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Floor Debate  
January 22, 2019

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FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the ninth day of the One Hundred Sixth Legislature, First Session. Our chaplain for today is Father Michael Melchizedek of the Saints Simon and Jude Eastern Orthodox Church, Lincoln, Nebraska, Senator Wishart's district. Please rise.

FATHER MELCHIZEDEK: (Prayer offered.)

FOLEY: Thank you, Father Mal-- Melchizedek. I call to order the ninth day of the One Hundred Sixth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

FOLEY: Thank you, Mr. Clerk. Are there any corrections for the Journal?

CLERK: I have no corrections.

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

CLERK: I do, Mr. President. Thank you. I have a Reference report referring LB378 through LB405. I have hearing notices from the Agriculture Committee, the Urban Affairs Committee, and the Banking, Commerce and Insurance Committee, all signed by their Chairs. I have an amendment to be printed, Senator Blood to LB7. That's all that I have, Mr. 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 two legislative resolutions, LR4 and LR6. (Doctor of the day and visitors introduced.) Speaker Scheer, you're recognized.

SCHEER: Thank you, Lieutenant Governor. Colleagues, just a quick note. In looking at the weather for today and tomorrow-- excuse me. Could I have a gavel, please? Thank you,

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colleagues. Looking at the weather for today, it does not look like it's going to get better during the day and maybe get sort of rugged during the night. But it looks like tomorrow will be sunny, so I will-- I'm going to change the start time for tomorrow only to 10:00, so those that would be traveling will have the ability of getting some sunlight onto the roads before you have to take off and get here. So those that are traveling note, and those that are in town note, we will be starting at 10:00. Gives everybody a little bit of time to start their travels and hopefully the-- Mother Nature will help remove part of the problem she puts down today. So thank you, Mr. President.

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

HOWARD: A point of personal privilege.

FOLEY: Please proceed.

HOWARD: Thank you, Mr. President. Good morning, colleagues. The Health and Human Services Committee will be conducting a series of briefings to ensure that not only committee membership but the rest of the Legislature fully understands the breadth of the work that we're-- we'll be doing this session. And so the first two briefings are scheduled this week. The first one is on Wednesday. It starts at 1:00. We'll be going over credentialing review or what's commonly referred to as the 407 process, and that will be in Room 1510 on Wednesday. And then on Friday we've asked our very own Liz Hruska from the Legislature's Fiscal Office to come give us a briefing on Medicaid financing. So that will be at 1:00 on Friday in Room 1510. Thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Senator Williams, for what purpose do you rise?

WILLIAMS: [MICROPHONE MALFUNCTION] personal privilege, please.

FOLEY: Please proceed.

WILLIAMS: Thank you very much. And, Senators, good morning. And standing beside me is my dear friend, Senator Patty Pansing Brooks. We have a message to deliver. And I'm actually

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talking. Her hand is not up my back and making my mouth move but-- but it might be before we're finished. You may remember that at the Legislative Council meeting we talked about the Capitol gardens project that is going on as part of the overall renovation here at the Capitol. That project has come along very well. The projected cost of all of the plantings that will be necessary to do all four of the gardens is \$400,000. But the group that has been in charge of this, which is largely made up of former senators that served in this body, has decided that it would be best to raise an additional \$1 million to endow the project so that forever into perpetuity the gardens will be maintained at a highly acceptable level. The fund-raising has gone very well. They have raised the initial \$400,000 and, in addition to that, they've raised \$650,000 of the \$1 million necessary to endow the project. Patty and I signed on to this group early. We have both contributed, as have some of you. But our goal is to give everyone that is currently serving in this body an opportunity to contribute to this plan. In fact, it might be more of an opportunity than you might think because, if you don't say yes, Patty and I will be knocking at your door. And Patty is a really, really good collector. We do have a-- a letter that we will be delivering personally to each one of you. And we are serious that we would like to be able to say at the end of this fund-raising that every current senator contributed financially in some way. So there is no contribution that is too small, nor is there any contribution that will be too large. So thank you for much. And thank you, Mr. President.

FOLEY: Thank you, Senator Williams. The first item on the agenda is the introduction of new bills. Mr. Clerk, at your convenience, you may read the bills.

CLERK: Thank you, Mr. President. New bills. (Read LB479-LB486 by title for the first time.) That's all that I have at this time, Mr. President.

