

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

Floor Debate  
January 17, 2018

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the ninth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Senator Kolowski. Please rise.

SENATOR KOLOWSKI: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Senator Kolowski. I call to order the ninth 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. Are there any messages, reports, or announcements?

CLERK: Mr. President, your Committee on Reference reports LB982 through LB999, as well as LR281CA. That's a Reference report. And Enrollment and Review reports LB350, LB130, LB304, LB399, and LB135 to Select File; some having Enrollment and Review amendments attached. Series of hearing notices from Health and Human Services Committee and from the Judiciary Committee. That's all that I had, Mr. President. (Legislative Journal pages 305-307.) [LB350 LB130 LB304 LB399 LB135]

PRESIDENT FOLEY: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign the following seven Legislative

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Resolutions: LR271, LR272, LR273, LR274, LR275, LR276, and LR278. (Doctor of the day introduced.) Now proceed to the agenda. Mr. Clerk. [LR271 LR272 LR273 LR274 LR275 LR276 LR278]

CLERK: Mr. President, the first item this morning, Senator Riepe would like to withdraw LB915. [LB915]

PRESIDENT FOLEY: Senator Riepe, you're recognized to open on your motion. [LB915]

SENATOR RIEPE: Thank you, Mr. President and colleagues. This is a motion to withdraw LB915. The intent of this bill was to expand existing prohibitions on the use of hand-held devices while operating a motor vehicle, texting and cell phone use. LB915 was dropped with the Clerk and provided the violation of the statute be deemed a secondary offense, an error by me. Senator Krist has a bill that he will or has introduced--texting while driving as a concern, and I will study his bill to avoid needless duplication within this body. Thank you, Mr. President. [LB915]

PRESIDENT FOLEY: Thank you, Senator Riepe. Is there any discussion on the motion? Seeing none, Senator Riepe, you may close if you care to. He waives close. The question before the body is the adoption of the motion to withdraw LB915. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please. [LB915]

CLERK: 31 ayes, 0 nays, Mr. President, on the motion to withdraw the bill. [LB915]

PRESIDENT FOLEY: The motion to withdraw has been adopted. Moving on to General File, Mr. Clerk. [LB915]

CLERK: Mr. President, LB469 offered by Senator Larson. (Read title.) The bill was discussed yesterday, Mr. President. The committee amendments, as offered by the General Affairs Committee, were presented. Those committee amendments are pending. I do have an amendment to the committee amendments. [LB469]

PRESIDENT FOLEY: Senator Larson, if you would like a couple of minutes just to get us started, why don't you refresh us on where we are on the bill. Senator Larson. [LB469]

SENATOR LARSON: Thank you, Mr. President. Colleagues, I'll be fairly short. We have to remember, and I think it was reported yesterday, that nearly 300,000 Nebraskans, I think is what was the AP reported, are playing fantasy sports right now in the state of Nebraska. And what we

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have to understand and view LB469 as is do we want to offer them consumer protections or do we want to leave them vulnerable to certain Web sites or certain individuals that want to take advantage of them? That's what LB469 boils down to. It's not a expansion of gambling, because there is already 300,000 Nebraskans that are doing it. How can it be an expansion if they're already doing it? This is about offering them protections to ensure that they do not get taken advantage of. If you are okay with Nebraskans continuing to be taken advantage of, then you can listen to Gambling with the Good Life and that will continue to happen, because they are going to continue to play. They're going to continue to operate in Nebraska and these are going to continue to happen. So we can either protect Nebraskans or we can leave them exposed. That's what LB469 boils down to. Thank you, Mr. President. [LB469]

PRESIDENT FOLEY: Thank you, Senator Larson. Debate is open on LB469 and the pending committee amendment. Mr. Clerk. [LB469]

CLERK: Mr. President, I have an amendment to the committee amendment. Senator Chambers would move to amend with FA89. (Legislative Journal page 303.) [LB469]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on FA89. [LB469]

SENATOR CHAMBERS: Thank you, Mr. President. This bill fits into my strategy for this session. I have referred to you-all's President as an inveterate liar, a determined denier, a consummate falsifier. He cannot tell the truth. And that has infected Republicans all over the country and it seeps into legislatures. Senator Larson knows that...first of all, let me ask him a question or two. Then I'm going to touch on my amendment...if Senator Larson, would yield. [LB469]

PRESIDENT FOLEY: Senator Larson, would you yield, please? [LB469]

SENATOR LARSON: Yes. [LB469]

SENATOR CHAMBERS: Senator Larson, how many people did you say are engaged in this activity right now in Nebraska? [LB469]

SENATOR LARSON: The article I read in the AP this morning said 300,000. [LB469]

SENATOR CHAMBERS: How many are playing through these four companies that you brought this bill for? [LB469]

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SENATOR LARSON: I brought the bill for the people of Nebraska, but I do not know how many are playing through those four companies. [LB469]

SENATOR CHAMBERS: So then you don't know how many are playing for money, how many are playing for fun, how many may be playing through these companies, do you? [LB469]

SENATOR CHAMBERS: I can try to get those number for you, if you'd like. [LB469]

SENATOR CHAMBERS: No, you don't know though, do you? [LB469]

SENATOR LARSON: Not off the top of my head. As I said, the figure that I read was from the AP this morning. [LB469]

SENATOR CHAMBERS: Thank you. He is misleading you. He is intentionally fudging and hedging. Senator Larson didn't bring this bill out of the goodness of his heart. We had this last session. There are four companies that want this bill. They testified before the committee. Let me ask Senator Larson a question today to see if he did a little research between yesterday and today to get an answer to a question I posed to him, the answer to which he did not know...or professed not to know. [LB469]

SENATOR LARSON: Yes. [LB469]

SENATOR CHAMBERS: Senator Larson, are these four companies licensed to carry on their activities in Las Vegas? [LB469]

SENATOR LARSON: I don't think so. I didn't look into that. [LB469]

SENATOR CHAMBERS: Is there any provision in law or the gambling commission in Nevada that would prohibit them from carrying out these activities in Nevada? [LB469]

SENATOR LARSON: I didn't look into the Nevada law. I'm focused on what we're doing here in the Nebraska Legislature. [LB469]

SENATOR CHAMBERS: But you know that was discussed by me last session, wasn't it? [LB469]

SENATOR LARSON: Not last session, Senator Chambers. [LB469]

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SENATOR CHAMBERS: You said what? [LB469]

SENATOR LARSON: Not last session. [LB469]

SENATOR CHAMBERS: When was this bill up before? [LB469]

SENATOR LARSON: It would have been 2016. [LB469]

SENATOR CHAMBERS: So it's a carryover from when? [LB469]

SENATOR LARSON: This is a carryover...it was reintroduced in 2017 and passed out of the General Affairs Committee again in 2017. It was first introduced in 2016 and received a priority in which it died in the last Legislature, the previous Legislature, so not last session. Last session is what I considered to be 2017. [LB469]

SENATOR CHAMBERS: Last year. [LB469]

SENATOR LARSON: Last year. And last year we did not hear this on the floor of the Legislature. [LB469]

SENATOR CHAMBERS: So when was this bill introduced? [LB469]

SENATOR LARSON: 2017. [LB469]

SENATOR CHAMBERS: When did we discuss it? [LB469]

SENATOR LARSON: Well, the first time we discussed it would have been in 2016. [LB469]

SENATOR CHAMBERS: Okay. [LB469]

SENATOR LARSON: So it was introduced first in 2016. It died on the floor of the Legislature. It was reintroduced in 2017 and it was never discussed on the floor of the Legislature. It was carried over and in worksheet order we took it up in 2018. So this was never discussed in 2017 between you and I. [LB469]

SENATOR CHAMBERS: It was discussed in 2016, correct? [LB469]

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SENATOR LARSON: Correct, but not last session. [LB469]

SENATOR CHAMBERS: Okay. You made that clear. You might have to have things repeated over and over, but I think most of us got it. You know that I brought this issue up in 2016 about them not being licensed in Nevada, or you forgot that that was discussed. [LB469]

SENATOR LARSON: If you say you did, you did. [LB469]

SENATOR CHAMBERS: You don't remember it, though? [LB469]

SENATOR LARSON: I don't. [LB469]

SENATOR CHAMBERS: You've talked to the lobbyists for this bill, haven't you? [LB469]

SENATOR LARSON: I've talked to them, yes. [LB469]

SENATOR CHAMBERS: And did they discuss with you whether or not this was legal in Nevada since 2016 when I brought it up on the floor? [LB469]

SENATOR LARSON: I have not discussed that with the lobbyists. [LB469]

SENATOR CHAMBERS: You did not talk to them on your telephone when I was discussing that issue on the floor in 2016? [LB469]

SENATOR LARSON: Not about the Nevada aspect, no. [LB469]

SENATOR CHAMBERS: And you didn't think it was necessary for you to check into whether or not it's licensed in Nevada? [LB469]

SENATOR LARSON: I really don't care if it's licensed in Nevada. I'm focused on making sure we protect Nebraskans. [LB469]

SENATOR CHAMBERS: "Mr. Trump," you didn't answer the question. I'm sorry, "Mr. Bannon," you didn't...I'm sorry. When people...birds of a feather flock together, and when they make the same noises, I just put wrong label on them. That's all I'll ask you right now. I want to demonstrate to people that Senator Larson is not forthcoming. Senator Larson has had

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discussions of this bill with the lobbyists for this bill. If he says he hasn't, which he has not said, I would show that he's not telling the truth. So what would they discuss since I spent considerable time on the floor in 2016 pointing out why these businesses don't operate in Nevada? Do you know why they do not operate in Nevada? They do not want to go before the gambling commission. They would be officially declared gambling operations and that would take away Senator Larson's mischaracterization of this activity as not gambling. Since it is gambling, it violates the Nebraska Constitution, for one thing. He wants to say...let me let him speak for himself. Is Senator Larson still back there and would he continue to answer questions? [LB469]

SENATOR LARSON: Yes. [LB469]

SENATOR CHAMBERS: Oh, all right. Senator Larson, does the activity described in this bill constitute gambling under the Nebraska Constitution? [LB469]

SENATOR LARSON: I believe this is a game of skill, so no. [LB469]

SENATOR CHAMBERS: If it's a game of skill, then it wouldn't need any permission from the gambling commission in Las Vegas to operate, would it? [LB469]

SENATOR LARSON: I don't know how the gambling commission in Las Vegas operates. I honestly don't. I haven't studied it. [LB469]

SENATOR CHAMBERS: Do you think, based on their name, they address the subject of gambling? [LB469]

SENATOR LARSON: I would assume so. [LB469]

SENATOR CHAMBERS: Do you think, since they address the subject of gambling, people who wanted to conduct a checkers tournament would have to get permission from the gambling commission in Las Vegas? [LB469]

SENATOR LARSON: I don't know. [LB469]

SENATOR CHAMBERS: If a world chess tournament were to be conducted in Las Vegas, do you think they would have to get permission from the gambling commission in Las Vegas to conduct a world tournament in chess? [LB469]

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SENATOR LARSON: I don't know. I'd be assuming to say no, but I am unsure because I have no idea what the gambling commission in Vegas regulates. [LB469]

SENATOR CHAMBERS: Okay. Members of the Legislature, the gambling commission in Las Vegas regulates gambling. When Senator Larson cannot even answer questions that a layperson can answer, you know it's not based on inability, it's based on refusal. You are being dealt a fast shuffle. That's a gambling term. And Senator Larson is not as naive about gambling as he wants to appear on this floor. He wants to make you all who are rubes...I refer to them as rubes, Senator Larson, but I do it openly. You hide and pretend that you have respect for them, but you have less respect for them than I do. I'd never bring a bill like this and say it's not gambling. But that's me. Members of the Legislature, this is a gambling bill. Senator Larson knows there are a lot of people engaged in this activity who do it through a cable television program, from what I heard, and that's the first I heard of it, yesterday. People play this. But it's not for money. It's for fun. And some people have said they do it for fun. It's a diversion. [LB469]

PRESIDENT FOLEY: One minute. [LB469]

SENATOR CHAMBERS: But I'm going to use this bill and I'm going to take all the time under the rules that can be taken on this bill. And I'm going to do it on other bills. I haven't decided how much time I'll take on Senator Lowe's bill Friday. The only way it can come up is for him to have assured the Speaker that he's got 33 votes to invoke cloture. Now, you know I would not want Senator Lowe to go through all that work without it being for a purpose. That much work should not be done in vain. So since it was done in anticipation of having to invoke cloture, I'm not of a mind to disappoint him. But when Friday comes, who knows? Maybe I'll be dead by then. Maybe Senator Lowe will be dead by then. Maybe the whole world will be evaporated by then. Or maybe Jesus will come...oh, I'm sorry... [LB469]

PRESIDENT FOLEY: Time, Senator. [LB469]

SENATOR CHAMBERS: ...he came back and he's now the football coach at Nebraska. Thank you, Mr. President. [LB469]

PRESIDENT FOLEY: Senator Chambers, you're first in the speaking queue. You may continue. [LB469]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm going to have fun if nobody else does. And here is something that kind of stokes my fire. I'm getting calls from people who listen to what we do on the floor of the Legislature. They listen to what is



