It's not with the oppressors. Don't talk about North Korea. Don't talk about Syria. Don't talk about Iran. Don't talk about any of those countries. Talk about the United States of America right here, right now, which you don't have to, and you won't. These young white kids up there, young white students, if some of them are, are going to have a chance to stand here, sit here, and watch how public education is emasculated. How the university, for political reasons, can become a whipping boy. People on this floor who are begging to give tax relief to the people out there in hinterlands where they live, then they're going to gut the state's university. People without education don't appreciate the value of it. And they say, being ignorant, they made it this far being ignorant, let these kids who are going to school now be ignorant. They don't need to know anything, maybe how to shuck corn. I wonder why it is that the industry which is presided over by rural people, is the most deadly and dangerous in this country. Why is that? Why is agriculture the most dangerous? And I'm talking about people dying of any pursuit. More dangerous than working in the oil fields above the ground, more dangerous than working in the mines under the ground. And yet rural people run it. And you see what happens? The most dangerous place of all, the most dangerous enterprise of all. And then they don't want you to get

Floor Debate
February 05, 2018

any education, so you'll stay here and go on the farm and meet the fate that they met. But see you've had a chance to see the big city. You've come to Lincoln. You've seen that lights stay on far into the night. Cars. You don't want to stay down on the farm. If it sounds like I'm being sarcastic, see how sharp you are, even though the university is to be gutted. I promised that I was going to burn up this morning, and I'm doing it. And I'm contemplating what I'm going to do tomorrow. And tomorrow, I'm going to talk about Judge Kelch, and I'm going to keep putting out information to show you where I as a black man stood up for white women who were abused by these white judges, and why that white Judicial Qualifications Commission gave him a little tap on the hands. I'm going to show you where a white female lawyer was in chambers with a judge, the lawyer for the other side, and he told that woman, f-you. Being a Christian, he used the word. He used the word. And it was brought to my attention. Do you know why? Because that lawyer had filed a complaint with the Judicial Qualifications Commission, and they dismissed it. The white men dismissed it when this white judge said that to this white female attorney. So you know what I said when it's brought to my attention and I filed my complaint? They'll dismiss it when she brings it, I'll bet they won't dismiss it when I bring it. And they didn't. All they gave him was a public reprimand, but that was better than nothing. Not much better. White men can't get anything from them. And he acknowledged that he learned something from that experience. I taught him something. And I taught all of these people who practice law and become judges, that that ethical standard you have sworn to uphold and meet as a lawyer follows you everywhere in everything you do, and it follows a judge into his or her chambers. And that person who is a judge wearing the robe is not exempt. And the Judicial Qualifications Commission made that clear after they had told this woman after she had been victimized once, get on out of here. Victimized her again. Where were the white men? Where were these white men who were so brave, who were so bold, who were courageous? Where were they? And what happened? The white women came to a black man, who was held in contempt by the people in this state because they know that I'm a better man than all of these white males. And even those on the Judicial Qualification Commission knew it. And you know who chairs the Judicial Qualification Commission? The Chief Justice of the Nebraska Supreme Court. And that's why I'm drafting a letter to him about this Judge Kelch, who just quit. I'm sending out a request for help because I don't know things about alcoholic beverages. I need to know if beer will make a person belch. Can I get a...can I get a response from somebody in the house? Does beer make a person belch? I guess there are no beer-drinkers in here, none who quaff that golden liquid with the foam on top. It looks good. But I wouldn't drink it. I will do my research then. [LB710]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute. [LB710]

SENATOR CHAMBERS: I'm going to see if Cindy, the lady who works in my office, can go on the Internet and find out whether beer makes a person belch. What else rhymes with Kelch? He

