

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

Floor Debate
February 08, 2018

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LB304 LB310 LB347 LB350 LB377 LB399 LB614 LB668 LB669 LB694 LB695 LB874
LB880 LB940A LB940 LB1069 LR306 LR307 LR308 LR309 LR312]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the twenty-fourth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Pastor Josh Maxwell, the Falls City Church of Christ, Falls City, Nebraska, Senator Watermeier's district. Please rise.

PASTOR MAXWELL: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Pastor Maxwell. I call to order the twenty-fourth 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. Are there any corrections for the Journal?

CLERK: I have no corrections.

PRESIDENT FOLEY: Thank you, sir. Any messages, reports, or announcements?

CLERK: Mr. President, the Business and Labor Committee gives the hearing notice. Gubernatorial appointments to the Nebraska Information Technology Commission. New A bill (Read LB940A by title for the first time.) An amendment to be printed to LB940 by Senator Friesen. A series of reports have been received by the Legislature from various agencies. Those will be available on the legislative Web site. And, Mr. President, the lobby report as required by state law. That's all that I have. (Legislative Journal pages 567-569.) [LB940A LB940]

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Doctor of the day and visitors introduced.) While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following four legislative resolutions: LR306, LR307, LR308 and LR309. Senator McDonnell, for what purpose do you rise? [LR306 LR307 LR308 LR309]

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SENATOR McDONNELL: Point of personal privilege.

PRESIDENT FOLEY: Please proceed.

SENATOR McDONNELL: Last night I was pulled over for not maintaining my lane on I-80. The trooper was professional. He was polite. I refused. We are held to a higher standard. I'm not here to represent myself. We should not make decisions that would affect our district or the state negatively. I take full responsibility for my actions and the decisions I make, but I also need to apologize to this body for making a decision that was more about me than about the people I'm representing in my district and the great state of Nebraska. I apologize to my wife and son, the people of my district, and the members of the Legislature which I'm honored and proud to serve in. Thank you.

PRESIDENT FOLEY: Thank you, Senator McDonnell. Speaker Scheer.

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Being the last day of the week, I would like to let you know what we may have in front of us for next week. As far as General File, we do have...my assumption will be LB775 will be coming back after I receive confirmation on support of that. LB838, which is Senator Wishart's bill, Senator Kolowski has prioritized that. That will be up next week as well. There will probably be perhaps other priority bills that will come in either today or during the week that I might be bringing forward. If it is what I would perceive to be controversial, I certainly will hold off and let you know next week at the end of the week anything that could be coming forward. As far as other items, we will have some Select Files moving forward next week. LB758, LB936 and LB710 both will be coming back on Select and quite possibly we'll have some discussion in relationship to those. In regards to today's agenda, I wanted to make sure that everyone had noticed that any bill that will return to Select File for a specific amendment will be passed over today. Now in past, I'm not prohibiting...in earlier sessions we've allowed the ability to strike the enacting clause on Final Reading. That is still the case because it is not going to involve, hopefully, a longer term than just a conversation. But those that will have an amendment that will change it will be pulled over today and will be worked on again next week, but I'd like to get the Final Reading done as much as possible today. There are some Select that are on-line as well, so nothing's getting lost. But if there's an amendment that is indeed an actual amendment, that bill will be ran over and be brought back next week on Select File as well. This is our first Final Reading of the year, so I wanted to draw people's attention to what we have done in the past; so if this does come up, I want to make sure that everybody is aware of the process that we'll be using. Again, if there's any questions, concerns, please contact myself or the office. I would be glad to try to work anything through any problems that we may have existing. Thank you, Mr. Lieutenant Governor.

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PRESIDENT FOLEY: Thank you, Mr. Speaker. As the Speaker indicated, we are on Final Reading if members could please be at your desk so we can begin Final Reading. Members, we're trying to begin Final Reading. We need you all at your seats, please. Senator McCollister, if you could return to your desk, please. We'll now begin Final Reading. Pursuant to the agenda, the first bill is LB668. Mr. Clerk. [LB668]

CLERK: Mr. President, Senator Chambers would move to return LB668 to Select File for purpose of striking the enacting clause. (FA100, Legislative Journal page 569.) [LB668]

PRESIDENT FOLEY: Senator Chambers, you're recognized. [LB668]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, so much to do, so little time in which to do it. I'm talking about this morning. For the rest of you, think of the entire session in those terms. There are important issues that are important no matter who's looking at them regardless of whether you favor or oppose the form in which they'll come before us. There are other issues that are important to individual senators. Some will speak...let me not put it that way. At least one will speak on those other issues. This morning I had prepared an amendment to each of the two bills up there because they're not that consequential. My amendments were, but not the bills. When I was informed that any bill on Final Reading today that had a motion to return for a specific amendment would be taken off the agenda, I did not offer my amendments on those bills, but I can still talk about what I had in mind. This was going to be a teaching session by showing the types of things that can be done with bills on Final Reading. I had selected these bills not just because they're early in the session; but if they do not pass, no great harm is done. But they could get back before us if the morning was appropriated by me and there was no chance to read them. It is not my intent...it was not my intent when I came to kill any bills on Final Reading. But just like those killers who want to take the lives of mountain lions, can you imagine all this red meat on Final Reading that you all have given me this morning and all of these bills have been delivered into my hands, all of them. All I have to do...I have my little yellow pad, and I have some writings on these pads. I'm not going to tell you what the writings are. Write a motion to return those bills, and I can take them off Final Reading. You all have no idea of what things develop as we move through the session that will give me the opportunity to take my revenge, to get my pound of flesh. Those of you who are running for a higher office and have offered bills to try to enhance your chance to win, you may run into a roadblock because you won't get that opportunity by using this Legislature, especially if it's the kind of thing to deprive black people of the right to vote. Speaking of that, as I will on various issues this morning, I heard an interesting story on public radio. The census people this time around are going to count as the residence of prisoners the facility in which those prisoners are housed. So all the prisoners in all ten of the institutions in Nebraska and all the county jails and city jails, regardless of where the person who is imprisoned comes from, will be counted as a part of Nebraska's population for the purpose of determining representation in the House of

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Representatives, but those people in Nebraska are not allowed to vote for the representatives. Their presence might cause to increase in number in Nebraska. It reminds me of that provision in the constitution which declared my people to be property. We were not full-fledged human beings. Roman Catholic Chief Justice, Roger B. Taney, stated in one of his...his most notorious decision, the Dred Scott decision, in addition to the fact that black people couldn't be citizens anywhere, black men have no rights which white men are bound to respect, and that's the attitude in this country today. But I'm not Dred Scott, and I have no dread of standing up and speaking in the way that I think I should in the presence of mine enemy. In fact, I ought to have a sandwich; and instead of the lobbyists, I'd say God gave it to me because the 23rd Psalm said, thou preparest a dinner for me in the presence of mine enemy. Where do I have more enemies concentrated than on the floor of this Legislature? The people cannot vote whose numbers will add to the population of this state for the purpose of determining representation in the House of Representatives. Black people could not vote. Black people could not be citizens. Black people are not deemed full-fledge human beings, but rather property like cows, pigs, and chickens. But although treated like animals; if you had sex with an animal, they'd punish you. If you raped a black woman or a black male, that was not a crime. And there was much rape of black women by white men, including presidents, white presidents. So Donald Trump comes from a long line of sexual predators, but they are honored. He's just carrying on the tradition. He boasted about his sexual predations, grabbing women's genitals, by becoming the President. And he said, George Washington did it. Thomas Jefferson did it. Andrew Jackson before...under whose picture you always see me, he did it. All of them did it. And even some of those who were not documented to have done it, we know as black people they did it. Women know they did it. And when you look at the women that these men go after today, you know they did it, but they're to be honored. So how could these racists in the South who deemed us property gain power in the national government while at the same time not having us be deemed full-fledged human beings? Well, everybody could vote under you all's constitution, which talks about we the people of the United States which obviously didn't include black people. We were not people. Things are what they are because white people say they are. The constitution, in determining how you reckon representation, mentioned that these white people, miscellaneous white people, can be counted. People held to a term of years, indentured servants could be counted and those were white people. Black people were slaves. Some of you all didn't know to whom that term referred when it said, "held to a term of years." People came over here and agreed to work for a certain amount of time in exchange for their freedom being paid for, maybe their passage from Ireland. What about the Indians not taxed? They couldn't vote. What about people held to labor? They didn't put the word "slave" or "slavery" in you all's white people's constitution, but you described it. Three fifths of them shall be counted in order to give more representation in the national government to these racists, these savages, these inhumane, vicious, barbarians could have more representation... [LB668]

PRESIDENT FOLEY: One minute. [LB668]

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SENATOR CHAMBERS: ...and more strength to hold black people in bondage. Three fifths of them would be counted to give the racists in the South more representation and power in the national government. That's how things happened, happened in this country, and the carryover is felt today. If I were of a mind, I could let those things infect the way I'm thinking this morning and kill every bill temporarily, put it in a state of suspended animation just by means of my pen. My pen would be mightier than the sword, but I haven't chosen to do that because it doesn't suit my purpose. But I'm going to take something that is valuable. [LB668]

PRESIDENT FOLEY: Time, Senator. [LB668]

SENATOR CHAMBERS: Thank you, Mr. President. [LB668]

PRESIDENT FOLEY: You may continue on your second turn. [LB668]

SENATOR CHAMBERS: When I said take something that is even more valuable, the Lieutenant Governor said time, and that's exactly what I was going to say is more valuable that I'm going to take. But he said that word to let me know that I had reached the limit of my allotted time to speak on that particular point. I've been talking about a judge, former judge now, named Max Kelch, who committed sexual harassment against court employees; and I'm sure the Governor knew about it before he made the appointment. That's the Governor's kind of person. He talks about the respect he has for Donald Trump and how pleased and proud he is to work with Donald Trump's administration. He knows Donald Trump is a sexual predator. He ought to be on the sexual offender's registry, but he's not. So Max Kelch got that position. Do you mean to tell me you believe that the kinds of things he was saying in the courthouse in Sarpy County to female court personnel, those things were not talked about, those things were not known? You all are not that stupid even though some of you may be deemed rubes and "hickified" people because you come from the rural areas. But even out in rural areas you know something about what I'm talking about because you got little children, so you know what's done to bring those little children here. And you're going to have a judge carrying on in that fashion, so notoriously that from what I can gather the Judicial Qualifications Commission filed a complaint against him, and it's not known? As much gossip as goes on around here in this statehouse and a courthouse is like that. And as Senator Brewer and Senator Krist know, Army barracks run a close first with them as far as rumormongering and spreading of gossip. And yet the Governor, through his spokesperson, said he didn't know anything about what this man had been doing; and he would not have appointed somebody had he known it. I believe he is the one who appointed the former head of the State Patrol, mm-mm-mm-mm-mm. Once the dominoes begin to fall, the dominoes...each domino that falls hits the one next to it, it falls. Then another domino falls. There are things going on in this state that ought to outrage you all as much as it does me. But you know why it doesn't? Because your white men are doing these things, and you've been