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discussed and they listen to me. And there are some people who gamble and they didn't realize that somebody who is a layperson, such as I am, who is deemed by some people to be straight-laced and to some extent a prude, could understand about bookmaking. But it's not that hard to understand if you read, if you talk to people. I read and I understand what I read. Reading as a means to obtain information is not bad. How many people have ever set foot on Mars? As the spiritual says: no, not one; no, not one. How many people have studied Mars by way of a telescope? Some, but probably not many. But when you sit in a classroom and it's dealing with the subject of the stars, the universe, the divine constellations of the heavens, discussions occur with reference to Mars, Pluto, Neptune, and nobody has ever set foot on those planets. So what you know about those things, you have read. What do you know about a heart other than what you have heard or read? Reading is not to be ridiculed. Reading is not to be disparaged. And when people do not read, they prevent the contact with minds far greater and more learned than their own. The words that people write and that are published outlive the author, sometimes by centuries. Some things are attributed to anonymous. They don't know who wrote it. But it's of such value that it is published and people learn from it. So there are many things I know about based on reading and reading alone. Gambling is something that happens everywhere in this country. Legally in certain states where they're allowed to have casinos, where bookmaking is allowed under...as an exemption to a federal law, bookmaking occurs. You all know about Las Vegas. So if you pick up some of these sheets that are put out, if you listen to some radio programs that discuss sports, you learn about gambling; and because of the amount of work Senator Larson has put forth in trying to slide various types of gambling through the Legislature, he knows more about gambling than he wants to let on. But I taught him something about gambling, and I do not gamble, in terms of card playing, dice, casinos. And, Senator Larson, you're right, I have bet on some football games. I've bet people on the floor probably on occasion. Governors bet each other on football games. I see a person who is not bothering anybody. He is minding his own business. I want to put on my glasses so I can read his name because I can't make it out from here, but he's now standing up. He must have known I was going to ask him a question. [LB469]

PRESIDENT FOLEY: One minute. [LB469]

SENATOR CHAMBERS: He's talking to Senator Harr. I just was coached by my seatmate, the senator's name is Briese. My time is up on this time, but I have my light on. I would like to have a little discourse with Senator Briese when I'm recognized again. Thank you, Mr. President. [LB469]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Larson. [LB469]

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SENATOR LARSON: Thank you, Mr. President. I think everybody here knows that I do support all forms of gaming, but I do not feel that this is a game of chance. This is a game of skill, and as I said, it is already happening in the state of Nebraska and we should protect those people that are. I did get a little insight via a friend about something that Senator Chambers was talking about and I'd ask him to yield to a question if he had time. [LB469]

PRESIDENT FOLEY: Senator Chambers, would you yield, please? [LB469]

SENATOR CHAMBERS: Yes, I will. [LB469]

SENATOR LARSON: Yesterday we talked about what it was called that the bookie took. What was it? That the percentage that the bookie takes is called the? [LB469]

SENATOR CHAMBERS: Oh, it's juice or vigorish. [LB469]

SENATOR LARSON: Vigorish. And do you know what vigorish...where it derives? [LB469]

SENATOR CHAMBERS: No. [LB469]

SENATOR LARSON: It derives from the Russian word, winnings. [LB469]

SENATOR CHAMBERS: All right. [LB469]

SENATOR LARSON: So I was just wondering if you knew. [LB469]

SENATOR CHAMBERS: No. [LB469]

SENATOR LARSON: All right. [LB469]

SENATOR CHAMBERS: You've improved my education and for that I'm grateful. [LB469]

SENATOR LARSON: Thank you, Senator Chambers. [LB469]

SENATOR CHAMBERS: Just as the President is grateful for what the Russians helped him do. The Russians are not bad. [LB469]

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SENATOR LARSON: So moving forward, colleagues, we do have to understand, regardless of what Senator Chambers says, it does take skill to play fantasy sports. I am a member of an ESPN league that we do not bet in, but I would say that my team has made the playoffs nearly every year that I participated. And I'd like to think and I do think that's because I pay attention, I move players, I pick up players, and that is the level of skill that is involved. We've seen courts across the United States, and we had this debate back in 2016 with poker, that have declared games like poker games of skill. Senator Chambers fought me on that as well. But I said that mathematics show otherwise that it is a game of skill, not a game of chance. But in the end, this is about protecting Nebraskans. This doesn't expand gambling. It protects them from bad actors and that's what's important here. As I said, do we want to protect Nebraskans or do we want to leave them exposed? That's what this boils down to. They're gonna participate, pure and simple. This is a consumer protection and added regulation. And not very often do I vote for added regulation. That is not something I ran in the Legislature on, but if it's going to harm everyday Nebraskans, there is a place for it. Thank you, Mr. President. [LB469]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Hilkemann. [LB469]

SENATOR HILKEMANN: Thank you, Mr. President. And I'm wondering if Senator Larson would take some...answer some questions for me? [LB469]

PRESIDENT FOLEY: Senator Larson, would you yield, please? [LB469]

SENATOR LARSON: Yes. [LB469]

SENATOR HILKEMANN: Senator, I've done some research on this project. In New York the attorney general made a decision, that basically it was his decision, that would ban the use of these sports gambling operations. [LB469]

SENATOR LARSON: Okay. [LB469]

SENATOR HILKEMANN: Was that true or not? [LB469]

SENATOR LARSON: You know, our Attorney General offers Opinions all the time. It sounds like...I don't know if the courts have acted on it or not. If an attorney general in New York has done so, then I'll take your word for it. But again, it's an Opinion. [LB469]

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SENATOR HILKEMANN: Now, wasn't it after that attorney general's decision that the legislature of New York rapidly did a bill and put it in place so that they could continue this on-line type betting? [LB469]

SENATOR LARSON: Again, I'm unsure of what happened in New York. I'm focused about the Nebraska Legislature. But if they did, they did. I'll take your word for it that the New York Legislature passed a similar bill to LB469. [LB469]

SENATOR HILKEMANN: Now, how does this bill and how does this bill differ from what was done in New York? In other words, I'm assuming that what they had to do in New York was to pass some legislation in order to make that continue to be legalized. Is that correct? [LB469]

SENATOR LARSON: Well, an Attorney General's Opinion doesn't make anything illegal. That's an Attorney General's Opinion. I think you know that from working with our current Attorney General in Nebraska, correct? An Attorney General's Opinion doesn't make anything legal. [LB469]

SENATOR HILKEMANN: Right. Right. [LB469]

SENATOR LARSON: So it has no legal standing. Correct? An Attorney General's Opinion has no legal standing. [LB469]

SENATOR HILKEMANN: An Attorney General's Opinion has no legal standing? [LB469]

SENATOR LARSON: No legal standing in court. Correct? [LB469]

SENATOR HILKEMANN: Okay. I would hope that our Attorney General's Opinion would have some legal standing. [LB469]

SENATOR LARSON: It has legal standing. I don't think an Attorney General's Opinion has legal standing. That's what the courts are for. [LB469]

SENATOR HILKEMANN: Okay. [LB469]

SENATOR LARSON: So the New York Attorney General may have offered an Opinion and the legislature may have created its own law, but it's not to circumvent the Attorney General because it's an Opinion. Only a court can declare something illegal. The Legislature can deem it legal.

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But an Opinion has...we can operate with or without an Opinion. I mean, we do that all the time in the Nebraska Legislature. We seek Opinions or sometimes the Attorney General offers an Opinion and we say we don't care what the Attorney General thinks, we'll let the courts test it. So as you self-admitted, the Attorney General's Opinion has no legal standing and it wasn't ever taken to the courts. So it can't be deemed illegal by him. [LB469]

SENATOR HILKEMANN: Now, you said earlier that 300,000 Nebraskans were already doing this particular activity. [LB469]

SENATOR LARSON: That's what the AP reported this morning. [LB469]

SENATOR HILKEMANN: Okay. Now, if they're already doing it, why do we need to have this legislation? I don't understand why this legislation is necessary. [LB469]

SENATOR LARSON: Well, as I've been talking, there are some companies out there that allow a significant number of entries, let's say 3,000 in one game. And that puts those individuals that are just playing one or two games or putting one or two entries in a game at a severe disadvantage because these individuals are using very sophisticated algorithms to pick teams and they're not just doing it individually. [LB469]

PRESIDENT FOLEY: One minute. [LB469]

SENATOR LARSON: And that leaves Nebraskan consumers at risk. So there is one part of it. Another part of it is this says that these companies have to keep the players' funds in a separate account from their operational funds. Therefore, players won't put \$100 in and then the companies use it for operational funds and won't have any money to pay out the prize winnings. So this is a consumer protection. I've said that, and I'm sure you've been listening intently to the debate and heard me say that. So that's why we need this bill, to ensure that Nebraska consumer...or Nebraska players don't get taken advantage of. This offers them protection. [LB469]

SENATOR HILKEMANN: Thank you. [LB469]

PRESIDENT FOLEY: Thank you, Senators Hilkemann and Larson. Senator Crawford, you're recognized. [LB469]

SENATOR CRAWFORD: Thank you, Mr. President; and good morning, colleagues. I have, in the past, consistently voted against bills that would expand access to addictive gaming or

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gambling behavior or speed up that behavior. And so I've been listening intently to the conversation. And I believe I hear Senator Larson making the argument that actually LB469 would actually restrict and regulate this gaming behavior. So for right now I'm going to put aside the question of whether it's gambling or skill for right now, in this part of the debate, because I think a game of skill could be as addictive and as a gambling game. And so from the perspective of people having increased access to addictive behavior that may harm their families and put our children in child welfare system, I'm going to put that question of whether it's gaming or gambling aside. I want to really focus on this question of whether LB469 is expanding or restricting and regulating gaming. So I wonder if Senator Larson would yield to a few questions. [LB469]

PRESIDENT FOLEY: Senator Larson, would you yield, please? [LB469]

SENATOR LARSON: Yes. [LB469]

SENATOR CRAWFORD: Thank you. Senator Larson, I've heard you say several times how many people are already engaged in this activity. I just want to clarify for the record, do you mean that they are legally engaged in this fantasy sports activity in Nebraska? Is it legal for me to get on to DraftKings and play today? [LB469]

SENATOR LARSON: I believe so, yes. [LB469]

SENATOR CRAWFORD: You believe so that it is legal currently to do so? [LB469]

SENATOR LARSON: Yes. [LB469]

SENATOR CRAWFORD: And is there any restriction on what DraftKings or FanDuel can do when they are recruiting people to play their games in Nebraska? Do we have any restrictions on their activities in our state currently? [LB469]

SENATOR LARSON: No. [LB469]

SENATOR CRAWFORD: So are there federal laws that restrict their behavior? [LB469]

SENATOR LARSON: In 2006, Congress passed the Uniform Internet Gambling Enforcement Act in an effort to modernize the Wire Act of 1961 and it specifically exempted fantasy sports contests. Now I can't speak, and I can try to find out, if there are any specific federal regulations,

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but my understanding is that the federal government has explicitly said fantasy sports contests are okay. In terms of regulations on the federal level, I'm unsure and I can try to get those answer for you. [LB469]

SENATOR CRAWFORD: Okay. Thank you. So that's thinking about these two big players. Now you said before one of your concerns are fly-by-night players that may just be trying to take advantage of Nebraskans. [LB469]

SENATOR LARSON: I missed that question, I'm sorry. [LB469]

SENATOR CRAWFORD: Oh, I'm not to the question yet. [LB469]

SENATOR LARSON: Oh, okay. [LB469]

SENATOR CRAWFORD: So the big players, we understand who they are and there are federal regulations guiding what they can do. I think I heard you talking about the fact that our concern would be some fly-by-night operation that comes in and pretends to be a fantasy sports game, but then takes advantage of people, just takes their money, or has algorithms that allow their employees to win, or in some other way is actually defrauding Nebraskans. So is that true, that it is legal for me to play. It's legal for those two entities to be here, but is it also legal for some fly-by-night entity to just set up their own fantasy sports league in any way they choose to do so? [LB469]

SENATOR LARSON: Yeah. And that's happened in the past that we've seen. Obviously, creating Web sites and companies, it's fairly easy and that's a good thing in America. We want businesses to be able to prosper. But we don't want businesses to take advantage of hardworking Americans and hardworking Nebraskans specifically in this case and that's a possibility. And that's why... [LB469]

PRESIDENT FOLEY: One minute. [LB469]

SENATOR LARSON: ...LB469 restricts operational funds from winnings funds and makes sure that they have to register with the state of Nebraska. So these companies that don't register with the state of Nebraska will be able to be prosecuted by our Attorney General, because we all have created that law. This restricts gambling in Nebraska, because it's going to happen anyway, so it's about protecting consumers. This isn't about making fantasy sports legal or anything else. [LB469]

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SENATOR CRAWFORD: All right. I'll ask some more questions on another turn. Thank you. [LB469]

PRESIDENT FOLEY: Thank you, Senators Crawford and Larson. Senator Geist. [LB469]

SENATOR GEIST: Yes, thank you, Mr. President. I would ask if Senator Larson would yield to a question, please? [LB469]

PRESIDENT FOLEY: Senator Larson, would you yield, please? [LB469]

SENATOR LARSON: Yes. [LB469]

SENATOR GEIST: Senator Larson, I noticed on...let's see, it's page 2, line 12, of your bill that says, "Fantasy contest means any online fantasy or simulated game or contest with an entry fee required for participation." Correct? [LB469]

SENATOR LARSON: We're in page 2 of the green copy? [LB469]

SENATOR GEIST: Yes. Line 12. [LB469]

SENATOR LARSON: Line 12, fantasy contest... [LB469]

SENATOR GEIST: It says with an entry fee required. [LB469]

SENATOR LARSON: Yes. [LB469]

SENATOR GEIST: So are we talking about people who are in an office fantasy football league playing for free? [LB469]

SENATOR LARSON: Not if they're playing for free. [LB469]

SENATOR GEIST: Okay. Thank you. That's all I have. I actually agree with Senator Chambers, this is legalizing expanded gambling. I don't believe this would protect our consumers. I don't believe this is a consumer protection bill. This encourages and codifies a deceptive gambling scheme. I believe it takes advantage of our citizens and it creates a foothold for on-line gambling. What we're talking about is daily fantasy gaming. It's not your fun little office pool that you do