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

Floor Debate
February 05, 2018

should have got a more rhymable name. So if beer will make you belch, I'll say, as surely as beer will make you belch, I'm going to pull the cover off Kelch. I'll find something to rhyme. I rhymed a little bit on him this morning. So, tomorrow we're going to have a discussion about judicial misconduct, the unwillingness of judges to police their own ranks, the way they're willing to allow the public's trust in the judicial system to be destroyed, how like cops who had that blue wall of silence and they protect each other. [LB710]

SPEAKER SCHEER: Time, Senator. [LB710]

SENATOR CHAMBERS: Thank you, Mr. President. [LB710]

SPEAKER SCHEER: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers, you're recognized. [LB710]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I sent the Chief Justice and the Governor a copy of what I had handed out on your desk this morning about Judge Kelch. And I made reference to another scoundrel named Bryce Bartu. And it shows how I went after him. And I was pursuing him when those charges were pending against him before the Judicial Qualifications Commission. And I gave you some information from a deposition by the then Chief Justice of the Nebraska Supreme Court. You all...and when I say that, not you on the floor, those white people in the legal profession like Senator Hilgers...you all make me have to do a lot of research. I had to go back into the '90s to find a copy of the deposition that the then Chief Justice gave in a federal lawsuit. Who in here does that kind of research? Who? Who cares? I do. So, in the same way I use your standards when it comes to the Bible and religion to condemn you and whip you with it, I go to get the information from your legal proceedings to use against you. And when I say that, I mean these judges, these lawyers, who can watch violations of their ethics and their oaths, and feel comfortable in the presence of that without doing anything about it. Women...I don't care what their status is in this country, supposedly, in terms of a job, a professional title, are still deemed to be subordinate. They're to be submissive. They're to be presided over. In a room, they can be discussed as though they're not present. People talk over and around them, and all women have experienced that. The only women are...the reason women are speaking out now, because they have numbers. And there are some men who are willing to join them. Some men who remember that their mothers are women, that their daughters are going to grow up to be women, the same with their sisters, their nieces. But something is abroad in the land, and it's not under the control of men. Men everywhere are shaking in their boots. Am I going to be next? I don't worry about that. I don't mistreat anybody. I don't take advantage of anybody. I'm the one people come to when they're being taken advantage of and I'll do what I can. I wish I had a magic wand that I could wave and solve the problems of everybody. Magic wands are only found in the Harry Potter books. And by the way,

Floor Debate
February 05, 2018

they were written by a woman, and they have been smashing successes. I don't know what it would take to persuade women in general to use their numbers. They're a majority of the population, vote. Don't vote the way these men dictate. You Republican women are told by these politicians, vote for Trump, and after he's shown that he has committed sexual assault, you can grab their genitals. You can do anything to them you want to. He admitted that he said that. One thing that none of these people mention is how...he's married to a foreigner. I don't know if she came over here, how she got in this country, but she still doesn't speak English well. Why will I say that? I'm putting on him what he puts on other people. At least she could learn how to speak English properly after being here all those years, but you know what she said? I have two 10-year-old boys in my house. Two 10-year-old boys in my house. The orange man and her little boy. Why don't they mention what she said, how she described that idiot? A 10-year-old boy. [LB710]

SPEAKER SCHEER: One minute. [LB710]

SENATOR CHAMBERS: And you ought to look at her when she has to stand next to him, and she knows the contempt with which he is regarded. And those mechanical "Replicans" like Governor Ricketts don't do much for her because she knows that they are his sycophants. But if there has to be one man to start the ball rolling, you're looking at him and trying not to listen to him. Thank you, Mr. President. [LB710]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Chambers, you're recognized. This is your last event at the mike other than your close. [LB710]