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trained and conditioned to honor them and let them do any and everything they want to, to you, to young females, and you still call them Your Honor. Some of you are embarrassed at these publications I've been putting out naming judges who have done wrong. I'm going to boast. First of all, it's a poor car that won't toot its own horn. [LB668]

PRESIDENT FOLEY: One minute. [LB668]

SENATOR CHAMBERS: No Governor, no Chief Justice, no Attorney General, no lawyer, no Speaker or member of the Legislature ever did as much as I've done in policing the judiciary; and I gave you specific names and instances where I filed the complaints that got them disciplined from mere public reprimands to being removed from the bench. Who else has done that? Not any of you. You don't even talk about it because you know I will. So you can sit back and say, well, if he is there, he'll say something. You ought to be ashamed of yourselves, but you're not. You know no shame. Not just on that, but on the kind of things we do on this floor in terms of legislation that we ought to enact, but we won't. [LB668]

PRESIDENT FOLEY: Time, Senator. This is your third opportunity. You may continue. [LB668]

SENATOR CHAMBERS: When I say that I've done something or intend to do it, I'm not blowing smoke or bluffing like some of you all. I had pointed out on that bill for the Game and Parks Commission, Senator Stinner's bill...Senator Stinner's a nice person. But when Senator Stinner brings the kind of bill he did yesterday, I delete a letter from his name, the t. And when you delete t from Stinner, it's sinner, but see I wouldn't send senators to hell or sinners. Maybe I'd send senators. But I had said that I'm considering legislation to have the state divided into nine districts because that's how many commissioners there are. Right now there are eight appointed by the Governor from individual areas of the state, and then one who is at large. So I will have the state broken into nine districts, and this is a tentative map, a map of the entire state broken into districts. Then you can look at what the districts in Douglas County would look like because that's where I live. If I tell you a hen dips snuff, look under her left wing and you'll find tobacco stains. I'm not like you all who bluster and blow and talk about what you're going to do, then you won't do it. They know you're just faking because you're not even your own person. The Governor dictates to you. The lobbyists dictate to you. I'm embarrassed for some of you when you read these statements the lobbyists gave to you and you stumble and fumble through them. Then you don't even know what was in the statement. I'm a member of the Legislature. The contempt that people have for this body is a bunch of bumbling idiots can splash over onto me. You all know I quote the "Bibble." There was one point where Moses told some people, come over here and make yourselves separate. Who's on the Lord's side? Come over here. Don't stay over there because if you stay over there you are partaking of what they are. So I want to distinguish myself from the rest of the senators, and I do it by what I do and what I say, but

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mainly by what I do. I got a call this morning from a white gentlemen whom you all probably wouldn't even have talked to. He goes through a ritual every year of having to spend time in jail because he's in arrears on child support, and the child support that he cannot pay continues to pile up, primarily when he's locked up. Why would I be sympathetic to somebody like that? Because he's totally disabled. He has no way to pay anything, but you all's white system sends him to jail. Why would he call a black man? There are 47 of you all. Why didn't he call you all? Because you show on this floor you don't care. I'm talking about people who have problems that we can help solve and we won't do it. How can you act like you're worthy of some kind of respect and consideration? I know you're not going to take on the judges. I know you're not going to take on the Governor or the Attorney General because they have labels, and you bow down to badges, titles and labels. A man ain't nothing but a man. I don't care what label he wears. And some guy said in a movie, a hero ain't nothing but a sandwich. You all deal in labels. The reality escapes you. But I'm going to bring the reality into this Chamber. The amendment that I was going to offer... [LB668]

PRESIDENT FOLEY: One minute. [LB668]

SENATOR CHAMBERS: ...on each of those bills to teach you all something had to do with me striking all language from those bills, which wouldn't have been done, but to teach you how it's done, and insert in the place of that information the contents of my bill to outlaw hunting of mountain lions. I don't want to kill any bills by that method today because somebody could make the analogy and say, you all wouldn't think of it, you're not this swift. You didn't want mountain lions to be shot while in the tree, yet our bills are in the tree helpless and you're going to shoot them down. You all don't think that far. You know how to whine, but you don't know how to think very far. And I'm not going to require the Chair to tell me time, but I know my time is up so I'll stop for now. Thank you, Mr. President. [LB668]

PRESIDENT FOLEY: Thank you, Senator Chambers. You're now recognized to close on your return motion. [LB668]

SENATOR CHAMBERS: I'm closing and I'm closing in, and I can make one more motion on this bill and that motion would be to reconsider the vote that you're going to take on my motion to return this bill to strike the enacting clause. That, for those who may not have read the rule book, is the equivalent of a kill motion anywhere else. That is one of the motions you can make on Final Reading. And so you all won't think I'm a genius, just take that thin, little rule book that you've got, look in the index, and look up the motions that can be made on Final Reading. Then you all will know as much as I know from reading the book, but sometimes it's the spin that you're able to give on that which puts you ahead of everybody else. We could set a big block of marble in the aisle here, and you all will see a block of marble. Michaelangelo, who by the way

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was gay, not happy. He may have been happy, but he was gay. He liked men. He wrote love poems to boys and men. Did you all know that? And what else did he do? The hypocrites here do not want to protect gay, lesbian, transgender people from discrimination in the workplace or anywhere else. The popes came to Michaelangelo. They said, Mike, we know you got a little sugar in your britches, but you can paint better than anybody else. So we want to take you to this holy place where God lives, where his son Jesus lives, where the Heiligen Geist lives. Now Senator Geist may know what a geist is, other than her last name. All right. For the rest of you rubes, the Holy Ghost. The big three, "daddyo, laddyo and spook." They meet in the Sistine Chapel, and they talk about whatever those big shots talk about. Jesus says, Pops, you made a mistake when you created men, didn't you? And foreshadowing Billy Joel, the Holy Ghost spoke up and said to junior, "You had to be a big shot, didn't you/ had to open up your mouth. You had to be a big shot, didn't you/ All your friends were so knocked out/ You had to have the last word, last night/ So much fun to be around/ You had to have a white hot spotlight/ You had to be a big shot last night" but Pops will shoot you down. So you apologize, so "laddyo" said, "Daddyo," I'm sorry. All right. So they had their meetings in the Sistine Chapel. Then they get this gay person, this homosexual. I said, this homosexual, and they told him, we want you to decorate this house where God, his son, and the Holy Ghost live. And I could tell you what the panels consisted of, but you need to look up some things for yourself to improve your mind; but one of them shows one man's finger, one man's finger, the biggest man of all reaching down and being met by the finger of another man,... [LB668]

PRESIDENT FOLEY: One minute. [LB668]

SENATOR CHAMBERS: ...two men. And that's one of the most famous images that Michaelangelo, Mickelangelo (phonetic) as some people say, painted--man to man. Where was the woman? Jesus' mama was a woman. You all don't look at those symbols that you put out here for other people to worship and other people find them contemptible because of the way you comport yourselves. So I am just about at the end of my tether on this, my first motion, but I have another one. If you don't know me by now, you will never, never, ever know me; but you all know me by now. So, Mr. President, we're on Final Reading. Everybody should be in their seat, but I would like them to check in, then I'll take a roll call vote. [LB668]

PRESIDENT FOLEY: Thank you, Senator Chambers. Members, please check in so we can record that everyone is present. Senator McCollister, could you check in, please? Waiting for Senators Brewer, Larson, and Murante. Senators Larson, Murante, and Brewer, please return to the floor and check in. All unexcused members are now present. The question before the body is the adoption of the motion to return the bill to Select File. There's been a request for a roll call vote. Mr. Clerk. [LB668]

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CLERK: (Roll Call vote taken, Legislative Journal pages 569-570.) 0 ayes, 47 nays. [LB668]

PRESIDENT FOLEY: The motion is not adopted. Mr. Clerk. [LB668]

CLERK: Mr. President, Senator Chambers would move to reconsider that vote. [LB668]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your reconsideration motion. [LB668]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I will continue and point out just for the edification of everybody else, and some of you, most of you, maybe all of you know when we're on Final Reading and we're not actually reading a bill and there's discussion of a motion or whatever, then that interrupts and cancels for that period the necessity of you staying in your seat. That's why people wander around, wander off, and slip gently into that good night. I was trying to figure what I could say that encapsulates the appeals that I get from people that you all don't. And it occurred to me that maybe what I ought to do is look at something that I put together myself because I write rhymes. This was on the third of the four "Ernie-grams" as I call them, number three that I handed out on the 7th, which would have been yesterday. The title, "WHY ME? [WHY NOT ME?] I shan't whine, neither shall I yelp/ When people seek me out, seeking help;/ Burdened down with care and woe./ They've got to find some place to go/ In order, from their plight, to break free;/ For better or worse, that 'some place' is me./ Have I given them cause for belief/ That I will strive to bring them relief/ As one who 'neither betrays nor fails them'--/ 'Doctor Ernie--who'll 'cure what ails them'?/ Though I'm often a 'burdened-down' man,/ I'll always do the best I can./ But being frank, I must confess,/ I do not always meet with success./ (Even Christ in Savior's role/ Does not rescue every soul./) When we're born, we start our dying; Hence, I guess I'll keep on a-trying./ Ah--alas!--'tis my 'condition':/ 'LAST STOP ON THE ROAD TO PERDITION.'/ FINALLY: It is exceedingly odd/ That some come to me when they won't go to GOD.../ P.S.: As sure as beer can make one belch, I'll 'get the goods' on ex-judge KELCH." Just a little bit of humor. Every word in that rhyme is true. People come to me when they won't pray because they know no prayer is going to be answered. You know what teaches them that prayers are not answered? They watch the Legislature. They see you all pray every day, and not one of your prayers is answered except as I point out the answer is no. So why pray to nothing when there's a walking, talking, breathing man who just may decide to extend a helping hand to anybody who has no voice, who is weak, who is reviled, who is friendless, who is rejected, who is walked on, who at least metaphorically only, I hope, spat upon, made a prop for political posturing. I didn't read the paper, but I don't think any reporter printed my suggestion that the Governor open the mansion to let hungry veterans come in there, because see there are things that the media will not print that a black man says. That's the case in Nebraska throughout and Omaha and Lincoln. I think that's a wonderful