FOLEY: Thank you, Mr. Clerk. Next item on the agenda is the motion regarding permanent rules. Senator Crawford, you're recognized.

CLERK: Mr. President, Senator, if I might just for a moment indicate, I know you're going to do this. Members, there's-- there is a package of committee proposals, as offered by the Rules Committee. You'll find those on your desk. You'll find those Rules Committee proposals on your desk. Thank you, Mr. President.

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FOLEY: Thank you, Mr. Clerk. Senator Crawford.

CRAWFORD: Good morning. Thank you, Mr. President. The Rules Committee met for a hearing on Wednesday, January 16, for 15 rules proposals. And out of those 15 rules proposals, the committee voted to bring 3 to the floor. You should have a-- a copy at your desk of those proposals and we'll go through them one by one in our conversation and vote. So the first rule proposal that we are going to discuss is rule proposal one, and that rule propo-- the first rule proposal would add a new subsection to Rule 5, Section 5, which outlines the rules relating to priority bill designations. The proposal adds language that grants the Planning Committee a priority designation for one bill that is consistent with the committee's jurisdiction. This rule change puts the Planning Committee on par with the Legislative Performance Audit Committee and the State-Tribal Relations Committee, which also have priority designations. This rule change was approved by a unanimous vote of the committee. I encourage you to vote green in support of this proposed rule change. I yield my remaining time to Senator Vargas so that he can discuss the rule change, this rule change that he proposed to the committee.

FOLEY: Thank you, Senator Crawford. Senator Vargas, you're recognized.

VARGAS: Thank you very much, President. And thank you very much, Chairwoman. I don't have too much more to add other than I'm very proud to serve as the Vice Chair of the Legislative Planning Committee for the last two years. And Paul Schumacher, who's no longer with us, one of the things that we wanted to make sure to carry on was ensuring that the Legislative Planning Committee actually fulfilled what its original goal and intention was, which is to make sure that we're thinking about the long-term strategic priorities of the body, using data to inform those, those legislative priorities and-- and really zooming out as a-- as a-- as a body and members so that we are being very thoughtful about what-- what things we focus on and where we go. And so this is a priority designation. This was a recommendation coming out of the entire Legislative Planning Committee. You should be receiving soon and it will be on your desk, which is just the report of the Legislative Planning Committee. It includes a lot of different recommendations, but one of them being having one priority designation. And for historical knowledge, this was something that was brought two years ago as part of the rules package. But given what happened to two years ago, there wasn't any rule-- new rules adopted. And so we're

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bringing this back. It came out unanimously two years ago from the Rules Committee, and now it's coming back up. And it came out of the Legislative Planning Committee in full support and signed off by our committee. And I'm asking your support for the priority designation for the Legislative Planning Committee so we can continue to do the good work of the Legislature. Thank you.

FOLEY: Thank you, Senator Vargas. Debate is now open on proposed rule change number one. Seeing no members wishing to speak, Senator Crawford, you're recognized to close.

CRAWFORD: Thank you, Mr. President. Again, the rule proposal is to add a new subsection to Rule 5, Section 5, which allows the Planning Committee to have a priority designation for a bill that meets-- that-- that is on par with their jur-- jurisdictional responsibilities to the body. So I urge your support for this rule change. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Members, you heard the debate on proposed rule change number one. The question before the body is the adoption of that rules change. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 25 ayes, 17 nays on adoption of the proposed rules change.

FOLEY: Proposed rule change number one is adopted. Moving now to proposed rule change number two, Senator Crawford.

CRAWFORD: Thank you, Mr. President. Actually, the second rule change I'm going to take up is listed in your rule packet as proposed rule change number three. We're going to take that one up second. And rule change-- this rule change amends Rule 6, Section 2 and Section 3. This rule, this proposal was supported unanimously by the members of the Rules Committee. This rule change proposal restricts who can make a motion of unanimous consent to change a reference of a bill or to bracket a bill to the introducer of said bill. This prevents a quick and silent death to a senator's bill that could happen if unanimous consent to a bracket is offered and the introducer and other supporters of the bill are caught off guard and do not object to the motion in time. Again, this rule change was approved unanimously by the members of the Rules Committee. I'll

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yield the remaining-- remaining time to Senator Bolz to allow her to discuss this rule change that she proposed.

FOLEY: Thank you, Senator Crawford. Senator Bolz, you're recognized.