SENATOR CHAMBERS: Members of the Legislature, you didn't think I could do it, did you? You thought that today I was going to fade. I...this is the kid. (Laugh) I am enjoying this too much. And I'm going to say to you all again what I said one time. If I hadn't been mistreated so badly in this Legislature and other places by white people, I would have died 10 or 12 years ago. I would have kicked on out of here. But now, no. I'm going to go on living just to spite you. To spite you. That's why I'm going on living. That's why I'm strong. That's why I don't get tired. I have something fueling my engine. The other day some people were bawling on my office door. See they don't do that if they think I'm in there. That's what white people do. That's the way they operate. You all don't experience any of that. You'd probably be running and hiding. I don't hide from anybody. I am accessible. When I used to give talks around the country, young black men would ask me where my entourage is, and that's the word they use. And kidding with them, I said I don't know what an entourage is. What is that? I said I don't wear those kind of clothes and they'd laugh. They would say, no, that's a bunch of guys who are like bodyguards. I'd say, what would I need a bodyguard for, and why would I need several of them? Well, the way you talk, people kill people like you. I'd say, well, I'm not going to have an entourage. I'm not going

Floor Debate
February 05, 2018

to have a bodyguard, and if somebody wants to do something to me, it's all I can do to take care of myself. I don't want to have to worry about somebody else. They'd only get in my way. So all of this talk...all the threats that people call in, all the other negative things, will not do anything to alter my conduct. And I know they've got a lot of crazy people in this society. But such is life when you live among white people of the kind that are in Nebraska. Now, you let somebody threaten the life of one of these people in here, they'd be shaking in their boots. They'd want a state trooper stationed outside their door and accompanying them everywhere they went. And I'm going to live like that? I'm going to live like that? Not I. Ah-ha. Whoever gave me this information, thank you. Thank you, thank you. I can now rhyme Kelch with belch. I like to do my research, but when I don't have the wherewithal, there are people who help me. I sent out the call, and it was answered. Didn't Jesus say, ask and it shall be given you? He didn't say who to ask, necessarily. But you have to ask. You can't win the lottery if you don't buy a ticket. I'm going to talk about these judges tomorrow. And I don't think there's better use that can be made of this...that time. The judiciary is the third branch of government in this state, but we have the most power because we control the purse strings, but as far as the most influence, the judges, the judicial system, wield that greater power, that greatest power because they interpret and construe the laws we enact. [LB710]

SPEAKER SCHEER: One minute. [LB710]

SENATOR CHAMBERS: They can say a bill we put into law is unconstitutional, and that's it. The judges can erase it. When people are given that kind of awesome power, there's a high standard that they are called to. There's a high standard. They should feel an obligation to meet because they voluntarily take an oath. Kelch took an oath. He sought that job. He knew what he was dragging behind him. There are questions that are asked. Famous questions. Romeo, Romeo, wherefore art thou, Romeo, not location, but why must you be, Romeo? To be or not to be is the question Shakespeare asked and didn't get an answer. What is true, Pilate asked Jesus and didn't stay for an answer? Then the famous Watergate query. [LB710]

SPEAKER SCHEER: Time, Senator. [LB710]

SENATOR CHAMBERS: What did they know and when did they know it? You said time? [LB710]

SPEAKER SCHEER: Yes, Senator. [LB710]

SENATOR CHAMBERS: I will be recognized again because of the time now? [LB710]

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

Floor Debate
February 05, 2018

SPEAKER SCHEER: I think that would probably be correct. Mr. Clerk. [LB710]

CLERK: Mr. President, Enrollment and Review reports LB321 as correctly engrossed. Enrollment and Review also reports LB743, LB757, LB744 to Select File. I have amendments to be printed: Senator Walz to LB710, Senator Kolterman to LB548. New resolution, LR312 by Senator Brasch. That will be laid over. Name adds: Senator Stinner to LB299; Wayne to LB548; Stinner to LB1001. (Legislative Journal pages 524-530.) [LB710 LB321 LB743 LB757 LB744 LB548 LR312 LB299 LB1001]

Mr. President, Senator Brasch would move to adjourn the body until Tuesday, February 6, at 9:00 a.m.

SPEAKER SCHEER: Colleagues, you've heard the motion to adjourn. All those in favor please say aye. All opposed say nay. The ayes have it. We are adjourned.