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suggestion. Maybe they don't want people to get ideas and say, yeah, that's what the Governor should do. If the people represent the second house of the Legislature, even though they are not present here, the Governor's house should be open to the veterans whom this lying, hypocritical Governor wanted to say should be honored by standing when the National Anthem is played. He said, these are people who fought and died for freedoms and so forth. Stand up for the National Anthem. Why won't he open the door? Governor, why don't you open the door to these veterans who you say people ought to stand for when the National Anthem plays? I wanted to direct it to him. Why don't you all say that? I'm going to offer a resolution saying that the Governor, pursuant to the recommendation of the Legislature, should set aside a day at least once to open that place where he supposedly stays and let the veterans come there, be made welcome, and serve and treat them like you say they deserve to be treated. But the Governor wanted a chance to take another cheap shot at some young black men who had more courage and guts in their little finger than he's got in his whole body. They stood alone. They sat alone. When he's got a lot of company, that's when he'll take his position. So I'm going to present that resolution. It will be sent to a committee, probably to Senator Murante's committee, expecting it to be killed. They can kill the body, but they can't kill the soul; and I'm the soul of that amendment, of that resolution. When they kill it, I will use that act in and of itself to have plenty more to say on plenty more occasions. And I cannot tell you that I'll be as merciful when it comes to Final Reading in the future as I am today. I was not aware at the outstart that a motion to add an amendment would kill the bill. But if that's going to be the process, everybody has been noticed, notified, as they say in the law, everybody should take warning and know that there's one among you who is not of you, one who will put a motion on every bill on Final Reading to offer amendment and have every one of them taken off Final Reading. And maybe by me issuing this warning I've saved all of your bills because the Speaker may not want that to happen, so he may not impose that rule. How many of you, and I don't expect a response, think that the Chief Justice has an obligation--he's the administrator of the court system, by the constitution--to reveal to the public what this Judge Kelch did? People are asking me, when will I write my letter to the Chief Justice? I'll write it when I decide to do it, and I will put the things that I mention plus some other things. But to put you all on notice because you don't think of things yourself, they like to keep these matters confidential, meaning secret and covered up, until and unless the Qualifications Commission formally files a complaint. They don't want the public to know; but now that so much is known about this incident, it's not secret anymore. There are rumors flying. The judge himself acknowledged it. It's in the paper that the judge admitted it. He told it to the Governor. The Governor told it to the media. It's out here in the public domain. People are entitled to think the worst, which people tend to do. Well, let the Chief Justice, in order to maintain the integrity of the judiciary... [LB668]

SPEAKER SCHEER: One minute. [LB668]

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SENATOR CHAMBERS: ...and some modicum of public trust and confidence, come clean, Chief Justice Heavican. Come clean or stay away dirty, as they say on the street. The judge could not hide his wrongdoing forever. And as I put in one of my papers, you can hide the fire, Judge, but what are you going to do with the smoke? The fire is burning. You have an obligation to tell the public what is going on, what went on with this judge, and in fact reveal the actual contents of the complaint that was filed against him. Judge, you came before this Legislature and you spoke about the state of the judiciary, but you didn't tell us about this bad judge. That impacts the state of the judiciary when it comes to the public's attitude, and you don't care? I know you care. [LB668]

SPEAKER SCHEER: Time, Senator. [LB668]

SENATOR CHAMBERS: But you're going to have to show it. [LB668]

SPEAKER SCHEER: Time, Senator. [LB668]

SENATOR CHAMBERS: You should not hide. [LB668]

SPEAKER SCHEER: Senator, time, please. [LB668]

SENATOR CHAMBERS: I'm sorry, Mr. President. [LB668]

SPEAKER SCHEER: Thank you, Senator Chambers. (Visitors introduced.) Returning to discussion, Senator Watermeier, you're recognized. [LB668]

SENATOR WATERMEIER: Thank you, Mr. President. Good morning, Nebraska. I just noticed as we got into Final Reading there's a little bit of a different flavor. I just want to remind the body and the members that there's actually a rule that pertains to while we're in Final Reading. While we're in Final Reading and there is an amendment placed and we have further discussion, you are free to move around. But I would ask that you respect the roped-off areas. Clearly, we do not want to go back into the lobby. But in Rule 2, it speaks about the fact that you can be in the Chamber, you can be in the hallway behind the Chamber, or in the Senate Lounge. Really, we'd like to keep the senators close to have to have a call of the house again to bring everybody back to vote is just really not fair to the bill and the process and the Speaker. So just everybody be mindful of that. The senators need to stay in the body or in the Senators' Lounge. Thank you, Mr. President. [LB668]

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SPEAKER SCHEER: Thank you, Senator Watermeier. Senator Chambers, you're recognized.
[LB668]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, you all know I'm very sensitive about these white people who try to find ways to stop black people, poor people, and others from voting. And when they come around, I detect something that is very unpleasant. I don't know if the gentleman who is here was invited by Senator Murante--did you invite him? Senator Murante invited him here, knowing how I feel about the stuff that comes from those places trying to stop people from voting. There's some guy--I forget his name--but he's giving bad advice to people. I'm sure he's giving it to Senator Murante and that orange man in the White House made him the chairperson of a makeshift crazy commission that was supposed to get information on voters from all over the country. Fortunately, your Secretary of State would not give that information. I think it's shameful when these white people run all over the country trying to stop my people from voting. This is my house as much as your house. I didn't invite him here. He's not my...let your faces get red. These people need to be called out when they come to the people they have done things to deprive of civil rights. Senator Murante, I think, used very poor judgment. That man should not be in this Chamber. And I'm free to say what I want to say; and if you don't like it, shut me up. Shut me up. They're all standing back there under the balcony acting like they don't hear what I'm saying. They're probably saying, don't pay attention to Chambers. He talks like that all the time. We don't pay attention to him. Then what are you all clustered back there around him trying to protect him for? That man has a public record. He has a history. Not everything that he did was honorable. Now see how quiet it gets because there's a big shot white man on the scene and white people are bowing down. You're putting forth that sham courtesy that you know how to put on. Well, put that sham courtesy on for me sometime but you don't and I'm one of you, actually I'm not. I'm among you, but I'm not of you. Now I'm going to go back to what I was talking about. You know earlier I mentioned that people in prisons will be counted for the purpose of determining the representation of a state when it comes to apportioning the seats in the House of Representatives. And people from Missouri don't think black people ought to be allowed to vote and Kansas just as bad. So they try to put together these schemes to deprive us of the right to vote. And they're very shaky, they're very snaky, they're very sneaky, they are imbued with chicanery. And they try to put it under the rubric of protecting against voter fraud. There's no voter fraud of any significance in this state or any other state, but that's what they say. Because being white, they know how to put on the hypocrite's mask and give the impression they are something and somebody they are not. But there's a certain squat animal who has a white streak and a black streak on its back and it emits a characteristic odor that lets you know he's here even if you don't see him. Now how about that?
[LB668]

SPEAKER SCHEER: One minute. [lb668]

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SENATOR CHAMBERS: You going to put that stuff in my face. You need to know what happens when you deal with a black man who is a man. You think I forgot where I came from? You think I'd let some white man walk up and slap me; and if he didn't knock me cold, I'm not going to fight back? And when you've done something not just to me personally but to my people, to my kind, and you've got the nerve to come around where I am, I'm not going to reach out to you? I would never have a golden opportunity like this, but it was presented to me. And you know what some of you all can say? That that evil spirit from God that descended on King Saul has descended on me. And now things in the Legislature have taken an unexpected turn as far as everybody here. But what I'm doing and saying should not surprise anybody. You wouldn't find anybody anywhere in this country who will behave in the way that I do, so don't look for that to happen. And don't look for me. [LB668]

SPEAKER SCHEER: Time, Senator. You're recognized, Senator Chambers. [LB668]

SENATOR CHAMBERS: Thank you, Mr. President. Don't look for me to put on false airs because Senator Murante is seeking a higher office and he wants to show that he's plugged into big shots in other states. Big shot, didn't you. You all ought to listen to that song by Billy Joel. He talks about your eyes too bloody to see; you can cry in your coffee but don't come--I don't use that word--to me. And how a person did things, and he's not sure you want to know. You ought to go on home, but no. Here you are out here big "shotting" it. You had to have the last word last night. All his friends...Senator Murante's friends are all knocked out because he brought a big shot from Missouri here to confront Senator Chambers and put him in his place. And what did Senator Chambers say? You had to be a big shot, didn't you. You all giving me ugly looks. You think that means something to me? Don't give me a look. Meet me somewhere and slap me. That means something to me. That will tell you what a white man is supposed to be. I'm smaller than you. I'm older than you. Find me anywhere and slap me and watch what happens. Now it's quiet. I know how to quiet the mice. You think I don't know white people? Didn't I make them quiet? Didn't I? You see the power that I have. When you're operating under that evil spirit sent from God, then you are imbued with a knowledge and understanding that mere mortals don't have. And when you want to make things quiet, you can make them quiet. You could be on the sea and you could raise your hand and say to those waves, peace be still and those waves would flutter and tremble. Then they would settle down, the surface of the sea would compose itself. It is as smooth and without blemish as a freshly made mirror in which that old witch would look in and say, who is the fairest of them all? That's what you do when that evil spirit from God descends on you. That might be what is happening this morning. I'm giving you all plenty to talk about. And as the session goes on, you're going to have even more. Beware who you bring to this place. I'm not going to pretend to be something that I'm not. And Senator Murante brings these bad bills; Senator Murante of all people, of all people. There is, well, he died recently, an Italian that I had a lot of respect for. but he was not wise. They say that football players take those hard hits and they may die early. I believe Jake LaMotta may have lived into

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his 90s and he would let other fighters punch, punch, punch until they got tired. And Jake would just lay back on the ropes. He was like a sponge. He absorbed everything that they had to throw. Then he would come off the ropes and knock them out. There was one man he couldn't do that to. This was a sweet fellow, not in his britches,... [LB668]

SPEAKER SCHEER: One minute. [LB668]

SENATOR CHAMBERS: ...but he was called Sugar Ray Robinson because he was so sweet as a fighter. He and Jake had probably four fights. Jake was the first man to beat Sugar Ray Robinson. But in later years as their fighting continued, Jake absorbed so much punishment from Robinson that had that not occurred, he may have lived to be more than 100. But on several occasions he said, I had so many fights with Sugar, I should have diabetes. But he was a guy who when he was little, his Italian people just got off the boat, they come from southern Italy, they were looked down upon. And when little Jake went to school, the white kids used to threaten him. They used to beat him up and send him home running. And Jake's father was proud. [LB668]