BOLZ: Thank you, Mr. President. And thank you, Senator Crawford and the Rules Committee. I believe that as a one-house, deliberative body, it's important that we have full and fair debate on all of the issues that come in front of us. Any issue that has been discussed by stakeholders, worked on by senators, reviewed by a committee, had a hearing process, and comes to this floor dele-- deserves serious and deliberate consideration and debate, especially in a one-house body when we don't have a second house to counterbalance our thoughts and ideas. The-- unfortunately, the motion for unanimous consent has in the past occasionally been used to try to back door our way into getting a bill off the agenda. If you're coming back from a break, if the introducer has stepped outside the glass, if someone is in discussion trying to explain the sections of a bill, a motion for a unanimous consent has been put forward in an effort to move a bill forward without any record and any further debate. So I would argue that the bill proposed by the Rules Committee solves that problem, while keeping the tool of unanimous consent in our toolbox for when that is procedurally useful to move forward but prevents any bill from being limited in debate simply because of the use of a procedural motion. So I request your support for this rules change. Thank you, Mr. President.

FOLEY: Thank you, Senator Bolz. Debate is now open on this proposed rules change. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President. And thank you and good morning, colleagues. I would like to thank Senator Bolz for bringing this proposal, as well as my fellow members of the Rules Committee for debating and deliberating it and advancing it forward to the body, and I would urge your adoption. Just for some of you who aren't familiar kind of with how this procedure would work, obviously, normally when a motion is introduced, the introducer gets an opportunity to speak on it, whether it's a priority motion or taken up later. They get an opportunity to speak on it, justify their case and why they think you should adopt this motion. And then it takes a majority vote of us members. With the unanimous consent to bracket motion

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there is actually not that opportunity in the way its been-- way it's been in effect in the rules. So oftentimes the first most of the body is hearing about it is when the presiding officer or the Clerk reads it into the record, and then you have that moment and that moment only to object to something you might not clearly know what is happening. I think it's an important tool to keep the toolbox. There's been a couple times in my tenure where the introducer has had a messy bill. It's maybe the long session; he wants to work on it in the short session. And he is-- and he or she is willing to take it off the agenda and will get up and give a floor speech, asking at the end and explain a unanimous consent motion to bracket his own bill for the year, planning to take it up next year or work with stakeholders or what have you. So I think it's really important that we do keep that mechanism. But as a mechanism for other senators to bracket other bills, which they may not be working on or may not have a chance to explain and-- and ask for their rationale, it's a little too powerful of a motion just to-- to leave. I think limiting it to a committee Chairperson of a committee bill or a single introducer is a very good change. And I thank Senator Bolz again for bringing it and would urge your favorable adoption. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Is there further discussion on the proposed rule change? Seeing none, Senator Crawford, you're recognized to close.

CRAWFORD: Thank you, Mr. President. I appreciate Senator Bolz for bringing this rule proposal to our-- our committee. And again this rule proposal was adopted unanimously by the Rules Committee. So I urge your support for this rule change. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Members, you've heard the debate on proposed rule change number three. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please.

CLERK: 32 ayes, 10 nays on adoption of the amendment.

FOLEY: Proposed rule change number three is adopted. Now we'll move to proposed rule change number two. Senator Crawford, you're recognized.

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CRAWFORD: Thank you, Mr. President. Good morning, colleagues. Thank you for your affirmative votes on those two rule changes. The next rule change is a-- that is in your packet as proposed rule change two is a change in Rule 7, Section 10, on cloture. The proposed change defines full and fair debate as at least six hours for General File, three hours for Select File, and one and a half hours for Final Reading. A cloture motion would not be in order until debate reached these time restrictions. Currently it is the preroga-- prerogative of the Speaker to determine when full and fair debate has occurred so that a cloture motion would be in order. Speakers in recent past usually use some set hour limits as guides for what is known as full and fair debate and make those guides known to the body. The time parameters outlined in this rule change match those used by seeker-- Speaker Scheer last year. This rule change does not prohibit the Speaker from pulling a bill from the floor before full and fair debate. It would still be possible for the Speaker to do that. But it-- it does restrict when a cloture motion is in order. It re-- it restricts the Speaker from allowing a cloture motion prior to a majority vote to override the rules before these time restrictions. The votes for this proposal were split in the committee. Four member-- four members voted for the proposal and one member voted against the proposal. I encourage your support for this amendment to Rule 7, Section 10. And I yield the-- my remaining time to Senator Bolz to allow her to discuss this rule change that she proposed. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Senator Bolz.