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with your friends so that you have bragging rights next week when your athlete wins. There was actually an analysis from Bloomberg Business Week. It showed that the majority of daily fantasy sports customers are relying largely on chance, not skill, to earn their money back. The New York Times reported that just 10 to 20 percent of entrants win anything at all. That means 80 to 90 percent lose. That is not a game of skill. I also noticed in the transcript that from 2016 that the 300,000 players in Nebraska, the same number that Senator Larson quoted as the number of players currently playing in Nebraska in 2018, and I would just question if those players include players who are playing for fun, not daily on-line sports. We're talking daily betting. This is totally different from what you think of when you think of fantasy football. This is not the same thing. This is opening a door to those vulnerable citizens who have addictive behaviors, who may not yet have addictive behaviors but get a thrill out of gambling, and taking advantage of those citizens. And I will yield the remainder of my time to Senator Chambers. [LB469]

PRESIDENT FOLEY: Thank you, Senator Geist. Senator Chambers, one and a half minutes. [LB469]

SENATOR CHAMBERS: Thank you, Senator Geist. Thank you, Mr. President. And I concur with everything Senator Geist said. This is gambling. I'd like to ask Senator Larson a question, which I think he can answer in the short time that remains. [LB469]

PRESIDENT FOLEY: Senator Larson, would you yield, please? [LB469]

SENATOR CHAMBERS: Senator Larson, I know you didn't write this bill and I'll bet you a thousand dollars against a dollar that you did not write this bill. Now, you can lie and take me for a thousand dollars or you can tell the truth. Who wrote this bill? [LB469]

SENATOR LARSON: My legal counsel. [LB469]

SENATOR CHAMBERS: And he wrote it in...I shouldn't say "he" because I don't know who all your legal counsel is. [LB469]

SENATOR LARSON: It's a he. [LB469]

SENATOR CHAMBERS: Okay. With whom did he work in conjunction in writing this bill? [LB469]

SENATOR LARSON: I'm sure he worked with the industry to make sure that it was protecting consumers as much as possible because they want to do that as well. [LB469]

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SENATOR CHAMBERS: And when we say the "industry," we're talking about lobbyists, aren't we? [LB469]

SENATOR LARSON: Or the large companies that do this to ensure that we are protecting Nebraska consumers. [LB469]

SENATOR CHAMBERS: And the companies have lobbyists, don't they? [LB469]

SENATOR LARSON: I believe so. [LB469]

SENATOR CHAMBERS: Now, these people who testified for these companies, were they lobbyists for the company or were they officials of the company, these four companies? They're listed as... [LB469]

SENATOR LARSON: I think it was a trade association that testified. I'm not sure if they did individually. I'd have to look at the committee statement. The hearing was last year. [LB469]

SENATOR CHAMBERS: So lobbyists were testifying for this bill. [LB469]

PRESIDENT FOLEY: Time, Senators. [LB469]

SENATOR CHAMBERS: Thank you, Mr. President. [LB469]

PRESIDENT FOLEY: Thank you, Senator Chambers, Senator Larson. Senator Krist, you're recognized. [LB469]

SENATOR KRIST: Thank you, Mr. President; good morning, colleagues; and good morning, Nebraska. So let me set the record straight for Krist, not for anybody else. I consider fantasy gambling, fantasy football, any engagement where money changes hands on a game of chance or skill as gambling. Okay? I'm not hiding behind the fact that I think this is a skill game. What happens here is you pick the best guy, the best pony that's going to carry the football on Sunday afternoon for the Baltimore Colts and you pick that guy and you hope that he has a good day because that's how you're going to get paid and you're going to win. Folks, that skill, in skill of picking the pony to run, is no different in a running back, a quarterback, or a pony, or a horse. I'm not making a distinction about whether this is skill or whether this is gambling. You're not listening to what this bill does, though. This bill actually brings revenue in which supports problem gambling. Those folks who came in and testified in a neutral capacity, David Geier and

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others, this bill regulates those people who take advantage of those people who are out there doing this thing, Senator Geist, and they do. This bill absolutely makes sure that there are no bad actors out there who are gouging people or making sure that in this practice of fantasy gambling that we're not regulating and we're not getting revenue. And let me tell you something else. Go out to all your neighborhood bars in western Nebraska and look at the machines that are in the bars, that are not being regulated, they're not bringing any revenue in. And you want to talk about the slot machine? We need to start regulating gambling as it exists. Or if you feel so strongly about it, then pass a law to say that the fantasy football in any capacity, in any fun-loving capacity, in any occupational situation, in a bar, in a restaurant, in somebody's home is illegal and let's start prosecuting people for doing it. Try that on for size. I've had about this much of Pat Loontjer telling me what I can and cannot do, and problem gambling folks, and gambling from the Good Life folks telling me what I can and cannot do. I want to regulate the gambling. I want to bring revenue in from the gambling. And I want people who have actually been involved in gambling to understand that it is an addictive behavior that needs to have therapies and we need to support the problem gambling folks with some kind of revenue. Once again, you're going to see a bill from me that shifts some money around and tries to get more money into the problem gambling area. Take all the iPhones, take all the iPads away from the kids, because they are on-line gambling as we speak. Now, how do we regulate it? How do we make sure those kids are not vulnerable for it? How do we make sure we're bringing revenue in so we can enforce that? I don't know. Chicken and the egg here. And people who, I don't know, out of a front store window or a shop someplace in some way understood and looked at the booking operation going on and the betting operation going on and now decades and decades later are telling me that gambling is a bad thing. I don't appreciate that either. I voted this bill out of committee for one reason--this exists on a daily basis. It is gambling. It needs to be controlled. It needs to be monitored and it needs to be taxed and revenue needs to come into this state. We have a revenue problem, folks. This is not a puritanical discussion of what's right, what's wrong, what's indifferent, what people believe in. It is a regulating force that will bring both... [LB469]

PRESIDENT FOLEY: One minute. [LB469]

SENATOR KRIST: ...sense to the industry and control. The only reason that this fiscal note is as low as it is, is that we're only talking about the people we know are doing it on a big level, the four level. There are other organizations out there that would have to register. And if they didn't and they weren't regulated, then they would be fined. Look at the fines in there. If you violate this basic statute, there is a \$5,000 fine if you're found not complying. We can talk about being a puritan for the rest of the day, and we probably will. But when you look at the essence of this bill and what it is trying to do, either vote it up or vote it down, but don't make hypocrites out of yourself or the person that you're trying to ask a question of by saying that the intention is wrong. [LB469]

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PRESIDENT FOLEY: Time, Senator. Thank you, Senator Krist. Items for the record, please? [LB469]

CLERK: Mr. President, new bills. (Read LB1034-1057 by title for the first time.) In addition, Mr. President, new resolutions: LR287 is by Senator Quick, that will be laid over; LR288 is by Senator Bolz, that will be laid over as well. I also have a communication from the Speaker directing that LR288 be referred to the Reference Committee. Confirmation reports from the Agriculture Committee, three separate reports. Notice of hearings from the Revenue Committee and from the Executive Board. An announcement, Mr. President, the Banking Committee will meet in Executive Session at 10:00 in Room 222; Banking at 10:00. That's all that I have. Thank you. (Legislative Journal pages 307-314.) [LB1034 LB1035 LB1036 LB1037 LB1038 LB1039 LB1040 LB1041 LB1042 LB1043 LB1044 LB1045 LB1046 LB1047 LB1048 LB1049 LB1050 LB1051 LB1052 LB1053 LB1054 LB1055 LB1056 LB1057 LR287 LR288]

PRESIDENT FOLEY: Thank you, Mr. Clerk. In the speaking queue we have Senator Chambers, Crawford, Pansing Brooks, Hilkemann, Wayne, Larson, and Geist. Senator Chambers, you're recognized. [LB469]

SENATOR CHAMBERS: Thank you. Mr. President, I appreciate what everybody is saying, including what Senator Krist said. But I haven't heard Senator Krist suggest that prostitution be legalized because it will make money and people are engaging in it anyway, that drug sales should be legalized for the same reason, that the state should open liquor stores as some states operate and make money. There are things that are hurtful and harmful to society, that stain the social fabric, if you will. When bills come through to offer, as a constitutional amendment, the legalization of casinos, I fight them tooth and nail because I don't think they're helpful. I think they're very harmful. I know people who are victimized by that kind of gambling. I know people who, their whole home economy improved when Ak-Sar-Ben racing went out of business. I'm not theorizing like some people on this floor might be doing. I've seen what I've seen and I'm going to act on those reasons. Senator Krist said he thinks this is gambling. The reason Senator Larson says it's not, because it would be unconstitutional. The constitution specifies the kind of gambling that is allowed. This is not allowed. This is based on chance. Senator Krist instructed us, to some extent, how this game is played, one aspect of it. You pick a person who is going to run with the football. But Senator Krist doesn't tell us that that person may be injured in the game. The person may not be allowed to play in the game. So it is all a matter of chance. It is gambling. And I'm going to oppose the state sanctioning of this kind of gambling. When you have horse racing, first of all, Senator Larson talked about keeping operational money separate from what the suckers bet. Pari-mutuel comes from the term "Paris mutuel" and it's spelled t-u-e-l-horse race. Here's the way it operated. You have a pot. Everybody who is going to bet puts money into that pot and the track takes its money out right away, just like the bookie. And the money that's paid out is based on what the odds are. But it's suckers who lose paying the

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winnings for this sucker who happened to win. But nobody who gambles consistently on horse racing, unless you have inside information, is going to make a living at it. Those who walk around the tracks and are called touts often have run over shoes, holey britches, and you would ask yourself, why will people take information and advice from this tout when if the tout knew what he was talking about he'd have some money? He'd make money playing the information he gives if it's going to win. But gamblers are desperate. They are highly superstitious. When they play the lottery, they pick names like...I meant numbers, the birthday of somebody, the age of somebody else, the date that such and such a thing happened. Well, all of that is a matter of chance. Those things are allowed under the constitution because there are church groups who want to gamble. I really mean this. When I was younger, I used to think bingo was a Catholic saint because I'd go past Catholic Churches... [LB469]

PRESIDENT FOLEY: One minute. [LB469]

SENATOR CHAMBERS: ...and on big banners I'd see "bingo." So I thought bingo was a Catholic saint. Then I find out it's gambling and they do it in the churches. Everybody gambles. Everybody wants to take the money from the suckers. And Senator Krist, in general, is saying things that I would agree with. But this bill is not in the interest of the public. He did not call it a consumer protection bill. Why is it mischaracterized in that fashion? I don't believe they have 33 votes. But if they do, then they deserve to get it because they are consummate salespersons. So I'm going to continue taking time and we're going to go to cloture, whether people like it or not, whatever they say my motives are, because as Popeye--I am what I am and that's all that I am, and I shall continue to be what I am. Thank you, Mr. President. [LB469]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Crawford. [LB469]

SENATOR CRAWFORD: Thank you, Mr. President. I'd like to continue dialogue with Senator Larson, if he is willing to answer, yield for questions. [LB469]

SENATOR WATERMEIER PRESIDING

SENATOR WATERMEIER: Senator for question? [LB469]

SENATOR CRAWFORD: Thank you, Senator Larson. We were talking about the extent to which this would restrict or regulate this activity in new ways that's not currently restricted right now. And as I understand it, in the bill, one example is that if the bill passes then any entity engaged in this activity has to confirm that someone playing the game is at least 19 years of age. Is that true? [LB469]

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SENATOR LARSON: Yes. [LB469]

SENATOR CRAWFORD: So that looks like an added restriction. And currently right now, FanDuel has no obligation to do that, or are they required to do that right now by federal law? [LB469]

SENATOR LARSON: I do not think they're required to do that by federal law. Again, I can double-check that specifically. [LB469]

SENATOR CRAWFORD: I'd appreciate that. [LB469]

SENATOR LARSON: But I don't think there are any restrictions. A company themselves can impose those restrictions, FanDuel or DraftKings can self-impose those restrictions. [LB469]

SENATOR CRAWFORD: Okay. [LB469]

SENATOR LARSON: But again, there's a lot of companies out there that might not impose those restrictions, and that's why we're trying to create uniformity to ensure that there is that age limit. [LB469]

SENATOR CRAWFORD: Okay. So when we're talking about revenue from this activity for the state, if I remember correctly, there's some tax that gets paid for being willing...for having the privilege of being able to run these games in our state under this act, so there would be tax revenue. Now, is there any revenue component that actually puts money in the problem Gamblers Assistance Fund? [LB469]

SENATOR LARSON: I don't think that it goes directly into the problem assistance gambling fund, but I'm definitely open to that if somebody would like to do that. Right now we anticipate...the fiscal note only says the big four will sign up at the \$10,000 per year, but I...as Senator Krist mentioned, more than that more than likely will, so. [LB469]

SENATOR CRAWFORD: But would we need to add language to ensure that if these players...if this activity is now regulated and sanctioned in the state, that we would have more funds in our problem gambling assistance fund so that we'd make sure there would be resources available to those who have addiction problems with fantasy sports? [LB469]

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SENATOR LARSON: I'm more than happy to do that. Obviously, there are some expenditures. The Department Revenue has to have half an FTE to monitor the program and ensure that everybody is licensed and following those licenses. So, you know, the difference between the revenue and the expenditures, if we want to put a certain percentage into the problem gambling fund, I would be open to a friendly amendment as such between Select File and...or General File and Select File. That's...I'm completely open to that. [LB469]

SENATOR CRAWFORD: So you are committing that if this passes on General File, you'll work with those who are interested in making sure more money is in the problem gambling assistance fund; that we'll add a provision to make that happen between General and Select. [LB469]

SENATOR LARSON: I'd be happy to do that. [LB469]

SENATOR CRAWFORD: All right, thank you. Thank you, Senator. [LB469]