SPEAKER SCHEER: Time, Senator. [LB668]

SENATOR CHAMBERS: And one day Jake came home crying, he said,... [LB668]

SPEAKER SCHEER: Senator, time. [LB668]

SENATOR CHAMBERS: ...Jake, what's the matter? [LB668]

SPEAKER SCHEER: Senator, time. Seeing no one in the queue, you are welcome to close, Senator Chambers. [LB668]

SENATOR CHAMBERS: When his father asked him, what is the matter, Jake gave the usual story that the white kids had jumped on him, beat him up, and ran him home. So his father said, Jake, you take this to school with you. And you know what his father gave him? An ice pick, gave little Jake an ice pick. And when Jake went to school the next day and every day thereafter, no white person raised a hand to Jake LaMotta. And in later years when he was a man, he said that ice pick gave me power. When I had that ice pick, I had those people who put me in fear afraid of me. I felt like I was somebody because I had that ice pick. The weapon for him was an equalizer. And that's what happens. Weapons sometimes serve a wholesome purpose and it's too bad that happens. But I'm sure the white teachers knew what happened to that little Italian boy because I'm sure the white teacher had the same negative attitudes. But I'm going to tell you the

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difference between me and people of other races, that's what they want to be called, that's what people want to call them. Italian is not a race. But at any rate, the bad things that happened to black people, instead of turning me into somebody who would pick on weak people, white people and do to them what they did to us, it put in my mind, a determination not to let anybody have to go through what I went through if I could do something to stop it. That's why I stand on the floor among these white people speaking more for the white people of which they're a part than they do, trying to shame them into doing what they have the power to do. I know that somewhere in them is something better than what they show on this floor. Maybe I'm just hoping it; hoping against hope and that's why I do it. If I didn't think there was anything in you, it would be like me talking to this wall and maybe that's what it amounts to. And maybe I'm having hope against all of the facts and the logic and what my own intelligence ought to tell me is the situation. But I'm not a mind reader, and I don't know what is in you all. I project things on you because of the way you carry yourself--the good that you could do that you refuse to do, the help you could extend that you won't extend. So I think that makes you an evil person. Kim Jong-un, I don't need to go away to North Korea; Saddam Hussein whom they murdered, lynched. I don't have to go to Afghanistan, to Iraq, to Syria, Israel, which is presided over by a Nazi. Benjamin Netanyahu is a Nazi and he has implemented against the Palestinians Nazi-like action, and the rest of the world sees it. And they're going to isolate Israel based on what Israel has done that is Nazi-like, racist. And what's the country that came to their aid, the country which itself is racist, Nazi-like, presided over by a sexual pervert who is also a white racist. So he and Netanyahu get along like these two fingers on my hand that are side by side. And then that idiot wanted to say he's going to proclaim Jerusalem the capital of Israel. [LB668]

SPEAKER SCHEER: One minute. [LB668]

SENATOR CHAMBERS: And he's going to tell the UN, cut funds that go to this agency that helps the Palestinians. And even the Israelis, the Jews, said don't do that. You create problems for Israel. But he's such an idiot that he's going to try to do it anyway. He's pushing South Korea into the arms of North Korea. And Trump thinks that because he wants it a certain way and he's a white guy, though orange tinged, that he can order the South Koreans to do what he wants. But the South Koreans are going to have dinner with the delegation from North Korea and Trump doesn't like it. And they say, Pumpkin, go back to your patch. Mr. President, I will ask us to check in; then I'd like a roll call vote. [LB668]

SPEAKER SCHEER: Thank you, Senator Chambers. Senators, would you please return to your desk and check in. Senator Hilkemann, Senator Quick, would you please check in. Senator Albrecht, Bostelman, Senator Harr, Senator Clements, Senator Erdman, Senator Wayne, Senator Linehan, Senator McDonnell, Senator Groene, Senator Halloran, please check in. There's been a request for a roll call vote. Mr. Clerk. [LB668]

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CLERK: (Roll call vote taken, Legislative Journal pages 570-571) 1 aye, 47 nays, Mr. President. [LB668]

SPEAKER SCHEER: Motion for reconsider does fail. Mr. Clerk, move back to Final Reading. The first bill is LB100. I apologize, LB668. [LB668]

CLERK: (Read LB668 on Final Reading.) [LB668]

SPEAKER SCHEER: All provisions of law to procedure having been complied with, the question is, shall LB668 pass? All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Please record. [LB668]

CLERK: (Record vote read, Legislative Journal page 571.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB668]

SPEAKER SCHEER: LB668 passes. We'll now proceed to LB669. [LB668 LB669]

CLERK: Mr. President, Senator Chambers would move to return the bill to strike the enacting clause. (FA101, Legislative Journal page 571.) [LB669]

SPEAKER SCHEER: Senator Chambers, you're welcome to open. [LB669]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, second verse, same as the first, unless it's worse. I want to say a word or two about Governor Ricketts. And the word or two is not his name, Governor Ricketts, he wishes. He's probably over there saying--I wish...I'm glad the rest of them aren't like that Chambers. I'd walk on them. When I get a spot of...smudge on the tip of my boots, I just tell one of them lean over and I polish my boots on them. That's the way they are. I wish Chambers would be that way. If I forget where I am and I spit on the ground, they lick it up because they're lick-spittles. He knows it. And that is the way he treats the senators. He sends his henchpersons out here and demands that you all trot out there like trained puppies and get your orders, then you come in here and perform in the way that he instructed. Barnum and Bailey couldn't do it better. The Ringling Brothers couldn't do it better. The word or two that I want to address to your Governor and speak about your Governor will pertain to his inability to judge character. Now they have the same character he has, but I mean in terms of finding people who will not reflect it in their activities and cause a negative reflection on the one who appointed them. I'd like to ask Senator Burke Harr a question. [LB669]

SPEAKER SCHEER: Senator Harr, would you please yield? [LB669]

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SENATOR HARR: Yes. [LB669]

SENATOR CHAMBERS: Senator, do you know the name of the most recent head of the State Patrol who preceded the man who has the job now? [LB669]

SENATOR HARR: I believe that's Brad Rice. [LB669]

SENATOR CHAMBERS: Do you know who appointed him? [LB669]

SENATOR HARR: That would be our current Governor, John (sic-Pete) Ricketts. [LB669]

SENATOR CHAMBERS: When you say "our", that our doesn't include me, does it? [LB669]

SENATOR HARR: Well, if you live in Nebraska, yes. [LB669]

SENATOR CHAMBERS: Wow, well, I want to just "deinclude" myself. Okay, so the Governor appointed Brad Rice. [LB669]

SENATOR HARR: Yes. [LB669]

SENATOR CHAMBERS: Do you know who first appointed Bill Kintner to office? [LB669]

SENATOR HARR: I believe that was our previous Governor, Dave Heineman, but I'm not positive. Yeah, I think he was elected...he was elected, yeah. [LB669]

SENATOR CHAMBERS: Now...well, eventually, but he was first appointed. I'd like...before I could get through with Senator Harr, I'd like to ask Senator Clements a question because he would have more knowledge than all of us. [LB669]

SPEAKER SCHEER: Senator Clements, would you please yield? [LB669]

SENATOR CLEMENTS: Yes, Mr. President. [LB669]

SENATOR CHAMBERS: Senator Clements, was former Senator Kintner first appointed to that office? [LB669]

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SENATOR CLEMENTS: No, Paul Lambert was appointed, then Senator Kintner defeated him in the next election. [LB669]

SENATOR CHAMBERS: Did the man you mentioned die in office? [LB669]

SENATOR CLEMENTS: No. [LB669]

SENATOR CHAMBERS: Okay. Then I have him mixed up with somebody who died over in that part of the state. Thank you. Now I will resume my conversation with Senator Kintner...I meant Senator Burke Harr. Senator Harr, were you here when Senator Kintner, in violation of the law, took a state computer to Massachusetts and got on Skype and carried on a masturbation session with a woman, not his wife, who was also on Skype, and he was using the state equipment to do that? [LB669]

SENATOR HARR: I was serving when that allegedly occurred, yes. [LB669]

SENATOR CHAMBERS: All right. And are you aware that the Governor was aware that it happened...maybe...well, I know some months before it was made public? [LB669]

SENATOR HARR: According to the press, that's what I understand as well, yes. [LB669]

SENATOR CHAMBERS: Thank you. That's all I'll ask you. The Governor knew about it, but he didn't want anything done because he wanted Kintner to serve that particular session and vote the way the Governor wanted. And that was established. So the Governor knew that Kintner was a scumbag, a scum bucket, and the woman...the female may have been a minor that he was carrying on with in this shameful fashion. And I kept up a steady drumbeat against him, against him, against him. I was even editorialized against by the Lincoln Journal Star. I had a complaint filed against me saying I misused state property just like Kintner by writing poems about him and distributing them. Naturally that was dismissed. But those are the kind of people that he drew to himself. So the Governor knew what Kintner was; didn't say anything, used his vote. Then when it became public, he threw Kintner under the bus like Trump does, people throws him under bus, now he's talking about how shabby and raggedy and unkempt Bannon looks. Bannon was his ace boon in early days. But anyway, the Governor was buddy-buddy with Kintner knowing what a scallywag and guttersnipe he was. Look up guttersnipe in the dictionary. I'd like to ask Senator Burke Harr another question if he'll answer. [LB669]

SPEAKER SCHEER: Senator Harr, would you please yield? [LB669]

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SENATOR HARR: Yes, I will. [LB669]

SENATOR CHAMBERS: Senator Burke Harr, who appointed the disgraced judge from Sarpy County to a seat on the Nebraska Supreme Court? [LB669]

SENATOR HARR: Judge Kelch? [LB669]

SENATOR CHAMBERS: Yes. [LB669]

SENATOR HARR: I believe that was Governor Ricketts as well. [LB669]