BOLZ: Thank you, Mr. President. And thank you to the Rules Committee for bringing this issue forward so we can have some discussion and deliberation on the floor. In fact our-- our Unicameral Legislature is built on the principles of inclusion and participation. I think we all take seriously the idea that the public is our second house. And so having full and fair debate on this floor gives our second house the opportunity to follow the debate, to understand and engage in the discussions that we are having about important policy issues. I would argue that it is in the public interest to ensure that each issue up for consideration receives full attention from the body and sufficient time for discussion to improve upon any bill with the input of the membership as a whole and the public. And during my six years as a senator, there are numerous times when during debate senators will pull each other aside. We'll find a compromise. We'll step out into the lobby and talk to stakeholders and find a way forward that comes through the exercise of



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democratic debate. So I would argue that clarifying these expectations in setting minimums for what full and fair debate mean is an important rule change. I want to, for the new members of the body, talk a little bit about the history of this rule and how it has worked in the past, partly so that you understand it's-- it's not about any individual on this floor or any particular person's leadership or decision-making style or any individual cloture motion that I've experienced. Instead, it's about clarifying the way that this body works in ensuring we have full and fair debate. In fact, in the past there were no limits on debate. My notes say that the number of hours has changed over time, and prior to 1992 there was actually no way to shut off debate. That was changed to eight hours of debate on each round of consideration, and then in 2002 was changed again allowing the Speaker to determine that. Once again during my time, Senator Hadley set it at six, four, and two. So this practice has changed over time, and I would argue that the proposal brought forward by the Rules Committee strikes a nice balance between making sure that we don't have unlimited debate but also ensuring that there is sincere and full deliberation on any issue and that we have enough time on this floor to understand complex or complicated or controversial issues. I would add just a couple of more things. One is that I do think we should be cautious about using the idea of creating efficiencies in this body to argue against this bill. We are a one-house Unicameral. We should be slow and deliberative on bills because we are the ones making final decisions. And so I-- I do just want to say that I think there's a counterpoint to the idea that we should be more efficient. And finally, I want to say that I think not only do bills become better through additional debate, but our body and our working relationships become better through more debate. As we hear and listen and understand the perspectives of one another, we do make progress on important and controversial bills. So with that, I thank, again, the Rules Committee for proposing this rules change and ask for the body's full support. Thank you, Mr. President.

FOLEY: Thank you, Senator Bolz. Debate is now open on the proposed rule change. Senator Linehan.

LINEHAN: Good morning, Mr. President. Good morning, colleagues. I have concerns with this. I agree with much of what Senator Bolz said, but on the other hand if we kind of put ourselves in a box where we take management ability of the floor away from the Speaker, I think we all suffer in the long run for that. I understand the concern that maybe three hours isn't always enough, but

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I also understand that this year we have been tasked by our constituents to address tax situation in Nebraska, and that is going to consume, hopefully, a great deal of the Revenues Committee's time early on and a great deal of the floor's time as we move things out of the Revenue Committee. So I would like to propose that we leave the timing of the debate and how long the debates should last up to the Speaker. Thank you.

FOLEY: Thank you, Senator Linehan. Speaker Scheer, you're recognized.

SCHEER: Thank you, Mr. President. Colleagues, I wanted to address the rule change just so everyone is aware of how the process, at least my process, worked last year. We did have a limit of six hours, as proposed, and we did have a three-hour initial start that helped give a opportunity for bills that did not have immediate support the opportunity to build that support after three hours of debate. It also let those senators work things out if they could work out. But this decision to have a cloture vote before the total of six hours was not my decision unilaterally. How the system worked, and I will use an example that Senator Crawford was involved with, she had a bill last year that went three hours. Senator Schumacher and others were vehemently opposed to it. I worked with them on several different occasions trying to see if there was resolution that could be made. They worked diligently probably for, and I don't know, I'm-- I'm trying to pull this out of my head, but probably two or three weeks trying to resolve the issue. At some point in time, the three of us met again, and I asked them, which anytime we had a early cloture vote I asked both of them, are you sure where you're at in relationship to the votes that will be taken at the end of this debate? Both parties assured me that they were sure where they were at. My next question to them was, do you believe that any additional debate will change anyone's mind on the floor? The answer from both of them was no. I said, if you both would agree, I would allow you to have a cloture vote earlier than six hours if you are-- if that is your assumption, and both of them have to say yes. This isn't something that I do unilaterally. These-- this is done in conjunction with both the introducer and those that are opposed. It was their choice, not mine. Did it expedite time, as Senator Bolz prescribed? Yes, indeed it did. But I also want you to realize that part of my job is to make sure that your priority bills, each and every one of yours that get out of a committee, are addressed and have opportunity to be passed on the floor. Last year on the sixtieth day of the Legislature, I believe we debated six, seven, or eight bills, and were debating bills up until 4:00-4:15 that day. In the case of Senator Bolz-- and by the