SENATOR WATERMEIER: Thank you, Senator Crawford and Senator Larson. Those in the queue wishing to speak: Senator Brooks, Senator Hilkemann, Senator Wayne, Senator Larson, and Senator Geist. Senator Pansing Brooks, you are recognized. [LB469]

SENATOR PANSING BROOKS: Thank you, Mr. President. Well, I'm sort of glad that we continue to have this argument every year. And I keep getting, sort of, tempted to, by some of the arguments, like, well, we're already doing it, people are already doing it on-line, so we should regulate it so that we can make it so that we can go after them. Well, we're not going after them now when it is illegal, so how is creating a bill or a law going to make it so that we can go after them even more easily? That doesn't make sense to me. It's already happening. The argument is--well, if it's already happening, we're going to be able to go after these people if we regulate it better. And I just don't understand that. So number one, that's one thing. Number two, I am concerned...I hear my friend and colleague, Senator Krist, talking about the puritan ways. I am particularly concerned about looking as if I'm not willing to look at the Internet and what's possible and how we move forward. But you know, I am concerned. Either you believe it's gambling or you don't. We already had one senator say, well, yeah, it's basically gambling. And the problem is it's a slippery slope. If we allow this type of gambling, then, of course, there's poker on-line, too. So once we say that it's okay to do fantasy sports on-line, then it's also, I presume...well, that just opens the door. Then we can do poker on-line, because they're already doing it on-line, so why can't we do it. So again, each thing becomes, you know, it's where your heart is. Either you believe in gambling or you don't. I'll tell you why I don't believe in gambling. There's a study that came out in 2014 that was entitled...and the article talks about people in poor neighborhoods are twice as likely to have gambling problems. And it's by the University of Buffalo. And based on a representative...this is a quote--based on a representative telephone

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interview with nearly 5,000 people ages 14 to 90 in the United States, the study found problem gambling was twice as likely in neighborhoods with the highest levels of poverty, compared to neighborhoods with the lowest poverty levels. They looked and those with highest neighborhood disadvantage, more than 11 percent were problem gamblers compared to just 5 percent ranking in the top fifth of economic advantage. And it goes on to say that problem gambling was determined by a number of symptoms, including gambling with increasing amounts of money, repeated unsuccessful efforts to control or stop gambling, and preoccupation with gambling activities. Types of gambling included casinos, sports betting--that's what this is, horse or dog racing, lotteries, on-line gambling, as well as raffles, office pools, charitable gambling, pull tabs, and bingo. So I guess I'm a puritan. You know, this argument, that, oh, well, we're going to use...yeah, we all need money, there's no question. The children in this state need legal counsel and representation. And I will continue to fight for that. We are balancing our budgets on the backs of children. But now we're going to go ahead and legalize something like gambling, that's the effort, and say, oh, well, we can create a fund to help those who have a serious problem with gambling. To me, that's like somebody bringing forward a bill saying, let's lower the smoking age, shall we? [LB469]

SENATOR WATERMEIER: One minute. [LB469]

SENATOR CRAWFORD: Let's let kids smoke at an earlier age and it will be great because it helps with tax receipts. So we'll be able to grow our budget and we're going to create a fund for nonsmokers...for people to help them quit smoking. That makes as much sense as legalizing this form of gambling and then creating a fund to help...which this bill doesn't even do, by the way, but then possibly adding an amendment to help Gamblers Anonymous. But literally, we're talking about an enterprise that preys on the vulnerability of people who are addicted and who have serious problems and who may be looking for a way to make some money in a rapid manner. And we know that the odds are against them. Thank you, Mr. President. [LB469]

SENATOR WATERMEIER: Thank you, Senator Brooks. Senator Hilkemann, you are recognized. [LB469]

SENATOR HILKEMANN: Thank you, Mr. President. And thank you for those comments, Senator Pansing Brooks. I am with you. I believe this is a form of gambling and I will stand here and oppose this measure as well. Earlier I asked Senator Larson several questions about the New York thing. And I went back to the article that I was researching on it, and I thought maybe what I would do is simply kind of highlight some of this article. Now, this comes from the...it's called The New York Times. I'm sure we've all heard of that. And it's in their June 18, 2016, edition. And it says, in this article, Senator Larson, it says: Months after being halted by the New York Attorney General, daily fantasy sports won a major victory early Saturday as state lawmakers



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moved to legalize on-line games. Now, this article says that Governor Cuomo has not yet indicated whether he was going to sign the bill. The attorney general, who first declared war on the industry in the fall by declaring daily fantasy sports to be illegal gambling, laid the groundwork for a deal in March when he suggested a June 30th deadline for the legislature to act to address the game's legal status. The attorney general, a Mr. Schneiderman, was neutral on the legislature's action on Saturday, calling it a law that will be my job to enforce and defend. But he added that his office would continue to pursue claims against DraftKings and FanDuel, the industry's largest companies, over the allegations of consumer fraud and false advertising. Well, I won't go on anymore to read that. I just wanted to make a point that, indeed, the attorney general did put a halt to the gaming industry, or at least this portion of gaming industry in New York at one point. And it did take the legislature to legalize this to move it forward in New York. And the article does go on to say that the New York deal is a lifeline for an industry so battered that FanDuel and DraftKings, once bitter rivals, are in merger talks, according to two people familiar with the negotiations. So that must...so we talk about it becoming more popular. You're saying we have 300,000 people using it. At either rate, Senator, I think that this is expanded gambling. I also read many stories last...some stories last evening about the number of people who had at one time had gambling addictions, they overcame those addictions, and then with the ease of having this in front of their computer, they got hooked once again on it. And I'm just concerned that for those people who do get addicted to gambling, the cost that it is to society, and the cost that it is to individual families, and therefore, I will continue to oppose this legislation. If I have any further time left, I would yield that time to Senator Chambers. [LB469]

SENATOR WATERMEIER: Senator Chambers, 90 seconds. [LB469]

SENATOR CHAMBERS: Thank you, Mr. President, members of the Legislature; thank you, Mr. Chairman. If these companies can do this already, why would they come here and ask the Legislature to pass a bill that's going to make them pay money to be regulated? They're, in effect, going to have to pay for a license. Then they can be charged with a crime. I'm glad that the senator pointed out that they were charged with fraud and other types of activities, which in plain language might amount to racketeering if it's done on a large enough scale. They are the bad actors. They were the bad actors in New York. They're coming here and saying, we are bringing you a consumer protection bill where they're the only actors that are of any consequence. So I believe everything that Senator Larson said is false, it is misleading, and if my colleagues in sincerity swallow it, that's not going to make me swallow it. If one man makes a foolish statement and a thousand people agree with it, that doesn't make it less foolish. Lemmings follow the leader, based on things that I hear. I know that my time is short on this time that Senator...I like to call him Chairman now, gave to me, but I do intend to make this bill go to cloture. I don't care what anybody says. [LB469]

SENATOR WATERMEIER: Time, Senator. [LB469]

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SENATOR CHAMBERS: Thank you, Mr. President. [LB469]

SENATOR WATERMEIER: Senator Wayne, you're recognized. [LB469]

SENATOR WAYNE: Thank you, Mr. President. Good morning, colleagues. This is an interesting debate. I remember watching this on TV a couple of years ago. I live in a district where we are next to the river, and if I were to go across to Council Bluffs I would see many other license plates have Nebraska plates on there. So I look at this at an opportunity to generate revenue, and I'm not necessarily opposed to gambling. So I will support this bill. But I am going to offer everybody in the Chamber and those who are watching from their offices an opportunity to show and be consistent that you are against gambling. I'm going to introduce a resolution to move Carter Lake back into Nebraska. I say back, because the river was changed. And I expect every antigambling senator to sign on to that because the Ponca Tribe is going to build a casino. So if you believe it has no place in Nebraska and you need to cross the river, or cross the borderline, then we need to make sure that's across the river. So I look forward to every person who votes against this bill signing up for my resolution asking the Governor and the Legislature to take a strong stance to bring Carter Lake back into the fold...or into the fold of Nebraska, so you can keep gambling out of Nebraska on this side of the river. So I look forward to all your support on this bill that I'm going to introduce and we will...Senator Friesen, I think, might be on board if I can convince him. I know Senator Larson is on board. And we're going to make sure that gambling doesn't happen in Nebraska if you truly believe that. As it relates to this bill, though, it already happens. Many of my friends continue to do it. I think it needs to be regulated in some fashion instead of not being regulated. So I will support this bill. And I think generally we need to, as a state, to look at all revenue streams and have a conversation, as Senator Krist said, about gambling in general but, more importantly, all revenue streams as it relates to the state of Nebraska. With that, thank you, Mr. President. [LB469]

SENATOR WATERMEIER: Thank you, Senator Wayne. (Visitors introduced.) Those in the queue wishing to speak: Senator Larson, Senator Geist, and Senator Krist. Senator Larson, you are recognized. [LB469]

SENATOR LARSON: Thank you, Mr. President. I agree with Senator Krist and a lot of what he said in terms of protecting consumers. Senator Chambers wants to talk about lemmings following an individual, well...and trying to portray that I am the one that is lying. Colleagues, this is about consumer protections, and when they say it's not, that is the lie. I want to clarify something for Senator Pansing Brooks that this is not illegal in Nebraska right now. It is happening. It doesn't mean it's illegal. It's not illegal, and that's why it's happening, because it is not. I'd like to ask Senator Hilkemann a question if he's in the room, because he stood up twice and tried to bring up New York. [LB469]

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SENATOR WATERMEIER: Senator Hilkemann for a question? [LB469]

SENATOR HILKEMANN: I'm available. [LB469]

SENATOR LARSON: Senator Hilkemann, you bring up this New York case. Did...and you said that the New York Attorney General offered an advisory Opinion, correct? [LB469]

SENATOR HILKEMANN: Well, according to what I read there, he actually... [LB469]

SENATOR LARSON: An advisory Opinion. [LB469]

SENATOR HILKEMANN: No, he stopped the gambling. [LB469]

SENATOR LARSON: The New York Attorney General offered an advisory Opinion expressing concerns. Did that New York Attorney General, did he prosecute anybody? [LB469]

SENATOR HILKEMANN: Senator, I do not know. [LB469]

SENATOR LARSON: No, he didn't, because it was an advisory Opinion. He wasn't sure if it was illegal or not. And what happened was then the New York Legislature went in and addressed the attorney general's concerns to protect New Yorkers. So, colleagues, any attorney general in the country, just so we understand, can offer advisory Opinions. He can threaten to prosecute and companies can voluntarily choose to stop or they can continue to operate and risk going through the court system. The companies in New York received the advisory Opinion. And because they wanted to play fair and make sure people operated above, they said, all right, we understand your concerns. We will go to the legislature and fix those concerns. An attorney general can only offer an Opinion or choose to prosecute. In the New York case, he offered Opinion but did not choose to prosecute. And it might astound you, Senator Hilkemann, that no attorney general has prosecuted this in the United States. Colleagues, this is about consumer protection, regardless of what Senator Chambers says. There are companies out there that are trying to do this that aren't above board, and we want to protect Nebraskans from those companies. And if LB469 fails to pass, they will continue to be in Nebraska, the four major players, as well as every other little company, and there will be no regulation. If you're okay with that, that's fine. You can choose not to have any consumer protections. And Nebraskans looking to continue to play this legally, which they are currently doing, will continue to do so. [LB469]

SENATOR WATERMEIER: One minute. [LB469]

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SENATOR LARSON: I have not seen our Attorney General prosecute this and I know he's antigambling. Maybe this will spur his efforts towards that. This isn't illegal, it's currently happening and will continue to happen. We can choose to protect Nebraska consumers to make sure they are not taken advantage of with LB469 or we can choose not to. Really, it's no skin off my back either way, but I would like to protect Nebraskans. And to Senator Geist's point, she says that 80 percent of people lose. Well, I'd say if there's a foot race between four people and there's one winner, 80 percent of the people are still losing. And anything that happens, that is happening. Thank you, Mr. President. [LB469]

SENATOR WATERMEIER: Thank you, Senator Larson and Senator Hilke. Senator Geist, you are recognized. [LB469]

SENATOR GEIST: Thank you, Mr. President. I would ask our resident expert, Senator Chambers, if he would yield to a question. [LB469]

SENATOR WATERMEIER: Senator Chambers for a question. [LB469]

SENATOR CHAMBERS: Only if I find out what I'm supposed to be an expert on. [LB469]

SENATOR GEIST: I would like to ask you, as you understand the Nebraska Constitution, is this type of betting on-line legal within the Constitution of the State of Nebraska? [LB469]

SENATOR CHAMBERS: If there's no money...if it's a game of chance, it has to be specifically allowed by the Nebraska Constitution. People can contest among and between themselves as much as they want to, as long as there's no stake, there's no money bet, no prize of any kind. If you have pinball machines in your facility and people win games, that's gambling. It's a game of chance. But if they just play it for recreation, it's not gambling. It's the involvement of money or a prize of some kind that makes it gambling. So if you're playing this kind of activity and there's no money involved, it's not violating the constitution. When Senator Larson says a lot of people are doing it, a lot of people are, but it would be gambling, but nobody is going to enforce that, because no law enforcement agency has the wherewithal to prosecute everybody who is engaging in this activity, even though it's gambling and against the constitution. [LB469]

SENATOR GEIST: So if I understand you correctly, where I read on line 12 on page 2, this has an entry fee required, and you can win big jackpot, or they say you can, so that is technically gambling under the definition you cited, correct? [LB469]

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SENATOR CHAMBERS: I don't believe it's technically gambling, I believe it's actually gambling. [LB469]

SENATOR GEIST: It is. Okay, thank you. [LB469]

SENATOR CHAMBERS: And nothing the Legislature would do is going to make it constitutional. I believe if the Legislature passed this bill and somebody wanted to challenge it in court, I think the court would find it to be gambling because it's a matter of chance and it's not specifically allowed by the constitution. That's my legal opinion. [LB469]