SENATOR CHAMBERS: Oh, thank you very much. Those are the kind of people that Ricketts pals around with. All men are known by the company they keep. If you walk with those who are lame, you yourself will learn to limp. If you lie down with dogs, you'll get up with fleas. And the Governor wants to call himself a man of faith, boasts about being a man of faith. And he's pro-life and he deals with all these rats, these rotten people. And I believe the Governor knew all about Kelch before he appointed him. And he knew the kinds of things that Brad Rice had done before he appointed him to head the State Patrol. That's the kind of person who is the Governor, and you all are afraid to deal with that issue. You won't deal with any of it, so I've said on occasion, the Legislature will be my bully pulpit; and I'm going to talk about the issues that I think are important. I think it's important and in the interest of the people to know the kind of individuals that the Governor has associated himself with; that the Governor has shielded and protected from disclosure when that person had violated the law, misusing state property, and had worked with that person in the Legislature, had given him marching orders, which that person...I'm talking about former Senator Bill Kintner, carried out. Appointed to the Nebraska Supreme Court a man named Max Kelch, who had so much baggage his name should have been Samsonite. And with the number of people who knew what Kelch was doing and saying, I don't believe the Governor when he says he didn't know. But you know what the Governor can say? I didn't say that. That guy who works for me said it; he got his wires crossed. These politicians put somebody out there in the public to speak for them. That's the kind of thing that the Governor has done. I don't believe him when he says he did not know. Let him take a polygraph. Of course as slick as he is, he could probably pass it. They would say, we never had anybody so clean taking a polygraph. [LB669]

SPEAKER SCHEER: One minute. [LB669]

SENATOR CHAMBERS: So we know he's guilty. I had said I'd get the goods on Kelch. I'm still working on that. And I intend to send that letter to the Chief Justice. I have a long weekend, so I

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can take my time; and naturally, I will release the letter. But I think the Governor ought to come clean, and I think the Attorney General has an obligation. And the next time I'm recognized, I'll go into that in a little more detail. Thank you, Mr. President. [LB669]

SPEAKER SCHEER: Thank you, Senator Chambers. You're next in the queue. You're recognized. [LB669]

SENATOR CHAMBERS: Mr. President, members of the Legislature, I've kind of said during a scattergun presentation why the Chief Justice has an obligation to reveal what they knew about ex-Judge Kelch. I have been collecting what few articles were written. And I will let people who may have been asking me know so they'll understand why I have not written the letter just yet, not to keep anybody in suspense. If I'm going to allege in my letter to the Chief Justice that the public is aware of this, that Kelch was involved in, that there were stories, allegations swirling before he was appointed, these articles that I will include...excuse me...will show...somebody just said, now he will say "excuse me" when he coughs, but he won't say excuse me when he talked about a guest of Senator Murante. Well, I didn't mean to cough and that was something that civilized people don't do in civilized company if it can be avoided. But if it can't be avoided, then you excuse yourself to show you have consideration. I don't excuse myself when I say what I meant to somebody who shouldn't have even been here, who was tricked here by Senator Murante. I can use this documentation from the newspaper to show that the public is well aware that a complaint had been filed against the judge. And if you believe the Governor, and in this instance I hope you will, the Governor said that Kelch told him that a complaint had been filed and he tendered his resignation. And then like these rats do...Kintner tried to hide behind his wife, he talked about her having cancer, he brought it up, put it out in the public, using her situation to try to get sympathy. This guy said it was in the best interest of his family. No, it was in his best interest. Maybe his wife told him, if you don't get off that court, don't come to this house anymore. People will speculate, put those things to bed. The Chief Justice, if he doesn't want to release the report, the complaint itself, he should make a statement. He should explain it. His silence makes it even worse. There is not going to be a going away of this issue because I'm going to make sure that doesn't happen. It shouldn't be a situation where a person outside of the legal profession is more concerned about the reputation of that profession than the members who comprise that profession. There should be no judge less concerned about the integrity, the reputation, and the public standing of the court. There should be no judge who would allow somebody who is not a judge to have that opinion and that attitude to a greater degree than that judge. I don't have the obligation to uphold the courts. I don't have the obligation to uphold the integrity of any judge. Those are things that are in the keeping of the members who comprise the court, whether it's an individual, district judge in a district court, or a member of the Court of Appeals, or a member of the Nebraska Supreme Court. It is their duty to keep intact the reputation that a judge should have--somebody who is upstanding, somebody who is honest,... [LB669]

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SPEAKER SCHEER: One minute. [LB669]

SENATOR CHAMBERS: ...somebody who has integrity, somebody who is going to be fair and just when decisions are rendered, somebody about whom will not be a hint of scandal based on that person's own conduct. Anybody can be misrepresented if such a person is disliked. That's why I say there should be no scandal based on that individual's own conduct. Ex-Judge Kelch was a scallywag. He was unfit to even be on the district court. He's unfit to hold a license as a lawyer. And it's going to fall to me to get him disbarred, like I did those other judges that I wrote to you all about. It's not my job. You all don't see the need to do it. You shouldn't have to do it. But it is my responsibility because I perceive it to be such. [LB669]

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Time, Senator. Senator Linehan, you're recognized. [LB669]

SENATOR LINEHAN: Good morning, Mr. President; good morning, colleagues. I just want to take a minute here during this discussion, and Senator Chambers is doing a good job of giving voice to the issues he cares greatly about, and I appreciate that. But I have, all week, been working with people all across the state on my legislation for third grade reading. And I don't want the week to end without giving voice to the great appreciation I have for the NSEA who has worked with us over the months. I specifically want to thank Senator Patty Pansing Brooks who had worked all last fall with me. We visited over a dozen schools. We talked with administrators and teachers. We've had administrators and teachers working all week to try and help improve the bill so we can move it from General to Select. They have been here and they've been out and they've been on the phones. And I know you have heard from many of your schools. So it's been a labor of love, not just mine and Senator Patty Pansing Brooks, but Senator Kolterman, Senator Baker has helped. It's been a tremendous opportunity for me to see how the Legislature is supposed to work and how we're supposed to engage with people...interest groups across the state. So as our week draws to a close, I'm hopeful that maybe we'll get to it next week. But I don't want the people that worked so hard with me on this to think that I don't appreciate them and all the work they have done this week and appreciate their efforts going forth. So I just wanted to take a minute to make sure...and I've got a list of people here I could read. I've got a great article that was in The Voice last week written by Maddie Fennell, and the title is "Your Voice Makes a Difference." And I hope Maddie is okay with this. It starts: I want to share how the active involvement of many teachers across the state completely changed the direction of LB651, the third grade reading bill. Last year, Senator Lou Ann Linehan introduced LB651 which mandated third grade retention for students who could not pass up a grade level reading assessment. The Legislature's Education Committee had not yet acted on a bill when Linehan exercised a rarely utilized provision which pulled the bill out of committee and into first round

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debate by the full Legislature. NSEA and our members across the state fought this bill because we knew that it was not good for kids. Linehan's bill did not advance, but was left for action in this legislative session. A common goal--Dr. Mary Schlieder, I'm sorry, I'm not saying...I'm just going to call her Dr. Mary for the rest of this...the 2008 Nebraska Teacher of the Year and special education teacher for Norris Public Schools decided it was time to exercise her leadership. I had been e-mailing senators regarding education bills throughout the last session. This is in quotes from Mary: I was new to this level of political engagement she said. However, I had seen the results of misguided reform efforts in other states and I didn't want to see this happen in our state. Senator Linehan regularly responded to my e-mails and took us up to the floor to visit...and took us up on our offer to visit our school. She came to my classroom and watched me do reading lessons with a tenth grader who has severe dyslexia and a significant hearing impairment. He's making tremendous strides in his specialized reading program... [LB669]

PRESIDENT FOLEY: One minute. [LB669]

SENATOR LINEHAN: ...and works hard every day, but he's one of the students who still appears yearly on a list of not proficient. Senator Linehan was kind and gracious to my student, noting how she appreciated his efforts. She also visited several other classrooms that morning, witnessing our dedicated teachers and administration. I followed up with an e-mail thanking her for taking the time to visit and she invited me to her office in the Capitol for lunch to continue the discussion. Senator Linehan asked good questions and listened carefully. I explained the Response to Intervention, RTI, process in many schools in our state we're already using to help struggling readers. We discussed alternative ways to meet our common goal to help all kids be proficient readers. This included the importance of early childhood intervention programs, quality before- and after-school programs, and providing teachers additional training and remedial reading interventions. [LB669]

PRESIDENT FOLEY: Time, Senator. [LB669]

SENATOR LINEHAN: Thank you. [LB669]

PRESIDENT FOLEY: Thank you, Senator Linehan. (Visitors introduced.) Senator Chambers, you're recognized. This is your third opportunity, Senator. [LB669]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I hate to break up the conclave immediately in front of me; but if Senator Linehan would yield to a question or two, I would appreciate it. [LB669]

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PRESIDENT FOLEY: Senator Linehan, would you yield, please? [LB669]

SENATOR LINEHAN: Certainly. [LB669]

SENATOR CHAMBERS: Senator Linehan, are you aware that I was very strongly opposed to your bill in its original form? [LB669]

SENATOR LINEHAN: I am, sir; I was aware of that. You were very kind in explaining that to me. [LB669]

SENATOR CHAMBERS: Do you have any reason to think I'm not equally in opposition to the current form of your bill? [LB669]

SENATOR LINEHAN: I hope that you're not as equally opposed as you were last year. [LB669]

SENATOR CHAMBERS: Suppose I were to tell you that your hope is right on target and I'm not as opposed to it as I was last year. What would you say to that? [LB669]

SENATOR LINEHAN: I would be very thankful for that, sir. [LB669]

SENATOR CHAMBERS: Do you have any idea if that's true, why it would be true? [LB669]

SENATOR LINEHAN: Because you did not believe it would be fair for kids to be retained because if I recall the debate...I recall it because I was nervous, but I think you told me that a child...you said on the floor that a child should not be held accountable for the failure of an adult. [LB669]

SENATOR CHAMBERS: That's very good. But that's getting deeper into the issue. If there's a more superficial reason why my attitude...if it has changed...would have changed, can you think of anything, without going into that much depth to account for why it may have changed? [LB669]

SENATOR LINEHAN: It may be, and I'm hopeful, that Senator Pansing Brooks helped me rewrite the bill. [LB669]

SENATOR CHAMBERS: Are you aware of a label of endearment that I've hung on her? [LB669]

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SENATOR LINEHAN: Yes, I think you refer to her as your goddaughter. [LB669]

SENATOR CHAMBERS: And my goddaughter did herself proud, and you would be proud to know that she changed my opinion through discussion and persuasion that the bill is not going to be altered into something that would be similar to what it had been originally, in terms of holding children back. [LB669]

SENATOR LINEHAN: Yes. We have definitely had that agreement. [LB669]