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way if they do come back I always offer at least 45 minutes to an hour of additional conversation so that we can refresh everybody's memory what exactly the bill was about and what the problems were and what the benefits are. Now we saved two hours on that specific bill. There were others. There were two or three others, I suspect. There weren't a lot. But you tell me, from my perspective, which one of those seven or eight bills on the last day didn't deserve to get passed, because it is time and it is fair to the rest of the senators to have their bills have an opportunity to be passed as well. That, I believe, is my paramount job is to make sure that people's priority bills have a full and fair debate on the floor. Once they have achieved that,--

FOLEY: One minute.

SCHEER: -- if it is a-- if the parties are agreeable and we are able to save some time, then we will do that. I think from the part-- portion of the second house, I hear more often how much time we waste on the floor and are not productive than somebody saying, gee, I think you should have had much more time to-- to deliberate on a particular issue. In closing, this is not unilateral. This is a decision of both the introducer and those that are opposed to the bill. It did save time, but it also allowed for many more bills to be passed. Those that were here last year realize, and maybe you don't, we worked more late nights than any Legislature ever before us. It's not that we didn't put in the time; we just ran out of time. And without having some ability and flexibility to do that, we would have not been able to get to a number of the bills that were passed in that last week. I urge you to vote opposing this rules change. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Senator Howard.

HOWARD: Huh? All right. Thank you, Mr. President. Good morning, colleagues. I just wanted to take a minute and discuss my thought process as to why I supported this rule change, especially after last year, two years ago, spending 30 days on a cloture-related rule change. Essentially, what I was interested in was codifying Senator Scheer's practice, because I do think that future Legislatures will look at the changes that we make in the rules and give them some sort of deference. Previously in the rules we had had hour changes. We had had time limits previously. They had been removed. I'm not sure why. And there had always been sort of a Speaker's memo that said this is how many hours we're going to do. And so my thought process

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was, we won't have Speaker Scheer forever. He's here for two more years. And then after that what sort of history will we be giving future Legislatures about how much time should be allotted for cloture. Because if you look at practice, on the floor, for instance, for voter ID with Senator Murante and Senator Morfeld, it went to cloture after an hour. That meant that none of us had the-- the opportunity to explain our position on that bill to our constituents on the floor of the Legislature because it only went to cloture after an hour. I understand that both-- everyone agreed that that was what they were going to do, but it also deprived us of the ability to show our constituents that we are working, that we are discussing bills, and that we are really investigating their merits in front of each other and debating them fully. And so I felt like codifying Speaker Scheer's common practice would be an appropriate solution for our clo-- for the way that we're handling cloture currently. And so the-- the rules change of six, three, one and a half seemed fair to me. I'm not married to it. I'm not going to go to the mattresses on it. He's right, we've got a lot of work to do. I'm not going to spend 30 days on this. But I do think it's important for all of us to consider that when we bring something to the floor, even if two people say, we're okay, we don't have to discuss it anymore, they may not be speaking for all 49 of us. I may have had something to say. I may have had a constituent who had an issue and I want to make sure that they see us working, not saying, okay, we all agree, let's move on, especially on something that's as contentious, for instance, as voter ID. So that was my thought process. I wanted to make sure everybody understood why I felt like putting a time in there was important, why previous Legislatures had put a time in there that was important. And in an era of term limits where we do have a lot of turnover in leadership, it's important to make sure that those parameters are well spelled out and so that it's fair for every single member of this body. So thank you, Mr. President.

FOLEY: Thank you, Senator Howard. Senator Groene.