SENATOR GEIST: And if it were to be allowed by the constitution, that could only happen if we take this to a vote of the people and put it on the ballot. [LB469]

SENATOR CHAMBERS: Somebody would have to put it on the ballot. The Legislature could pass a resolution to put it on the ballot or somebody could do it by way of petition. But it would have to be by a vote of the people. [LB469]

SENATOR GEIST: Thank you, Senator Chambers. And that is all I have. Thank you, Mr. President. [LB469]

SENATOR WATERMEIER: Thank you, Senator Geist and Senator Chambers. In the queue wishing to speak: Senator Krist, you are recognized. [LB469]

SENATOR KRIST: Thank you, Mr. President; good morning, colleagues; and again, good morning, Nebraska. If you stand up on this mike, any mike, not just this mike, because my seat partner has said it before, any mike, and call this expanded gambling, you must have been talking to Pat Loontjter. This is not expanded gambling. This gambling is going on in the state of Nebraska right now. Go to any sports bar and watch what's happening in terms of fantasy football and the betting that's going on right now, and it is happening. Now, we can argue all day long in this Legislature whether it's legal gambling or illegal gambling or if it were brought to the courts what would the result be. That's not our job. Our job is to make sure that if there's something going on in the state, or if there's something that should not go on in the state, that statutorily we're either controlling it, we're regulating it, we're monitoring it, we're appropriating for it, we're taking money away from it, appropriate the money to make sure something is happening, apply the oversight that we need to and make the laws to support the effort. Read the book. That's what you're supposed to do. I'd like to ask Senator Chambers a question. [LB469]

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PRESIDENT FOLEY: Senator Chambers, would you yield, please? [LB469]

SENATOR CHAMBERS: Yes. [LB469]

SENATOR KRIST: Are you familiar with the concept of the Occam's razor? [LB469]

SENATOR CHAMBERS: Of what? [LB469]

SENATOR KRIST: Occam's razor. [LB469]

SENATOR CHAMBERS: Oh, Occam's razor. Yeah, that's if there's several ways to do something, you pick the least complicated one to do it. [LB469]

SENATOR KRIST: Okay, thank you. And it was invented by one of your favorite French friars. I think he might have been a judge... [LB469]

SENATOR CHAMBERS: William of Ockham. [LB469]

SENATOR KRIST: There you go. Anyway, if there are several options, pick the option with the least assumptions and move forward, I think technically is how it's defined in Wikipedia. We have an issue, and that issue is that we have machines all over this state that are allowing people to bet and they get some benefit from winning from that machine. And we are not regulating it, we are not drawing revenue from it. We have people coming into the state who are running these programs who are allowing people to bet, that is, to pick the pony, pick the running back, pick the quarterback, pick whoever you want to. It is a gambling activity that's going on and we are not regulating it, we are not enforcing anything, and we are allowing people of the state of Nebraska to potentially be taken advantage of. So you already allow expanded gambling by the inference that you don't want to have any regulatory value over what's going on. Again, I said earlier today, if you want it to all go away...well, I said it on the motorcycle debate anyway and I'll say it again, you don't want to take any risks, stay at home, surround yourself with pillows. Okay? It's the best way to live your life. But open your eyes to the fact that it's already going on. And if you want to regulate the activity and if you want to bring revenue in because of it and you want to keep it from growing in any way, if you want to keep it from continuing to expand, then do something about it. Stand up here on the mike and say, it's expanded gambling and I won't support it. You don't have to support it. It's already happening. The only reason I supported this coming out of committee is that it creates revenue on something that already exists and needs to be regulated. There were some kind words said by Senator Chambers after I got up on the mike

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the first time. I don't expect to have any kind words said about my position on this thing. I will, however, take Senator Pansing Brooks to task, and I have talked to her off the mike. [LB469]

PRESIDENT FOLEY: One minute. [LB469]

SENATOR KRIST: To say that we need not to support the problem gambling by using some of this ill-gotten bet money to fund those programs is a bit shortsighted. The people of Nebraska voted to put keno in place as a gambling mechanism, and we enabled the Department of Revenue to invent game after game after game. The Department of Revenue has expanded gambling exponentially. You can bet on anything at 7-Eleven seven days a week, 24 hours a day. But we regulate it and we get revenue from it; and we also passed in that initial constitutional that we would take money from that process and we would buy ambulances and other things and fund problem gambling because we knew we would have a problem. Please don't be an ostrich. Look at this thing in terms of what it is, not what you've been told it is. [LB469]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Larson, you're recognized. This is your third opportunity, Senator. [LB469]

SENATOR LARSON: Thank you, Mr. President. I heard the exchange between Senator Geist and Senator Chambers, and Senator Chambers offered his opinion that this would be considered a game of chance and not upheld in a Nebraska court. And I'd like to clarify this for Senator Geist. The constitution is clear when it says that no games of chance shall be permitted without authorization of the Legislature. So if we set aside the debate whether it's gambling or not, the constitution specifically discussed games of chance. That's why the Nebraska Supreme Court--and Senator Krist just talked about these machines--has said that Bank Shot is a game of skill because you can become better at it and there's more skill...a higher percentage of skill than there is chance, even though there are elements of chance in it. So we have to be very mindful. There's a reason our Attorney General has not prosecuted this issue. There's a reason why no attorney general in the United States has prosecuted this issue. They have offered advisory Opinions, but none have prosecuted. So Senator Chambers may have his opinion of what a court may do, and he's taken a lot of lawsuits to court, he's won some and he's lost some, but that doesn't make it what is. Only the court may do that. And I think it speaks volumes that the Attorney General hasn't prosecuted this and has chosen not to take these individuals to court, because if he felt so strongly, he would have, because I know our current Attorney General is very "antigaming." But our constitution clearly states that only games of chance are legal without authorization from the Legislature. And I assure you there is much more skill involved in this than Bank Shot. I don't know if Senator Geist has ever seen a Bank Shot machine, but it is barely meeting the threshold of game of skill. But it did, and our Supreme Court said it was therefore constitutional. Fantasy sports, obviously, has met the muster so far everywhere in the United States in terms of being

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prosecuted or those trying to prosecute. So again, as Senator Krist said, let's step away, whether you want to say because you wager money, that's gambling. My argument is, it is a game of skills, therefore it is already currently legal, whether it's gambling or not, it is legal in the state of Nebraska and we should protect consumers. And if you don't think...if you think it's more of a game of chance, I invite any of you to take it through the court system and we'll figure it out. They'll continue to operate in Nebraska, every one of these companies, and that is bad for Nebraskans. They should be protected. Thank you, Mr. President. [LB469]

PRESIDENT FOLEY: Thank you, Senator Larson. Senator Chambers, you're recognized to close on floor amendment FA89. [LB469]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, we're going to have plenty of time to discuss this. I'm enjoying it. In fact, as I told "Professor" Schumacher, the enjoyment that I'm getting out of this makes up for the lack of salary amount that I labor for. Senator Larson is either unaware of how prosecutors' offices work or he's misleading you. No prosecutor seeks out every violation of the law to prosecute. Some things are deemed to be so insignificant, inconsequential, the office of the prosecutor is not going to initiate the action. If there is considered to be prostitution going on in a location, the only time something will be done usually, if somebody makes a complaint. I'd like to ask Senator Larson a question. [LB469]

PRESIDENT FOLEY: Senator Larson, would you yield, please? [LB469]

SENATOR LARSON: Yes. [LB469]

SENATOR CHAMBERS: Senator Larson, if this bill should pass, who will enforce it? [LB469]

SENATOR LARSON: I believe the Attorney General enforces laws of the state of Nebraska. [LB469]

SENATOR CHAMBERS: Does it specify whether the Attorney General will do this or the Department of Revenue? [LB469]

SENATOR LARSON: The Department of Revenue is the main collector of the fees and will work to regulate and make sure those companies sign up. But if there's a company that is not, I believe a state agency then will turn it over... [LB469]

SENATOR CHAMBERS: Okay, okay, okay, you answered. [LB469]



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SENATOR LARSON: ...to the Attorney General and the Attorney General will prosecute. And I think that was original question, who would prosecute. [LB469]

SENATOR CHAMBERS: If one of these companies that is licensed does not pay a fine, does the bill say they shall be shut down? [LB469]

SENATOR LARSON: I would have to go back, but it would...if they would commit the fine...they would commit the penalty, the Department of Revenue would refer it to the Attorney General, just as any state agency refers things to the Attorney General. [LB469]

SENATOR CHAMBERS: Thank you. You're wasting my time on this one. When we get...the bill comes up again, we'll go through that, I'm going to show you how little you know about prosecution. There is nothing that is in the nature of an enforcement mechanism here. The Attorney General's Office initiates very few lawsuits. If the Governor requests it...now, the Governor will defend the...I meant the Attorney General will defend the state if an action involves the state, but the Attorney General does not go out willy-nilly initiating prosecutions against every violation of the law. Senator Larson should know that, if he doesn't. But I'm going to touch on some things today and then I'll go into more detail later because I'm going to draft a motion to reconsider the vote on this amendment, because you're not going to adopt it because you don't even know what the amendment is. It was an interesting one, and much could have been said about it. But at any rate...you know why sports betting is the least offensive betting to me? You have better odds in sports betting than any other kind of betting. If you bet on horse races, however many horses are running is one thing that stacks odds against you, but then some are faster than others that you have to figure into it. If you're going to play cards, you have to know something about the value of the cards and the strategy of the game. If you're going to shoot dice, I don't know how many combinations there are that you can lose on. We could figure it out very easily. In sports betting, your odds are always 50/50. You don't need to know anything. [LB469]

PRESIDENT FOLEY: One minute. [LB469]

SENATOR CHAMBERS: You always have a 50/50 chance of winning; 50/50 chance of losing. But in every other form of gambling, the odds are stacked overwhelmingly against you. There's another method of betting in sports betting, they have what they call over-under. You look at the combined scores of the two teams and you bet that their combined score will be over the number that the bookie sets or under it. If you bet over and the team goes over the two scores, you win. But you have to bet 20 percent more than what you hope to win when you bet over or under. And if it lands right on that number, then the bookie gets it all because you are neither over nor under. There are so many aspects to gambling, that would not be discussed ordinarily, that I will touch

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on as we go through this bill. And we're going to stay on it. How much time do I have, Mr. President? [LB469]

PRESIDENT FOLEY: Actually time is expired, Senator Chambers. [LB469]

SENATOR CHAMBERS: It's over? [LB469]

PRESIDENT FOLEY: Yes, sir. [LB469]

SENATOR CHAMBERS: Okay, thank you very much. [LB469]

PRESIDENT FOLEY: Thank you, Senator Chambers. [LB469]

SENATOR CHAMBERS: A call of the house and a roll call vote. [LB469]

PRESIDENT FOLEY: Thank you, Senator Chambers. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please. [LB469]

CLERK: 20 ayes, 1 nay, Mr. President, to place the house under call. [LB469]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Wishart, if you could return to the floor and check in, please, the house is under call. All members are present. The question before the body is the adoption of floor amendment FA89. Senator Chambers has requested roll call vote. Mr. Clerk, please call the roll. [LB469]

CLERK: (Roll call vote taken, Legislative Journal page 315.) 2 ayes, 37 nays, Mr. President. [LB469]

PRESIDENT FOLEY: The amendment is not adopted. I raise the call. Before proceeding, items for the record, Mr. Clerk? [LB469]

CLERK: Thank you, Mr. President. New bills. (Read LB1058-1071 by title for the first time.) In addition, Senator Harr would like to withdraw LB810; that will be laid over. Urban Affairs Committee reports LB748 to General File; LB865 to General File with amendments. And

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Enrollment and Review reports LB100, LB177, LB93, LB347, LB160, LB198, LB614, LB96 to Select File. That's all that I have, Mr. President. (Legislative Journal pages 315-321.) [LB1058 LB1059 LB1060 LB1061 LB1062 LB1063 LB1064 LB1065 LB1066 LB1067 LB1068 LB1069 LB1070 LB1071 LB810 LB748 LB865 LB100 LB177 LB93 LB347 LB160 LB198 LB614 LB96]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Next motion, please. [LB469]

CLERK: Mr. President, returning to LB469, Senator Larson would move to reconsider the vote just taken with respect to FA89. [LB469]

PRESIDENT FOLEY: Senator Larson, you're recognized to open on your motion. [LB469]

SENATOR LARSON: Please vote against my motion. [LB469]

PRESIDENT FOLEY: Without objection, motion is withdrawn. [LB469]

SENATOR LARSON: No, no. [LB469]

PRESIDENT FOLEY: I'm sorry, I didn't hear you. Sorry, I misunderstood you. Senator Chambers, you are recognized. [LB469]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Larson, we will get to consider that, because I have a reconsideration motion up there. We're going to take the time. He probably thought I was going to win the vote, and so he wanted to reconsider so he could try to undo it. But I know this Legislature. I'm going to show you all how clever gamblers are and how big a sucker they think the public at large are. There was this rural community, and it could have happened in a city, except for what the prize was to be. There was a big sign, it said--raffle, \$5 to win the mule tied up in the back of this barn, \$5. And people just flocked from all over the county, because what is \$5 when I've got a chance to win a mule? So this guy was taking in all these \$5 bills, \$1 bills in amounts of five, and he finally had a basket full. So then he had a person who was respected by everybody in the county so that they would know this person was honest. Her name was "sweet Sue." And everybody knew sweet Sue. So sweet Sue came, she reached into the container and pulled out a number. And one guy jumped up and he said, that's my number, that's my number, I got it. So the guy who was running the operation said, okay, come on, let's go get the mule. So they went in back of the barn and there was the mule, but the mule was dead. So the guy said, well, you can either take the dead mule or you can get your money back. The guy said, well, give me my money back. He gave him his \$5