SENATOR CHAMBERS: So I don't think your bill is going to be dealt with by me in the way that I've dealt with other people's bill. And the reason I tell you that, anything that is going to improve the opportunity for children to have a better shot at a meaningful education is something that I will not stand in the way of. And as irritated as I am about some of these senators, my irritation is not of the kind that will blind me to those things that really need to be done. Your bill is one of those that has substance. It has identified an existing problem. It contains a well-thought-out approach to try to remedy the problem. And I think we all know that despite our best efforts, not everybody is going to get the full benefit or achieve in the way we want. But I think your bill is probably the best move in that direction that will happen this session. And I haven't seen anything in the other sessions when I've been here when that was done. And I have fought very hard in years past against the old school board in Omaha, Dr. Mackiel, and couldn't even get anybody to listen. And here you came, reminds me of a song, it's not about a woman, but it was Liberty Valance, "From out of the east a stranger came/ A law book in his hand" and he wound up being the man who shot Liberty Valance according to the song, but he wasn't really. Liberty...this guy had somebody with him who shot Liberty Valance. [LB669]

PRESIDENT FOLEY: One minute. [LB669]

SENATOR CHAMBERS: You are the one...if Liberty Valance was a bad fellow who has the means to do away with a metaphorical Liberty Valance who's been in the way of a lot of children getting a good education. And I'm telling you this before today ends, as you wanted those people to know, because for all we know the end of the world may come before Monday. [LB669]

SENATOR LINEHAN: Hopefully not. Thank you, Senator Chambers. [LB669]

PRESIDENT FOLEY: Thank you, Senators Chambers and Linehan. Senator Chambers, you're recognized to close on your return motion. [LB669]

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SENATOR CHAMBERS: Thank you. Members of the Legislature, the makeup in a sense of the Legislature is different from what it was earlier this morning. I take that into consideration. I did not want bills to die on Final Reading. I'm not going to offer a reconsideration motion; that would take more time than I would want to take. I looked at the agenda and I don't see any bills that might lead to any discussion. I certainly will not offer any motions of any kind on the remaining bills. But I don't want that to be mistaken. I have talked to the Speaker before we met this morning as a Legislature and I said on the floor I wasn't interested in killing bills. To quote my friend Abraham Lincoln, we went to school together, the promise having been made must be kept. That's all I have to say. Thank you. [LB669]

PRESIDENT FOLEY: Thank you, Senator Chambers. Members, you heard the discussion on the return motion. The question before the body is to return the bill to Select File. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB669]

CLERK: 2 ayes, 43 nays, Mr. President, on the motion to return. [LB669]

PRESIDENT FOLEY: Return motion is not successful. We'll now proceed to Final Reading. All members at your desks, please. LB669, Mr. Clerk. [LB669]

CLERK: (Read LB669 on Final Reading.) [LB669]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB669 pass? All those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB669]

CLERK: (Record vote read, Legislative Journal page 572.) 46 ayes, 2 nays, 1 excused and not voting, Mr. President. [LB669]

PRESIDENT FOLEY: LB669 passes. We'll now proceed to additional Final Reading, LB100, Mr. Clerk. [LB669 LB100]

CLERK: (Read LB100 on Final Reading.) [LB100]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB100 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Record, please. [LB100]

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CLERK: (Record vote read, Legislative Journal page 573.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB100]

PRESIDENT FOLEY: LB100 passes. We'll now proceed to LB130. Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; those opposed vote nay. Record, please. [LB100 LB130]

CLERK: 41 ayes, 2 nays, Mr. President, to dispense with the at-large reading. [LB130]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB130]

CLERK: (Read title of LB130.) [LB130]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB130 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB130]

CLERK: (Record vote read, Legislative Journal pages 573-574.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB130]

PRESIDENT FOLEY: LB130 passes. Next bill, LB135. Mr. Clerk. [LB130 LB135]

CLERK: (Read LB135 on Final Reading.) [LB135]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB135 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB135]

CLERK: (Record vote read, Legislative Journal pages 574-575.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President, on the final passage of LB135. [LB135]

PRESIDENT FOLEY: LB135 passes. Proceeding to the next bill, LB146. Mr. Clerk. [LB135 LB146]

CLERK: (Read LB146 on Final Reading.) [LB146]

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PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB146 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB146]

CLERK: (Record vote read, Legislative Journal page 575.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB146]

PRESIDENT FOLEY: LB146 passes. Proceeding to the next bill, LB160. Mr. Clerk. [LB146 LB160]

CLERK: (Read LB160 on Final Reading.) [LB160]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB160 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB160]

CLERK: (Record vote read, Legislative Journal page 576.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB160]

PRESIDENT FOLEY: LB160 passes. Proceeding to LB177, Mr. Clerk, the first vote is to dispense with the at-large reading. All those in favor vote aye; those opposed vote nay. Record, please. [LB160 LB177]

CLERK: 42 ayes, 2 nays to dispense with the at-large reading, Mr. President. [LB177]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB177]

CLERK: (Read title of LB177.) [LB177]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB177 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB177]

CLERK: (Record vote read, Legislative Journal page 577.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB177]

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PRESIDENT FOLEY: LB177 passes. Proceeding to the next bill, LB304. Mr. Clerk. [LB177 LB304]

CLERK: (Read LB304 on Final Reading.) [LB304]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB304 pass? Those in favor vote aye; those opposed vote nay. Have you all voted? Please record. [LB304]

CLERK: (Record vote read, Legislative Journal pages 577-578.) 48 ayes, 0 nays, 1 excused and not voting. [LB304]

PRESIDENT FOLEY: LB304 passes. Next bill, LB347, Mr. Clerk. [LB304 LB347]

CLERK: (Read LB347 on Final Reading.) [LB347]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB347 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB347]

CLERK: (Record vote read, Legislative Journal pages 578-579.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB347]

PRESIDENT FOLEY: LB347 passes. Next bill, LB350. Mr. Clerk. We're passing over LB350. Next bill would be LB399, Mr. Clerk. [LB347 LB399]

CLERK: (Read LB399 on Final Reading.) [LB399]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB399 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB399]

CLERK: (Record vote read, Legislative Journal page 579.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB399]

PRESIDENT FOLEY: LB399 passes. Proceeding to LB93, Mr. Clerk. [LB399 LB93]

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CLERK: (Read LB93 on Final Reading.) [LB93]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB93 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB93]

CLERK: (Record vote read, Legislative Journal pages 579-580.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB93]

PRESIDENT FOLEY: LB93 passes. LB96, Mr. Clerk. [LB93 LB96]

CLERK: (Read LB96 on Final Reading.) [LB96]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB96 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB96]

CLERK: (Record vote read, Legislative Journal pages 580-581.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting. [LB96]

PRESIDENT FOLEY: LB96 passes. LB105, Mr. Clerk. [LB96 LB105]

CLERK: (Read LB105 on Final Reading.) [LB105]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB105 pass? Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB105]

CLERK: (Record vote read, Legislative Journal page 581.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting. [LB105]

PRESIDENT FOLEY: LB105 passes. The next bill is LB193. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor vote aye; those opposed vote nay. Record, please. [LB105 LB193]

CLERK: 43 ayes, 3 nays, Mr. President, to dispense with the at-large reading. [LB193]

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PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB193]

CLERK: (Read title of LB193.) [LB193]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB193 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB193]

CLERK: (Record vote read, Legislative Journal pages 582-583.) 48 ayes, 0 nays, 1 excused and not voting, Mr. President. [LB193]

PRESIDENT FOLEY: LB193 passes. Next bill, LB198, Mr. Clerk. [LB193 LB198]

CLERK: (Read LB198 on Final Reading.) [LB198]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB198 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB198]

CLERK: (Record vote read, Legislative Journal page 583.) 48 ayes, 0 nays, 1 excused and not voting. [LB198]

PRESIDENT FOLEY: LB198 passes. Next bill is LB377. Mr. Clerk, the first vote is to dispense with the at-large reading. Those in favor vote aye; those opposed vote nay. Record, please. [LB198 LB377]

CLERK: 38 ayes, 2 nays, Mr. President, on the...excuse me, 39 ayes, 2 nays on the dispensing with Final Reading. [LB377]

PRESIDENT FOLEY: The at-large reading is dispensed with. Mr. Clerk, please read the title. [LB377]

CLERK: (Read title of LB377.) [LB377]

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PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB377 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB377]

CLERK: (Record vote read, Legislative Journal pages 584-585.) 47 ayes, 0 nays, 1 present and not voting, 1 excused and not voting, Mr. President. [LB377]

PRESIDENT FOLEY: LB377 passes. And LB614, Mr. Clerk. [LB377 LB614]

CLERK: (Read LB614 on Final Reading.) [LB614]

PRESIDENT FOLEY: All provisions of law relative to procedure having been complied with, the question is, shall LB614 pass? Those in favor vote aye; those opposed vote nay. Record, please. [LB614]

CLERK: (Record vote read, Legislative Journal pages 585-586.) 47 ayes, 0 nays, 2 excused and not voting, Mr. President. [LB614]

PRESIDENT FOLEY: LB614 passes. Before we proceed to Select File, while the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following legislative bills: LB668, LB669, LB100, LB130, LB135, LB146, LB160, LB177, LB304, LB347, LB399, LB93, LB96, LB105, LB193, LB198, LB377 and LB614. We'll now proceed to Select File. First bill is LB285. [LB614 LB668 LB669 LB100 LB130 LB135 LB146 LB160 LB177 LB304 LB347 LB399 LB93 LB96 LB105 LB193 LB198 LB377 LB285]

CLERK: Mr. President, Senator, I have E&R amendments pending on LB285. (ER99, Legislative Journal page 401.) [LB285]

PRESIDENT FOLEY: Senator Wishart for a motion. [LB285]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB285. [LB285]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB285]

CLERK: I have nothing further, Senator. [LB285]

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PRESIDENT FOLEY: Senator Wishart. [LB285]

SENATOR WISHART: Mr. President, I move to advance LB285 to E&R for engrossing. [LB285]

PRESIDENT FOLEY: Members, you heard the motion to advance LB285 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB285 advances. Next bill, Mr. Clerk. [LB285]

CLERK: Senator, LB258. I have no amendments to the bill. [LB258]

PRESIDENT FOLEY: Senator Wishart. [LB258]

SENATOR WISHART: Mr. President, I move to advance LB258 to E&R for engrossing. [LB258]

PRESIDENT FOLEY: Members, you've heard the motion to advance LB258 to E&R for engrossing. Those in favor say aye. Those opposed say nay. LB258 advances. LB310, Mr. Clerk. [LB258 LB310]

CLERK: Senator, I have E&R amendments, first of all, to LB310. (ER97, Legislative Journal page 404). [LB310]

PRESIDENT FOLEY: Senator Wishart. [LB310]

SENATOR WISHART: Mr. President, I move the adoption of the E&R amendments to LB310. [LB310]

PRESIDENT FOLEY: Members, you heard the motion to adopt the E&R amendments to LB310. Those in favor say aye. Those opposed say nay. The E&R amendments are adopted. Mr. Clerk. [LB310]

CLERK: Mr. President, the first amendment: Senator Harr, AM1613. (Legislative Journal page 393.) [LB310]

PRESIDENT FOLEY: Senator Harr, you're recognized to open on AM1613. [LB310]

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SENATOR HARR: Thank you, Mr. President. And is that the one that just adds "or her?" [LB310]

CLERK: Yes, sir. [LB310]

SENATOR HARR: Okay. Thank you. So this bill is an interesting bill. I've read it a couple of times. I think Senator Friesen would concede that this is meant to apply, not just to him, but to him or her. And I don't think he'll have any problems with that amendment. But I do have some questions about the underlying bill itself. And I was gone on General File, and so I thought I'd take this chance to talk to Senator Friesen about the bill if he would be willing to answer some questions. [LB310]

PRESIDENT FOLEY: Senator Friesen, would you yield, please? [LB310]

SENATOR FRIESEN: Yes, I would. [LB310]

SENATOR HARR: Thank you, Senator Friesen. Was this bill brought to you by any group or organization? [LB310]

SENATOR FRIESEN: I believe the Cattlemen probably recommended it. [LB310]

SENATOR HARR: Okay, okay. [LB310]

SENATOR FRIESEN: And, you know, I had noticed the mistake earlier when we first passed the bill last year. [LB310]

SENATOR HARR: Okay, so this was brought by the Cattlemen? [LB310]

SENATOR FRIESEN: Yes. [LB310]

SENATOR HARR: Okay. And you're looking to change a current law. Is that correct? [LB310]

SENATOR FRIESEN: That's what this bill would be. [LB310]

SENATOR HARR: Okay. When was the original bill passed? [LB310]

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SENATOR FRIESEN: The part dealing with this would have been last year, I believe. [LB310]

SENATOR HARR: Okay, and what bill is that? [LB310]

SENATOR FRIESEN: I couldn't tell you the number. [LB310]

SENATOR HARR: And what is the problem that was created...what did last year's bill do? [LB310]

SENATOR FRIESEN: It talked about implements of husbandry and allowing them on roads, exempted some weight limits. [LB310]

SENATOR HARR: Okay. And what was the...who brought the bill last year? [LB310]

SENATOR FRIESEN: That I don't recall. [LB310]

SENATOR HARR: Okay. Did you talk to that individual about the bill last year? [LB310]

SENATOR FRIESEN: Well, we discussed it quite a bit, yes. [LB310]

SENATOR HARR: Okay. Who is we? [LB310]

SENATOR FRIESEN: The body as a whole and I think the committee also. [LB310]

SENATOR HARR: Okay. So, this bill, LB310, is brought in response to a bill that was passed last year? [LB310]

SENATOR FRIESEN: Yes. [LB310]

SENATOR FRIESEN: Okay. But LB310 was introduced last year. [LB310]

SENATOR FRIESEN: That I don't recall. Has it been sitting there this whole time? [LB310]

SENATOR HARR: Well, looking at that number, it would have to be a bill that was introduced last year. [LB310]

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SENATOR FRIESEN: Sure, then it must have been passed the year before, the original. [LB310]

SENATOR HARR: Well, let's go to our trusty...as Senator Chambers would call it...gadget. So the bill was introduced...your bill, LB310, was introduced January 12, 2017. Okay? So what is the underlying bill that we introduced that we're trying to change now? [LB310]

SENATOR FRIESEN: Well, the bill...it must have been two years ago that we passed a bill that dealt with implements of husbandry. [LB310]

SENATOR HARR: Okay. [LB310]

SENATOR FRIESEN: And this bill is trying to fix something that was in that bill. [LB310]

SENATOR HARR: Okay. And so if we're trying to fix a bill that we don't...it would be good to know what the underlying bill was, but you don't know what that bill is. [LB310]

SENATOR FRIESEN: It's in statute now. We're trying to correct statute. [LB310]

SENATOR HARR: Okay. So to answer my question, you don't know what the underlying bill was. [LB310]

SENATOR FRIESEN: No, I don't. [LB310]

SENATOR HARR: Okay. Thank you. Folks, when we make legislation, it's very important that we know what we're doing. It's very important that when it passes out of committee, it's ready. Now, we may have some disagreements on some policy issues or some nonpolicy issues, but when you bring a bill to the floor, you better know what you're trying to do. And I don't know what the underlying bill was. I know this bill was...well, I don't know...Senator Friesen said this bill was brought to him by the Cattlemen to fix a problem. Senator Friesen, would you yield to a question? [LB310]

PRESIDENT FOLEY: Senator Friesen, would you yield, please? [LB310]

SENATOR FRIESEN: Yes, I would. [LB310]

SENATOR HARR: Thank you. What problem are you trying to solve? [LB310]

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SENATOR FRIESEN: Well, when we exempted bridges and we left the word "culverts" in the bill when we exempted bridges. And right now, so any culvert, whether it's an 18-inch culvert or up to a 72-inch culvert, cannot be crossed by implements of husbandry without a posting of weight limits; and culverts, generally, don't have weight limits ever posted on them. [LB310]

SENATOR HARR: Thank you. I read the...and I encourage anyone else to read the transcript...that is what the amendment overall does. That's not what the bill itself does. And so, I'm not sure what we're doing here, because I read the bill, and I read...I encourage anyone else to go back and read the bill, and it's a conversation regarding crossing over bridges of a certain...with a certain weight limit and posting and whether those need to be posted or not. Yes, Cattlemen came in at the hearing, and at the hearing the Cattlemen said, hey, culverts are an issue for us too. They came in in a neutral capacity, by the way, and said we'd like to have that changed. And now I'm hearing that they came in and introduced a bill...or asked Senator Friesen to introduce the bill, looking at the transcript I think it was NACO that testified in favor of this bill, so I guess I assumed this came from NACO, which is county officials, and reading the transcript I thought this bill had to do with the fact of whether you had to have signs on bridges or not. And now I'm hearing, no, no, this isn't about that. Senator Friesen, would you yield to a question? [LB310]

PRESIDENT FOLEY: Senator Friesen? [LB310]

SENATOR FRIESEN: Yes, I would. [LB310]

SENATOR HARR: So what is this bill about? Is it about having to post signs on bridges? Is it about being able to have cattle trucks drive over culverts? Please, if you...I will give you as much time as you need, but if you could please refresh this body as to what is the purpose and intent of this legislation, and what problem, in fact, are we trying to fix. Thank you. [LB310]

SENATOR FRIESEN: Okay. What this bill does is it addresses a bill, LB977, which we passed two years ago. And in that bill there were a couple of things that was noticed after it was passed that we should have looked at closer that everybody missed. One of them is that if a bridge has no...less of a capacity than the road, so if the road has an 80,000-pound weight limit and the bridge is capable of carrying an 80,000-pound weight limit load, then we don't need to post that bridge. So it saved the county some dollars in not having to post those bridges. So any bridge that can handle less than what the legal limit on the road would be, then would be posted with that legal limit. So there's a couple of things it does in this bill. The other one it does is it addresses the part where it did not exempt culverts. So that's where the Department of Transportation...or the State Patrol were setting up on gravel roads and they were weighing trucks trying to cross a gravel road, an 18-inch culvert. So the intent was ever not to put culverts

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into that legislation, but that word didn't get removed in the original bill, so we're trying to correct that. [LB310]

SENATOR HARR: Okay. All right. And I need to correct, I see that the Cattlemen came in through Jessie Hermann as proponents, but they recommended that change to the culvert of which you spoke. So, how long, Senator Friesen, has this bill been on the books...that we're trying to correct? [LB310]

SENATOR FRIESEN: The statutes? [LB310]

SENATOR HARR: The statute that we're trying to correct. [LB310]

SENATOR FRIESEN: Well, it would have been passed two years ago, and so whenever that... [LB310]

PRESIDENT FOLEY: One minute. [LB310]

SENATOR FRIESEN: ...date would have been that it was implemented. [LB310]

SENATOR HARR: Okay. Thank you. Folks, this is the first time I've heard that we're trying to correct a statute that was passed two years ago. I don't know what that statute is. I don't know if there was a reason for it being in there. You read the transcript, and near as I could tell, counties don't want to post. It's that simple. They don't want to post how much a bridge weighs. This is a safety issue. Ask yourself, why are we changing something that requires people to have notice of what can or cannot...how much weight can or cannot be on a bridge? With that I'll save my comments for the next time. Thank you. [LB310]

PRESIDENT FOLEY: Thanks, Senator Harr and Senator Friesen. (Visitors introduced.)
Continuing discussion; Senator Friesen. [LB310]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. Again, Senator Harr loves to continue this conversation, I'll be happy to continue. But I guess I see no reason to post a bridge where the known legal limit it will bear is the legal limit of the road. So, again, we put a lot of signs out on highways, and when we get too much clutter out there, people ignore signs. So there's no point in putting a sign to a bridge where it can only carry the legal limit of the road because everyone knows what that limit is. So we could post them. We can put signs there that would allow them to cross at 80,000 pounds, and it would make no difference to anyone, it just adds an expense to the county. But when you see an unposted bridge you would have to assume

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that it carries the legal weight that you're allowed to carry on the road. So this is not a safety issue. If you come upon a bridge where you see a tonnage rating, you know that it has a different weight rating than the road. So that's why we want to post those bridges to protect them. But this has nothing to do with safety issues. This has to do with the State Patrol trying to do some selective enforcement on a few feedlots, and we're trying to correct that with the culvert issue. Senator Williams can weigh in if it's in his district if he wants to. But again, we're just trying to correct some language that is in statute, and we all do that with every bill that we have. So this is nothing unique. Thank you, Mr. Lieutenant Governor. [LB310]

PRESIDENT FOLEY: Thank you, Senator Friesen. Senator Harr. [LB310]