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and everybody was happy. The mule was dead all the time. Gambling is stacked in favor of the house always. You're never going to beat the house. The house runs the game and is going to always make its money. The people who play the game are the suckers and they play against each other; even Senator Larson would acknowledge that. I'd like to ask Senator Briese a question or two if he would respond. [LB469]

PRESIDENT FOLEY: Senator Briese, would you yield, please? [LB469]

SENATOR BRIESE: Sure. [LB469]

SENATOR CHAMBERS: Senator Briese, were you here in 2016 when we debated this bill? [LB469]

SENATOR BRIESE: No, I wasn't. [LB469]

SENATOR CHAMBERS: Were you here when we debated a bill that Senator Larson had to declare poker to be a game of skill? [LB469]

SENATOR BRIESE: No, I don't recall that conversation. I wasn't here. [LB469]

SENATOR CHAMBERS: I taught Senator Larson something about gambling, and he probably forgot, but on the chance that he may remember, I'm going to do it with Senator Briese. Senator Briese, do you know about face cards in a deck of cards? Do you know that ace is higher than the king? [LB469]

SENATOR BRIESE: Sure. [LB469]

SENATOR CHAMBERS: You know the king is higher than the queen? [LB469]

SENATOR BRIESE: Sure. [LB469]

SENATOR CHAMBERS: You know the queen is higher than the jack? [LB469]

SENATOR BRIESE: Mm-hmm. [LB469]

SENATOR CHAMBERS: All right. Now, we're going to bet \$1 on what... [LB469]

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SENATOR BRIESE: Who is going to bet? [LB469]

SENATOR CHAMBERS: You and I. [LB469]

SENATOR BRIESE: No. (Laughter) You may bet it. [LB469]

SENATOR CHAMBERS: Well, two people are going to bet a dollar. Okay, now the dollar can be called the pot or the ante. Okay, so I put my dollar here, he puts his dollar on top of mine. Is that picture in your mind? [LB469]

SENATOR BRIESE: It is. [LB469]

SENATOR CHAMBERS: All right. Now we take two aces and lay them together. We take two kings and lay them together. We take two queens and lay them together. We take two jacks and lay them together. Now, which pair would you advise the person who bet me to take? [LB469]

SENATOR BRIESE: I don't know. [LB469]

SENATOR CHAMBERS: You don't have an opinion? [LB469]

SENATOR BRIESE: No. [LB469]

SENATOR CHAMBERS: What's the highest value card there? [LB469]

SENATOR BRIESE: The ace. [LB469]

SENATOR CHAMBERS: So if there are two aces, two kings, two queens, two jacks, and I said pick the pair with the highest value, what would you tell the person to take? [LB469]

SENATOR BRIESE: It would follow that the pair of aces would be the ones you want to pick. [LB469]

SENATOR CHAMBERS: So you'd take the two aces. I'd take the two dollars. I said which pair that has the greatest value. [LB469]

SENATOR BRIESE: That's why I didn't bet. [LB469]

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SENATOR CHAMBERS: But the two dollars, wouldn't that have the greatest value? I did that with Senator Larson. People don't think. Gamblers are like magicians. Misdirection, and that's why they banter and chatter. [LB469]

PRESIDENT FOLEY: Time, Senator. [LB469]

SENATOR CHAMBERS: I've talked ten minutes already? [LB469]

PRESIDENT FOLEY: Senator Chambers, you only get five minutes because it was Senator Larson's motion. You get five minutes to speak. But you're next in queue, you may continue. [LB469]

SENATOR CHAMBERS: Just so I understand, what is going on? [LB469]

PRESIDENT FOLEY: Senator Larson made a motion so he gets the ten. As a speaker, you get five. [LB469]

SENATOR CHAMBERS: Oh, so he did not withdraw his motion. [LB469]

PRESIDENT FOLEY: I misunderstood him. I thought he said withdraw, but he said something else, so the motion is still before us. [LB469]

SENATOR CHAMBERS: All right then. Okay. So we're on his motion then? [LB469]

PRESIDENT FOLEY: We're on his motion. That's correct, Senator. [LB469]

SENATOR CHAMBERS: Okay. [LB469]

PRESIDENT FOLEY: You are recognized, Senator Chambers. [LB469]

SENATOR CHAMBERS: Thank you. And I wouldn't mind, whoever put a motion up there, I'm going to talk about it. You could move that the President ought to attack North Korea and I'd speak on that motion. Members of the Legislature, I don't care whether people gamble or not. I don't care whether people visit prostitutes or not. That's their business. But I'm a member of the Legislature, and I, for my sake and on my side, look at what I think would be beneficial to the society at large, or hurtful. You are not going to have four big-time gambler companies, gambling companies get in league to come to a Legislature and say pass a law because we want

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to protect the community from us. We want to have to pay for a license in effect. We want to be regulated. They don't do that. If you look at the way this bill has been handled, it's not a protection bill for the consumers. When Senator...oh, he's not there. I was going to mention something Senator Krist had said, but I'll say it anyway. He said if you say that this is expanding gambling, then his opinion was that it's not. It would be an expansion of state-sanctioned gambling, state-sanctioned gambling. It is not sanctioned by the state simply because the state does not take action through a prosecutor to eliminate it or prosecute somebody. If you pass a law that would authorize and make this legal, it would be legal until somebody challenged it in court and it was struck down. The courts presume that actions taken by the Legislature are constitutional. Therefore, an argument has to be presented to persuade the court that it is not, in fact, within the realm of what a Legislature is authorized under the constitution to do. And for that reason, that act would be nullified. But until that happens, it is the law. Slavery was the law until a constitutional amendment struck it down. This kind of bill does touch on what we, as a Legislature, ought to do. There are things the Legislature can or is empowered to do. There are things that the Legislature may do, meaning it's going to choose one way or the other. There are things it ought to do. It is not mandated that it be done, but it is something which the Legislature, in the interest of upholding what is best for the public, should or ought to do. But in a state, only the Legislature has the power to legislate. And the Legislature cannot delegate that authority to any agency, any person, any entity, and the Nebraska Supreme Court makes it clear... [LB469]

PRESIDENT FOLEY: One minute. [LB469]

SENATOR CHAMBERS: ...that not even another branch of government, meaning the judiciary or the executive, is empowered to legislate. Each of the branches is restricted in terms of what it can do, and no one or combination can do anything pertaining to either of the other branches unless specifically authorized by the constitution to do so. So the ultimate law in the state is the constitution. And the Legislature can do anything that that constitution does not prohibit it from doing. The only check on that would be the laws of the United States, treaties entered into by the United States, or the Constitution of the United States. So there are things which a state under its own constitution may do. But if it violates the supreme law of the land, then it is struck down by the federal court system. There's more I'll say, but I think my time is up on this one. Thank you, Mr. President. [LB469]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Senator Chambers, you're recognized. This is your third opportunity, Senator. [LB469]

SENATOR CHAMBERS: Thank you, Mr. President. Members of the Legislature, if all of the "no" votes on my amendment translate into "yes" votes for this bill, it will fly across and be

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enacted into law. I don't see Senator Stinner and I don't see any members of the Appropriations Committee. Oh, I would like to ask Senator Bolz a question if she will respond. [LB469]

PRESIDENT FOLEY: Senator Bolz, would you yield, please? [LB469]

SENATOR BOLZ: Yes, I'll yield. [LB469]

SENATOR CHAMBERS: Senator Bolz, how is a bill that has an A bill processed, even if it makes it to Final Reading? [LB469]

SENATOR BOLZ: Any bill with an A bill has to be processed after the passage of the budget. [LB469]

SENATOR CHAMBERS: So even if it's on Final Reading, it's after the passage of the budget. [LB469]

SENATOR BOLZ: Right, so that we can illustrate that there is a remainder left in the budget for bills that could be spent... [LB469]

SENATOR CHAMBERS: Thank you. [LB469]

SENATOR BOLZ: ...(inaudible) spent on the floor. [LB469]

SENATOR CHAMBERS: Thank you. And I was aware of that, but I wanted it from somebody who has more credibility than I have on this floor. Let's say you get this bill to Final Reading. How many hours do you want to spend on that bill on Final Reading? Whatever the maximum number of hours would be allowed will be taken. And because of that there is an incentive for me when we get to the budget bill on Final Reading to offer return motions on the budget bill for specific amendments, and I could, if I chose to, run out the clock in terms of the amount of...the number of hours allowed for debating the budget bill. I can take all of that time. Then if there are any other bills on Final Reading in front of this one, then I would make return motions on each one of those. And if you think I won't, there's some people here who remember when I had a mountain lion bill and it was not enacted. And I put my amendment in the form of a return motion on all the bills on Final Reading. Strike the contents of this bill and substitute my bill for it. And the senators didn't think I would do it because we were going to have some Final Reading on the last day and we were going through some of these bills. Then it might have been Senator...I don't remember if it was Senator Smith, but whatever senator it was came over and said, Senator, people have their families here and they came...and he made a pitch and he



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touched me, so to speak. And I told him based on the appeal...oh, and he mentioned the children who were with them. And I stopped offering that amendment and they finished Final Reading. But people who are aware of the way I operate, if you once put me in that position, I will have a motion that I will multiply on every bill that will be on Final Reading in front of this one. And I don't have to just make one motion on each bill. I can offer motions on the same bill. Each one will be debated. I will offer my motion. If they're smart, they will not join me in the debate. [LB469]

PRESIDENT FOLEY: One minute. [LB469]

SENATOR CHAMBERS: Then we'll take a vote and they'll vote against returning it and I'll move to reconsider. And I will debate it. And while they're debating that, I will make another motion on that bill to return it. And some of you challenge me. Let's make a bet here today. Challenge me. Tell me you think I can't do it or I won't do it. I'll do it. I'm going to kill this bill one way or the other. And now you have to determine whether it's more important for you to teach me a lesson and lose these bills, or get rid of something that's trash legislation. Thank you, Mr. President. [LB469]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Walz. [LB469]

SENATOR WALZ: Thank you, Mr. President. I rise in opposition to this bill, and I would like to tell a story on why. As a young man, he loved games. And he was a competitor in sports, in board games, in who could do more push-ups and who could run faster. He would participate in card games in high school with his friends and soon moved into playing fantasy sport games after high school, and then moved into playing slot machines and soon Black Jack at the casino. He would become so addicted to this game that he decided to quit school where he had a baseball scholarship. He became so addicted to the game of chance that he would leave his job in the middle of the day, lying to his employers, and make the 45-minute drive to Council Bluffs to go to the casino. He would pawn items, some items that were very sentimental to his family, so he could find money to gamble. He would ask his family members for money, making up stories as to why he needed it. He would refinance his car, take out small loans. He would do whatever it took to find the money to get to the casino. This young man became a family...a husband and a father, and he had a family who loved him and supported him very much. His addiction caused so much pain for so many people. His addiction led to visits to his personal home from collectors to get money that was owed. It would lead to threats to him and his family. It was a horrible situation in so many ways. This is just one example of a young boy, one of the kindest, most loving boys who started out innocently playing a game of chance that almost led to destroying his life and the life of his family. As you can see, this is a personal story for me. So I'm not real concerned on is it legal, is it not legal; is it restrictive, do we have enough regulations? I'm

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concerned about the fact that it is a problem that can turn into a larger problem, a problem that can easily multiply. I'm concerned that it leads to activity that can destroy the lives of families and their finances. That it can destroy a person's personal life and well being. Thank you. [LB469]

PRESIDENT FOLEY: Thank you, Senator Walz. Senator Hilkemann. [LB469]

SENATOR HILKEMANN: Thank you, Mr. President. I wonder if Senator Larson would answer a question for me, please. [LB469]

PRESIDENT FOLEY: Senator Larson, would you yield, please? [LB469]

SENATOR LARSON: Yes. [LB469]

SENATOR HILKEMANN: Senator, how many states have passed a bill similar to what we have here before us in LB469? [LB469]

SENATOR LARSON: I think it's 19, but my legal counsel will...yes, 19 states have protected their citizens from bad actors. [LB469]

SENATOR HILKEMANN: Okay. What are some of those states? Do you have that list of who the states are? [LB469]

SENATOR LARSON: I don't have a list of which states have done it, no. [LB469]

SENATOR HILKEMANN: Okay, okay. Now, one of the things, we were talking a little bit about the attorney general. I went back...there's a...I find an interesting Web site called LegalSportsReport.com, this my first to be...to have discovered that in developing this. You know, we talked about attorneys general and you said that when an attorney general posts a cease and desist order, is that making an Opinion? [LB469]

SENATOR LARSON: If they are operating on current law, they can post a cease and desist order. If they are offering an advisory Opinion, then that is an Opinion. But that cease and desist order can be challenged in court. [LB469]

SENATOR HILKEMANN: Okay. So the New York Attorney General, Alabama and Delaware have all, for certain, have cease and desist orders at one point into this. There are a number of

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attorneys general who are also on record as saying that this is...constitutes illegal gambling for their state, such as Georgia, Nevada, Idaho, Hawaii, Illinois, Texas, Alabama, Tennessee, and Vermont. [LB469]

SENATOR LARSON: Well, Nebraska is not on that list. And Idaho actually has courts that have said poker is a game of skill, so I'd like to see that go through the courts and I'd encourage these companies to do that. [LB469]

SENATOR HILKEMANN: Okay. Now, when I look at the...what these states that are...there are about a half a dozen states that these daily fantasy sports operations are not working in. Are you aware of that? At least this is according to this daily fantasy sports. Is this true or not? Are we... [LB469]

SENATOR LARSON: There are some states that have actively...I think there are a few states that have actively banned them and that is up their legislature should they want to do so, or if their constitution does so. But as I said, with those states that you mentioned, Nebraska isn't included in them and they're legal to operate here right now. [LB469]

SENATOR HILKEMANN: Yeah, I'm not...I'm just saying...what I was trying to point out is that attorneys general...yeah, I don't know what our Attorney General Peterson's Opinion is, and that's not to be argued here. Just saying that there are some attorney generals who have looked at this in their states and have actually put out even cease and desist orders. [LB469]

SENATOR LARSON: Well, every state's laws are different. So obviously the Attorney General in Nebraska, which is what we are focusing on, has not because, I would assume, he believes that they're operating within the law. And, you know, not every law across the country is the same. You understand that. Each state can have different...so those attorney generals that have offered cease and desist orders, their laws or constitutions may be significantly different from Nebraska. So therefore, to use that as an argument, I don't quite follow, because their laws could be different, and you recognize that. [LB469]

SENATOR HILKEMANN: Okay. Well, and that's what I'm trying to get to is... [LB469]

SENATOR HOWARD PRESIDING

SENATOR HOWARD: One minute. [LB469]

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SENATOR HILKEMANN: ...are we...so, Iowa is one of the states that this particular Web site says does not allow operators to take that into...why would Iowa not? [LB469]

SENATOR LARSON: You'd have to ask an expert from Iowa. Like I said, Nebraska, it's legal and allowed and operating. [LB469]

SENATOR HILKEMANN: Okay. Thank you. Madam President, thank you. [LB469]

SENATOR LARSON: Thank you. [LB469]

SENATOR HOWARD: Thank you, Senator Hilkemann and Senator Larson. Senator Pansing Brooks, you are recognized. [LB469]

SENATOR PANSING BROOKS: Thank you, Madam President. I am rising to just say a little bit more. I want to thank Senator Walz for her very impassioned testimony just recently. I think it's so important, those who have been affected by gambling; it ruins lives, it ruins families, it's very difficult. And so again, we have one senator in here in support of it saying it's not gambling, Senator Larson. And then we have another senator, Senator Krist, who is saying, well, yeah, it's definitely gambling. So, you know, to me the difficulty is if we want to legalize gambling, that's a bill. That's a decision to be made by the body. And to say that it is happening, again, to say that it's happening and if we don't just embrace it that it's going to continue happening, that seems to me a circuitous argument. I have some information that was given to me that was a quote by the CEO of DraftKings, Jason Robins, who said very simply--it's gambling, it's putting money on an event in the outcome in hopes of winning more money. And others have said the exact same thing. Jim Murren from MGM Studios, MGM Casino's Chair says--I don't know how to run a football team, but I do know how to run a casino and this is gambling. So there is all sorts of discussions about the fact that this is gambling. But it's being brought to us in a way to say, oh no, this really isn't gambling and we have to accept it because it's already being done. And again, just because something is being done illegally doesn't mean we have to accept it. Now, yes, we do need more revenue. But, again, this is a policy decision--do we want revenue from gambling or not? But to dance around the issue, to have one senator say, oh, it's not gambling; have another senator say, oh, it's definitely gambling, but accept it anyway. That's not the way I want to discuss an issue and I don't think it's appropriate. I do know people that have done the fantasy gambling on ESPN without any kind of money exchanged. And so I know a tiny bit about this, enough to be dangerous, I guess. But that kind of gambling where you don't have money involved and you're just teasing each other for your bad choices or your non-choices or whatever it is, I get that. And that's something fun to do among family members or friends. The minute you inject money into it and say, oh, well, it's happening, we just have to accept it, to me puts real lives in danger. It puts real lives at risk of addiction, of falling apart, of losing jobs. Our

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number one issue for our State Chamber is work force. So any of these kinds of things that precipitously cut off a healthy and vibrant work force to me are wrong. Yeah, we have to increase ways to make money and support what's going on as a state. But to choose something like gambling and then not actually call it gambling and have a discussion as if it weren't gambling is disingenuous. [LB469]

SENATOR HOWARD: One minute. [LB469]

SENATOR PANSING BROOKS: Thank you, Madam President. I'll give the rest of my time to Senator Chambers. [LB469]

SENATOR HOWARD: Senator Chambers, one minute if you would like it. [LB469]

SENATOR CHAMBERS: Thank you, Madam President. Thank you, Senator Pansing Brooks. And I'm like what Hades is supposed to be--always hungry and willing and ready to accept more. Anybody who is going to give me time...if I were the only one speaking, I could have taken all the time this morning, so in a way I feel like people intruded into my territory. But not being one who wants to cut off full and free debate, I wouldn't want that to happen. Even those who oppose what I say, I want them to speak because they give me grist for my mill. Sometimes they speak from emotion. Somebody from the peanut gallery will tell them something and they will say it unexamined on the mike and it will be wrong, or they cannot defend it, or they don't know this or that. When Senator Larson was talking about attorneys general... [LB469]

SENATOR HOWARD: Time, Senator Chambers. [LB469]

SENATOR CHAMBERS: Thank you, Madam President. [LB469]

SENATOR HOWARD: Thank you, Senator Chambers. Senator Ebke, you are recognized. [LB469]

SENATOR EBKE: Thank you, Madam President. In the interest of collegiality, Senator Chambers would you like the rest of my time? [LB469]

SENATOR HOWARD: Senator Chambers, you're yielded 4:50. [LB469]

SENATOR CHAMBERS: Thank you, Madam President. Bless you my child, I'm old enough to say...well, grandchild. Members of the Legislature, I listened to Senator Larson. If I lived during

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the days of the Old West and he is with the gang that can't shoot straight, but he's got a gun, if he accidentally aimed it right and hit me then it would kill me. So I have to take seriously everybody who is shooting off their mouth on the floor. So I listened to him when there was the discussion of attorneys general, and he was not conceding that states have different laws that govern what an attorney general can and cannot do, the impact of an attorney general's Opinion. He said Attorneys General don't and can't. Then when contrary evidence is presented, he then says, because he's more interested in trying to be right than he is in the truth, will say, well, you know they got different laws. I'm interested in Nebraska, they don't...they always had different laws. He needs to be a bit more cautious, and I'm not going to tell him how to conduct his affairs, do it any way he wants to, because everything we say is recorded. Everything we say is transcribed. And if he wants to try to clean something up on the floor, he cannot erase what had gone before. It's there. As that Rubaiyat of Omar Khayyam says: all your piety and wit cannot move that finger back to erase a word of it. The moving finger moves and having writ, moves on. The Rubaiyat of Omar Khayyam--once it's written, you cannot unwrite it. Now, The Rubaiyat did not go on to say that if what was written by you, that writer was fate, you cannot undo what fate as done. You cannot control fate. Fate acts and you are a victim of fate or you're benefited by fate. But if you would analogize that to a person, whatever you do, you cannot undo that, but you might can mitigate the damage that was done if it was a negative act or you can compensate somebody as is the theory behind punitive damages or civil damages in a lawsuit. What we're dealing with here is something which is very addictive, and even the strongest supporters of gambling cannot argue against that. They know people who have fallen victim to it. If that's what they want to do, it's not for me to stop them. I'm not going to question Senator Larson on everything, but it would be stupid, and I don't want him to sound stupid on the floor, not that he would, but to say because something is being done, therefore it's legal. He said it's being done in Nebraska and it's legal. That doesn't follow. There are things done in this and every state which are not legal. If he would be trying to get across the notion that because no prosecutor has prosecuted or taken action to stop it, therefore it's legal, that doesn't follow either. Every agency of government talks about not having sufficient funds or employees to do... [LB469]

SENATOR HOWARD: One minute. [LB469]

SENATOR CHAMBERS: ...everything which they are charged under the law to do. The courts want more judges, they want more staff; they want more technological help to try to handle things that they cannot do manually, and I would add a womanly...womanally (phonetically). Let the machines do it. As I've said before, those who create machines are geniuses, but those who create the machines that can create machines are the magicians. There are machines that build machines. The machine that you have is inside your head. Your brain is a tool maker. It depends on how you are going to make use of it. There are things... [LB469]

SENATOR HOWARD: Time, Senator Chambers. [LB469]

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SENATOR CHAMBERS: You said time? [LB469]

SENATOR HOWARD: Yes, sir, I did. [LB469]

SENATOR CHAMBERS: Thank you, Madam President. [LB469]

SENATOR HOWARD: Thank you, Senator Chambers. Thank you, Senator Ebke. Senator Pansing Brooks, you are recognized. [LB469]

SENATOR PANSING BROOKS: Thank you, Madam President. I was hoping to give my time to hear the rest of what Senator Chambers had to say. [LB469]

SENATOR HOWARD: Thank you, Senator. Senator Chambers, you are yielded 4:50. [LB469]

SENATOR CHAMBERS: Thank you, Madam President. Thank you, Senator Pansing Brooks. I was talking about the brain. There are things you can do to increase your brain power. There might be a limit as to what a person can learn. I don't know that there is. Just like there's no such thing as an infinite number, there can be an infinite series of numbers. And to be infinite means there is no end. You cannot write a number so large that you cannot add another one to it. What you can do is make a large line of zeros and if there are a billion of them, you still have only zero. But if you put a 1 in front of that first zero and then you have the billion, you have a huge number. Nobody has determined yet when a brain has reached the capacity of a brain that's properly functioning and not one more fact can be assimilated, not one more name can be learned, not one more number can be created. So at least potentially the capacity of the brain to learn is infinite, potentially. Maybe there is a limit, but nobody has reached it yet. But there are things a person can do to hinder the ability of a brain to function properly. Drugs can do it. Alcohol can do it. Strong emotions can do it, pressure. People talk about depression, and other things can interfere with your brain to function as it should. Senator Walz gave a recitation in detail about the downward spiral of a person who started with something that seemed very innocent. And before he knew it, he was hooked. It's like the fish. The fish sees the worm. Maybe the fish sees the hook but doesn't know what the hook is. All it focuses on is the worm, and it grabs the worm, but in grabbing the worm there's something else that automatically goes along with the worm. Now, here's the way the philosophers phrase that situation. Does the fish take the hook or does the hook take the fish? Either one can be correct. But what we're talking about relates to a situation where a person apparently thought he could deal with something and it turned out that he couldn't. There have been all kinds of ways of saying that somebody who gambles will gamble and lose, gamble, lose yet again, then gamble more trying to win and lose even more. That's why people sometimes will double up on bets. Some of them call it double or nothing, always holding in front of the person the prospect of winning. These concepts are

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expressed in different ways. The will-o'-the-wisp: When you are in an area where there is a lot of vegetation then sometimes a phosphorescent effect is created and you see what you think is a light. And you go where you think you see that light, but when you get to where you thought the light was, it's not there. [LB469]

SENATOR HOWARD: One minute. [LB469]

SENATOR CHAMBERS: So you see it somewhere else and you continue to follow it. It's a will-o'-the-wisp. You're never going to capture it. You will always be following, always pursuing. There is a group called U2. They sing a song about running: "but I still haven't found what I'm looking for." That is a notion that you find in music, literature, art, every human endeavor because there are always things just beyond your reach, things that are desirable. Somebody wrote a song called dream, "The Impossible Dream." [LB469]

SENATOR HOWARD: Time, Senator Chambers. [LB469]

SENATOR CHAMBERS: See? Thank you, Madam President. [LB469]

SENATOR HOWARD: Thank you, Senator Chambers and Senator Pansing Brooks. Speaker Scheer, you are recognized. [LB469]

SPEAKER SCHEER: Thank you, Madam President. We have used now the allotted time for the first three hours of debate for LB469, so we will pass over that and move on to the next bill item on the agenda. Thank you. [LB469]

SENATOR HOWARD: Mr. Clerk. [LB469]

CLERK: Madam President, the next is a proposed constitutional amendment by Senator Larson, LR18CA. It would propose an amendment to Article III, Section 8; Article IV, Section 2; and Article V, Section 7 of the Nebraska Constitution. Introduced on January 18 of last year; referred to the Government, Military and Veterans Affairs Committee. The bill was advanced to General File. I have no amendments to the resolution at this time. [LR18CA]

SENATOR HOWARD: Thank you, Mr. Clerk. Senator Larson, you are welcome to open. [LR18CA]



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SENATOR LARSON: Thank you, Mr. President. And, colleagues, I'm sorry that just by chance we had two in worksheet order that were mine, but we will continue. LR18CA is a constitutional amendment that would change the age of eligibility for public office to the federal voting age. LR18CA would provide an opportunity at the general election for voters of our state to decide collectively and as a voting majority whether individuals that have reached the voting age or older are able to run for any public office. If passed by Nebraska voters, this amendment would provide the opportunity for individuals to serve in any capacity of which they are currently able to cast a vote in the election of our state. More than four and a half decades ago it was decided that a portion of our federal constitution be reconsidered. And so it became that individuals 18 years of age were declared responsible and mature enough not only to drive cars, own homes, start businesses, get married, and fight in wars, but also have the right to vote in both federal and state elections. LR18CA simply carries forward a similar mentality that individuals 18 years of age who are old enough to vote possess the potential capability of not only serving and representing a constituency but also doing it well. The voting majority of our state will ultimately make the decision whether an individual be 18 years of age or 81 years of age who would best represent their interest in elected capacity. Forty states have recognized in one form of elective office or another that an individual 18 years of age or older is qualified to serve the public. I introduced LR18CA because I believe the same opportunity to serve should be made available for all public offices including member of the Legislature, Governor, Lieutenant Governor, and member of the Supreme Court. If a citizen of our state has the right to vote for those who will serve and represent us, then that same individual should be provided with an opportunity to serve as well. I would like to reiterate that LR18CA is only a vehicle to this opportunity. Ultimately, Nebraska voters will make the decision. It is also important to note that individuals would remain subject to any other qualification requirements for each independent office. I would like a quick note that when the Nebraska Constitution was written specifically for the Legislature, they put it at 21. The voting age at that time was 21. When the federal government decided to move the federal voting age to 18, Nebraska didn't follow suit. But the original writers of our constitution did feel that if you were old enough to vote, you were able to serve. Thank you. [LR18CA]