SENATOR HARR: Thank you. Well, now we know a little bit more, folks. We're saying the State Patrol is selectively enforcing a statute. This is special legislation? I don't know. And that we all know that if you cross a bridge...if it's legal on the road, it's legal on the bridge, except that's not what the law is today. That's the law Senator Friesen is trying to introduce. So we don't know that. You can't assume that a law that will be passed we all know already when it hasn't been passed. Think about it. It doesn't make sense. I have some concerns about our bridges. Right? Bridges are a different animal, culvert is fine. I don't...look, all you're going to do is crush some underneath the ground, possibly some culvert that gets clogged and you create some flooding issues. But bridges, bridges are a different animal. If a bridge fails, a person is killed...could be killed, a person could be injured, livestock maybe as well. And that's someone's livelihood. I don't know why we need this law. If this is a about posting, I was told, why do we have this? Because the department is...or sheriff's...State Patrol are selectively enforcing...so we want to change the law around some feedlots. We are changing the law. We're changing how much can go across a bridge. Again, how can you say if we're lowering the amount that can go across a bridge, it's not a safety issue? And if we're not lowering it, how can you say posting if it's not a safety issue? I've listened to Senator Friesen explain the bill. Maybe I still...he's over here shaking his head at me, his legal counsel is shaking his head at me as well, with the disdain of--Senator Harr, you don't know what you're talking about. Well, maybe I don't. But what I do know is I don't have to have the burden of proof. I've read the law. I've read the legislation. I've read the transcript. And I still for the life of me can't figure out what it is. The closest I can figure out is that there are some producers in Senator Williams' district who are upset that they're getting tickets for going across a bridge and so we're changing the law. Closest I know what this is, reading the transcript, it is nowhere in there. You read the transcript and this is about posting, and this is about saving counties money so that people don't know what the weight limit of bridges are, but, gosh darn it, then we don't have to go out and test those bridges to see what those weight limits are. Because that is what I saw. There was a cost associated. Now, Senator Friesen is over here giggling. I don't know. I honestly am more confused now than when I introduced AM613 about what this bill is about. Luckily it's 11:44. Senator Friesen can come and talk to me, maybe his legal counsel can talk to me about what this bill really is about.

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Because when you read the transcript, go back and read it, the county officials were saying, we have to test these bridges. [LB310]

PRESIDENT FOLEY: One minute. [LB310]

SENATOR HARR: We don't want to test these bridges. It costs us money to test these bridges. That to me, testing bridges, is a safety concern. They're shaking their heads saying this is not a safety concern. If it's not a safety concern, why are we concerned about testing then and the cost of testing? What are we doing? I can't sniff out what this bill is really about. Thank you. [LB310]

PRESIDENT FOLEY: Thank you, Senator Harr. Senator Chambers. [LB310]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, I had no interest in this bill whatsoever. Then I began to do what I said others should do, and that is to listen to the discussion. So I'd like to ask Senator Friesen a question or two. [LB310]

PRESIDENT FOLEY: Senator Friesen, will you yield, please? [LB310]

SENATOR FRIESEN: Yes, I would. [LB310]

SENATOR CHAMBERS: Senator Friesen, how would I know what the weight limit of a road is? [LB310]

SENATOR FRIESEN: The roads are posted. [LB310]

SENATOR CHAMBERS: The roads are posted. Is there anything that would apprise somebody who is not as familiar with it as you are that if the bridge is not posted, then the bridge will bear the same weight as the road? [LB310]

SENATOR FRIESEN: Well, when you're allowed to travel on a road, you would assume that they would...I mean, they build bridges to meet the capacity of the road. And if that bridge currently can't meet that test anymore, then they would post it at a lower weight. [LB310]

SENATOR CHAMBERS: So you're saying that everybody should assume that if a bridge is there, it can bear the weight that the road bears. [LB310]

SENATOR FRIESEN: Yes. [LB310]

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SENATOR CHAMBERS: But suppose it doesn't? Suppose there's a defect in the bridge.
[LB310]

SENATOR FRIESEN: If the county has inspected that bridge and it still fails, then I think the county would be held liable. [LB310]

SENATOR CHAMBERS: Thank you. Members of the Legislature, I don't want there to be...that's all I'll ask you, Senator Friesen. I don't want there to be an accident and then somebody's family can go sue the county for wrongful death or whatever it might be. I've been on committees where the county comes in...Mr. Dix, is he still with the county? Does anybody know? He doesn't come to testify before any committee where I'm a member. There's a young lady he always sends. Mr. Dix doesn't like to answer the kind of questions that I ask him. He knows that I have less concern about the convenience of counties and county officials than I do for the public whose interests county officials should be concerned about. I am concerned about the issues that Senator Harr raised, and maybe it's because I live in a city and I don't trust officials as much as people in the country who know these officials personally and know that they would not allow a bridge to be unattended to if it needed attending to. So since I'm on the floor and have a few minutes, because I'm not going to prolong the discussion, I can't anyway, I'd like to ask Senator Friesen another question or two if I can. [LB310]

PRESIDENT FOLEY: Senator Friesen, will you yield, please? [LB310]

SENATOR FRIESEN: Yes, I would. [LB310]

SENATOR CHAMBERS: Senator Friesen, do the county officials have a regular schedule according to which they test the weight-bearing limits of these bridges? [LB310]

SENATOR FRIESEN: I believe there are statutes that require them to look at bridges, and then there's different lengths of bridges that have to be inspected at different intervals than shorter bridges. [LB310]

SENATOR CHAMBERS: Well, I know there are laws, but are the laws complied with? Is there something that establishes that the counties in fact test and check these bridges? [LB310]

SENATOR FRIESEN: I think they do file reports regularly, yes. [LB310]

SENATOR CHAMBERS: Thank you. Since Senator Harr pointed out we're about through, I won't take any more time. But I am taking an interest in this bill now, and it's strictly from the

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standpoint of safety. I know there are streets in Omaha, in certain neighborhoods, that are not plowed like they should be. I know they have potholes that are not repaired. The city is supposed to it. I don't trust them. Not you, Senator Friesen, but I want the record to be clear--I don't trust county officials any more than I do other officials who are concerned about spending money, even if the safety of the public is involved. They want to get reelected, I guess. Well, I won't talk about their motivation. But I do not at this point have... [LB310]

PRESIDENT FOLEY: One minute. [LB310]

SENATOR CHAMBERS: ...the comfort level that Senator Friesen has that these bridges can bear the weight that they should. I would want to know that there's some point at which there's an examination, a test, but something objective that gives evidence that can be reviewed, that establishes, in fact, that every bridge between two points can bear the same weight that the road leading to that point would be able to bear. And that's what I'm trying to get at. But I'm not asking a question, just so you know the direction I'm going. Thank you, Mr. President. [LB310]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Williams. [LB310]

SENATOR WILLIAMS: Thank you, Mr. President. And I sincerely appreciate the discussion that is happening; and Senator Harr, your questions are good questions. I'd like to give a little bit of history on this of why I am involved. As I think everybody knows, the size and breadth and depth of agricultural equipment has changed substantially over the years, and in my particular legislative district, we have a significant amount of agriculture, including cattle feeding. To let you kind of know, the current trucks that they use to deliver feed to livestock were within, before we started passing some legislation, were within about 4,000 pounds of being overweight when they were empty. So a few years ago, the legislation that you are questioning Senator Friesen about was designed to reanalyze how we define implements of animal husbandry, vehicles of animal husbandry. And that's what was done and some definitions were created. And I will tell you, there was a spot just north of Lexington, Senator Harr, and I think you're acquainted with that area about five miles north of Lexington. And the old saying goes, where do you go fishing? You go fishing where the fish are. And there was a spot there that there were a very active DOT officer would stop vehicles there. In fact, at one time he stopped 14 or 15 vehicles in a row that were all underweight, actually, but were hauling manure out of a feedlot to be delivered onto fields. So I was called into a meeting several years ago now, that was hosted by cattle feeders from the area. They also invited in the county commissioners. They invited in the law enforcement from the county, Dawson County Sheriff's Office were in attendance, to address this issue. And out of that came the discussion that Senator Friesen has had about passing the legislation. Then it was determined that after that legislation was passed a couple of years ago, there were some things that were not defined particularly well in that, and one of them was the

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culvert issue, and it happens to be a constituent of mine that runs a large feeding operation in Dawson County, that was stopped and fined for driving across a 16-inch culvert that you couldn't even see was there, wasn't marked, and a DOT officer sat there behind a tree until they came by and ticketed the guy. And it became evident then that if that's what we were going to be dealing with, we thought it could be handled administratively, just through the Nebraska State Patrol, but it wasn't. So, consequently, the issue of culverts was addressed in LB310, which I fully support. I also draw everyone's attention, those senators that are sitting here listening to the discussion, to the process that we follow in here where legislation is introduced, it's referenced to a committee that deals with those particular issues. That committee holds a public hearing, and then uses their expertise that they have gained and moves forward. And at that public hearing, there were four people that testified as proponents of this legislation; there was no one that testified as... [LB310]

PRESIDENT FOLEY: One minute. [LB310]

SENATOR WILLIAMS: ...an opponent, and no neutral testimony. And then the committee eventually voted this out of committee, 8-0. I don't believe the committee had any intent to ignore public safety. Public safety is clearly important. When you're thinking of these bridges and culverts, don't think about that Platte River bridge that you drive across heading back to Omaha. These are different types of bridges, and the definition of what is a bridge is different because oftentimes these are very small type structures. So, thinking about the tradeoff with agriculture equipment, which is our number one industry in our state, and the importance of using the equipment that we need to keep that going, and county roads. And I was most taken at the meeting... [LB310]

PRESIDENT FOLEY: That's time, Senator. Time, Senator. [LB310]

SENATOR WILLIAMS: Thank you. [LB310]

PRESIDENT FOLEY: Thank you, Senator Williams. Items for the record, Mr. Clerk. [LB310]

CLERK: I do, Mr. President. Thank you. Hearing notice from Health and Human Services Committee; and corrected hearing notice with respect to room change between the Natural Resources Committee and the Appropriations Committee; all those signed by their respective Chairs. Urban Affairs Committee reports LB874 and LB880 to General File with amendments. Amendment to be printed: Senator Murante to LB350. An additional notice of hearing from the Government Committee. Bills read on Final Reading this morning were presented to the Governor at 11:46 (re LB668, LB669, LB100, LB130, LB135, LB146, LB160, LB177, LB304, LB347, LB399, LB93, LB96, LB105, LB193, LB198, LB377, LB614.) Name adds: Senator Wayne--LB694, LB695; Senators Groene, Albrecht, Thibodeau, Lowe, Erdman, Murante,

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Brewer--LB1069; Senator Murante--LR312. (Legislative Journal pages 586-588.) [LB874
LB880 LB350 LB668 LB669 LB100 LB130 LB135 LB146 LB160 LB177 LB304 LB347
LB399 LB93 LB96 LB105 LB193 LB198 LB377 LB614 LB694 LB695 LB1069 LR312]

Mr. President, Senator Baker would move to adjourn the body until Monday morning, February 12, at 9:00.

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