SENATOR HOWARD: Thank you, Senator Larson. Members, you have heard the opening on LR18CA. The floor is open for debate. Senator Chambers, you are recognized. [LR18CA]

SENATOR CHAMBERS: Thank you. Mr. President...Madam President, members of the Legislature, I would like to ask Senator Larson a question. [LR18CA]

SENATOR HOWARD: Senator Larson, will you yield? [LR18CA]

SENATOR LARSON: Yes. [LR18CA]

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SENATOR CHAMBERS: Senator Larson, this was before us on another occasion, not this version but this... [LR18CA]

SENATOR LARSON: Concept. [LR18CA]

SENATOR CHAMBERS: ...idea was before us on another occasion, introduced by you also. Is that correct? [LR18CA]

SENATOR LARSON: Yes. Either in 2015 or '16. [LR18CA]

SENATOR CHAMBERS: And what happened to that? [LR18CA]

SENATOR LARSON: It fell two votes short of cloture, I think. [LR18CA]

SENATOR CHAMBERS: And there was great opposition launched by me. I won't put it on anybody else. Would you agree with that? When I say great, a lot of opposition was expressed by me. [LR18CA]

SENATOR LARSON: Yes, you filibustered it for an entire six hours. [LR18CA]

SENATOR CHAMBERS: And you have no reason to feel that a different course would be pursued by me this time, do you? [LR18CA]

SENATOR LARSON: I don't have any reason to believe a different course. We haven't discussed whether or not you would or not. I assume you would. I figured you would. [LR18CA]

SENATOR CHAMBERS: But I'm older now than I was then. Would you agree with that? [LR18CA]

SENATOR LARSON: Yes. [LR18CA]

SENATOR CHAMBERS: I'm closer to death, than I was then, now. Would you agree? [LR18CA]

SENATOR LARSON: Every second brings each one of us closer to death. [LR18CA]

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SENATOR CHAMBERS: If you had your druthers, then that would occur before the time expired. You'd wish that... [LR18CA]

SENATOR LARSON: I do not wish that upon you, Senator Chambers. [LR18CA]

SENATOR CHAMBERS: So then you wouldn't want me to expire before the time on debating this bill expires. [LR18CA]

SENATOR LARSON: No life is worth any individual law or bill. [LR18CA]

SENATOR CHAMBERS: Well stated, well stated, and I appreciate that, Senator Larson. Members of the Legislature, Senator Hall, former-Senator Hall and I fought assiduously to get the age for voting lowered to 18 in the state and were successful. My view was that young people would probably be more aware of issues when they are 18 than when they become older because they get out of the stream of reading, paying attention, and so forth that students, or people who were recently students, would continue to be a part of. In other words, there would be a greater awareness on the part of people who were 18 than those who are older. You can look at how people follow the President who are older. He said he likes uneducated people, and this is why. He has made "Repelicans" who used to have stature, he's converted them into moral munchkins, pitiful politicians. When he made that statement denigrating the continent that produced my forbears and, by extrapolation, me, and called it an "s-house," I don't like that. They had a program on Public Television, Martin Luther King's birthday they were supposedly celebrating, which showed the terrible things happening to black people--shotguns, the beatings by the police, fire hoses, dogs sicked on them, women beaten. It was hard not to hate everything white. You all never went through that. You couldn't deal with it. You can't deal with the things that happen on the floor of this Legislature, and you want me to act like it didn't happen. Then I see a fool sitting in the White House encouraging that kind of stuff, and I'm supposed to act like it's all right. If I said half of what he said... [LR18CA]

SENATOR HOWARD: One minute. [LR18CA]

SENATOR CHAMBERS: ...you all would be popping up like you did when a comment I made about the police and ISIS was taken out of context by some woman who had a little on-line newspaper, and former Senator McCoy jumped up and led the rest of the sheep by the nose. I didn't run from here. I stood here and listened to them all yackety-yak. And then I wound up quoting Santa Claus, ho, ho, ho, I made fun of them, I mocked them, and I ridiculed them because they made fools of themselves. That's what white people do, not every white person but white people in general do that. They're following Trump. People who sat in that room and heard him make that statement, not one of them denied it. Trump didn't deny it until days past. Then he

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got some of them in the room to say we'll say you didn't say it. And now he's saying, what are all the senators saying who were there? What are they saying? Well, he says what he tells them to say. That is why I don't have a lot of respect for white people in office. [LR18CA]

SENATOR HOWARD: Time, Senator Chambers. [LR18CA]

SENATOR CHAMBERS: Thank you, Madam President. [LR18CA]

SENATOR HOWARD: Senator Larson, you are recognized. [LR18CA]

SENATOR LARSON: Thank you, Mr. President. Would Senator Chambers yield to a question? [LR18CA]

SENATOR HOWARD: Senator Chambers, will you yield? [LR18CA]

SENATOR CHAMBERS: Yes. [LR18CA]

SENATOR LARSON: I guess I'd just ask you the first question. You were very open on the last bill. Do you plan on filibustering this bill? [LR18CA]

SENATOR CHAMBERS: And I call it extended debate which I intend to engage in. [LR18CA]

SENATOR LARSON: For a full three hours? [LR18CA]

SENATOR CHAMBERS: If that's all that we're given, I'll take that. [LR18CA]

SENATOR LARSON: You'll take that. And I believe the last time we discussed this bill, a lot of it was...you expressed a lot of...you didn't feel that those over...between 18 and 21 were capable of serving or would make good decisions in the Legislature, something along those lines. [LR18CA]

SENATOR CHAMBERS: As a generality and a policy, I didn't think people 18 years old should hold certain positions that they would...for example, a member of the Supreme Court. [LR18CA]

SENATOR LARSON: Well, we'll stop there. So do you...so let's just use the Legislature, for example, because that was part of it. And if we want to discuss the Supreme Court, we can go

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more into detail on that. Do you think an individual should be...how old do you think an individual should be to become our State Auditor or our State Treasurer? [LR18CA]

SENATOR CHAMBERS: I let me...I'm going to say this... [LR18CA]

SENATOR LARSON: Like...(inaudible). [LR18CA]

SENATOR CHAMBERS: No, no, you rambled on when you asked me a question, you're not going to tell me how to answer a question. [LR18CA]

SENATOR LARSON: Okay, I'll ask it this way--are you aware of any age limit in Nebraska to be the State Auditor, State Treasurer, Secretary of State, or the Attorney General? [LR18CA]

SENATOR CHAMBERS: Here is what I will say... [LR18CA]

SENATOR LARSON: Are you... [LR18CA]

SENATOR CHAMBERS: A policy... [LR18CA]

SENATOR LARSON: You are also very concise with me. Are you aware of... [LR18CA]

SENATOR CHAMBERS: Are you going to listen? Otherwise, I'm not going to go through this. I'm not your child or anybody's child. [LR18CA]

SENATOR LARSON: All right. Thank you. [LR18CA]

SENATOR CHAMBERS: If you ask me, I'm going to answer the question my way and you are not going to tell me how to answer it. [LR18CA]

SENATOR LARSON: All right. [LR18CA]

SENATOR CHAMBERS: Now if that's the way you're asking me questions, don't play with me like that. [LR18CA]

SENATOR LARSON: Thank you, Senator Chambers. [LR18CA]

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SENATOR CHAMBERS: Don't play with me like that, you got it? [LR18CA]

SENATOR LARSON: Senator Chambers, I asked a specific question, if you were aware of an age limit, and I will give the answer. [LR18CA]

SENATOR CHAMBERS: I will not answer your questions. [LR18CA]

SENATOR LARSON: Ironically, there is no age requirement... [LR18CA]

SENATOR CHAMBERS: I will not answer your questions. [LR18CA]

SENATOR LARSON: ...for the elected office that oversees all the state elections, in the Secretary of State. He's the chief election officer. There is no age requirement for the office that oversees the state's finances, investments--the State Treasurer. There is no age requirement for the office that oversees audits, reviews, and investigations of our state and local governments' financial operations--the Auditor of Public Accounts. And there is no age requirement for our state's chief law enforcement officer and lawyer--the Attorney General. There are no age requirements for any of those offices in statute or our constitution in the state of Nebraska. Yet, the voters have successfully and repeatedly elected dependable, competent, and qualified individuals for each of those offices. You don't even have to be 18 to run for any of those offices. There are no age limits. Yet, you have to be 21 to run for the Legislature, and 30 for Governor and Lieutenant Governor. Now, I understand that the Governor and Lieutenant Governor have...there are concerns that they...that you worry about brain development, and we heard that all last time, but, colleagues, in the end, we haven't had age limits on many of our state constitutional offices. And the voters of Nebraska have elected competent and qualified individuals. Now, there are very few individuals that have ever been elected under the age of 25 to the Legislature. But the point remains if you want that civic engagement, if you want people to continue to be involved,... [LR18CA]

SENATOR HOWARD: One minute. [LR18CA]

SENATOR LARSON: ...why do we disenfranchise them and, in my view, take away their First Amendment rights of speech by telling them they get to, yes, vote for their representative, but they don't get an actual voice to be the representative. Their voice matters less. So they can go run for a statewide office but not the Legislature. That's wrong. Thank you, Mr. President. [LR18CA]

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SENATOR HOWARD: Thank you, Senator Larson and Senator Chambers. Senator Chambers, you are recognized. [LR18CA]

SENATOR CHAMBERS: Thank you, Madam President. Members of the Legislature, I will answer people if they ask me questions, but I'm going to answer it and I'm not going to be cut off. And if that's the way it's going to be, I won't answer his questions, because you will see something that you don't want to see. I'm going to say like...there's a song that Harry Belafonte sang. It's called "Darlin' Cora." He said that: Wake up, wake up, darlin' Cora; I gotta move on down the line. The sheriff and his hound dogs are coming, gotta move on down the line. Then he said: I ain't a man to be played with. I ain't nobody's toy. I been working for my pay for a long, long time; how come he still calls me boy? I whopped that man, darlin' Cora. He fell down where he stood. Don't know if I was wrong, darlin' Cora, but Lord it sure felt good. Now if you're going to play that game, know who you're playing it with. He thinks he's clever. Well, maybe he is with you all. When we are establishing a policy, we start where we are and determine whether there ought to be changes. I don't care what offices somebody six years old could hold or run for. I don't care if there are offices that a dog could run for, or a cat, but when something is presented here and it's dealing with a specific situation and we're establishing a policy, I'm going to discuss it from the standpoint of policy. Only some fool who may have graduated from George Washington University or Saint John's University or one of those in Washington, D.C., and thinks he's smart would make or arrive at a conclusion that because you're not lowering an age from 21 to 18, you're at the same time saying nobody 18 or even younger could do whatever is being discussed. Legislatures draw lines. Of necessity, they are arbitrary. The line could be 8, it could be 10, it could be 20, but a decision is going to be taken. If somebody offers a line and a majority of the senators agree, that's the line that would be drawn. Now, Commander Brewer, I doubt, would want a 16-year-old person to be made the commander of a military operation. But the 16-year-old would know how to shoot a gun. The 16-year-old would be more devil-may-care. But there are certain things that experience, wisdom, knowledge, training give to a person so that everything is not a suicide mission. And there are some people older who ought not be in the positions that they're in. We are talking about a policy decision. Do I trust the voters? I'd have to know what you mean by that. Do I trust them to make wise decisions? Look what's in the presidency right now. No, I don't think they make wise decisions. Look who is Attorney General now. I don't think they make wise decisions. I don't think the people who elected Senator--I won't call his name--made a wise decision, but he's here and he shows why it wasn't a wise decision. But the voters are fickle. They're not required to understand or know anything. I look at the people that Senator Larson helped engineer into positions of Chairs... [LR18CA]

SENATOR HOWARD: One minute. [LR18CA]

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SENATOR CHAMBERS: ...in this Legislature. They're not competent to be there based on knowledge, understanding, or anything else. It was a deal that these politicians flunking for the Republican Party did in this Legislature, and because they had the numbers, they did it. Those are political realities. But I'm not going to be moved willy-nilly because a certain number of people say something ought to be done a certain way. I do have a brain; mine functions and I think. And I will behave in the way of a thinking person. And if people deal with me in a way that's reasonable and respectful, that's what they'll get from me. But if they bring something else, they're going to get that also. And that needs to be understood. I don't fear the Governor. I sure don't fear Senator Larson, the Attorney General, the Chief Justice. I've gone on this floor, I've criticized in detail all of them. They're nothing but men. [LR18CA]

SENATOR HOWARD: Time, Senator Chambers. [LR18CA]

SENATOR CHAMBERS: Thank you, Madam President. [LR18CA]

SENATOR HOWARD: Thank you, Senator Chambers. Mr. Clerk, items? [LR18CA]

CLERK: Thank you, Madam President. New Bills. (Read LB1072-1083 by title for the first time.) New resolution: Senator Krist offers LR289CA. It proposes an amendment to Article III, Section 5, and Article III, Sections 31 and 32 of the Nebraska Constitution. In addition, I have a hearing notice from the Government Committee and the Natural Resources Committee. A motion to be printed with respect to LB469. Senator Brasch would like to withdraw LB805; that will be laid over. Revenue Committee will have an Executive Session today following the public hearing in Room 1524. Reference will meet upon adjournment. Mr. President, Senator Brewer would like to add his name to LR279. (Legislative Journal pages 322-326.) [LB1072 LB1073 LB1074 LB1075 LB1076 LB1077 LB1078 LB1079 LB1080 LB1081 LB1082 LB1083 LR289CA LB469 LB805 LR279]

Senator Friesen would move to adjourn the body until Thursday, January 18, at 9:00 a.m.

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