GROENE: Thank you, Mr. President. I'm conflicted on this, but to tell you up-front I'm going to stand with the Speaker because we have a good Speaker. But I have, in the past, disturbed the body by standing up and starting filibusters. My first week here, freshmen, I did a filibuster on meningitis vaccination B. I was labeled by a feature writer in the World-Herald as a whacko from the hills. I studied the CDC reports. If cloture would have been called within an hour, I would have lost. We won that battle because we proved with science and facts that the vaccination was not reliable. A year later the Academy of Pediatricians agreed with me and said

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the vaccination was not reliable and should not be mandated. The next year I did a filibuster, just stood up one day and started one, on a wind energy credit for windmills. Oh, the green people said we had to have it. Was a \$75 million hit to our budget. After an hour of debate or two, I would have lost that. After six, I won it. Guess what, folks? We didn't give them \$75 million of credits, which would have hit an already-stressed budget, and the next day they-- they built windmills. Filibusters are a good tool for this body on issues where the lobby is strong and the second house needs to hear the debate. But the argument of fair and equal debate, I get more complaints from my constituents about the consent calendar. We're voting on things and we're not even mentioning the pros and cons of it. Where's the fair and equal debate there? It isn't. But on the other side of the issue we have time restr-- restrictions. We have 90 and 60 days. We take an hour and a half lunch for the lobby, which I would like to see cut, but we appoint the Speaker to control that time, and we cannot take a tool away from him. Sure, we could have a Speaker some day that start-- plays partisan politics and starts calling clotures after 10 minutes or 20 minutes or an hour. Then we have a problem. For the next two years we have a Speaker we should trust. He has proven his mettle over the last two years and he has managed our time. We just burdened him again by adding another priority to an overprioritized legislator. He's got to find now time for another priority bill with the Fiscal Office [SIC]. That's time, folks, that we don't have. Last year there were senator priority bills that did not get heard. We ran out of time. And what do we do? We add another priority, which if I knew it was going to go that fast I would have stood up and said, wait a second. If you're the committee, if you decide to be the Chair of the Planning Committee, then you ought to be willing to prioritize that bill or don't be the Chair. That's the way the system should work. But, no, we didn't. We added another priority. No, filibusters is a great tool and we need to use it. And I hope to see that freshman who stands up one day and say, this is wrong, and starts that priority and disturbs the delicate personalities of some in the press and some senators. Thank you.

FOLEY: Thank you, Senator Groene. Senator Hilgers.

HILGERS: Thank you, Mr. President. Good morning, colleagues. I stand in opposition as well to this particular rules change. And I appreciate the thoughtful comments from my colleagues, Senator Howard, Senator Bolz, Senator Crawford for her work on the Rules Committee. I think if the question were if in some circumstances having a six-hour threshold would be good in a

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particular instance, I think we probably would all agree, yes. I think Senator Howard articulated in one case where having a longer debate would have been good for the body, and I think that's true. The question before us, though, is not the policy question, whether or not in some instances having a six-hour floor is good, but whether in all instances a six-hour floor should be necessary. And on that particular score, I can't agree, for two particular reasons. One is I think we-- we do not want to hamstring the Speaker for the points that have been articulated by-- by both the Speaker, Senator Groene, and others. We have a limited amount of time in this body. We have a lot of work to do. And we give it to the Speaker to have that kind of discretion to be able to determine how best to move the bills through this particular body. So I think that's point number one. Point number two is if you look at our rules, these aren't the types of things that we restrict the Speaker on. We-- we-- there are not many rules, if any, I couldn't find any going through the Rule Book yesterday and today, that explicitly restrict the Speaker's ability to schedule items. I think that's a good thing for the body. That's not to say that this isn't an issue we ought not to consider, but I think the way that we consider that is in two contexts. One is when we elect the Speaker in the first place. We had a Speaker-- we had an election this year. That's a question we could bring to the-- Senator Scheer. In two years we'll have another election for Speaker. That's an important issue. It's one that we ought to ask whoever-- whoever wants to run for that particular position where they stand on-- on the-- on the minimum thresholds. The second is to actually have the conversation with the Speaker on an individual bill. I know specifically there were instances last year where maybe what could be perceived as the primary opponent to a bill would agree to a low-- lower threshold of debate. But I know in that instance Senator Chambers, if I recall, said, no, I want to go-- I want to go the whole amount of time; I'm not going to agree to 45 minutes. So I think in the individual bill context, we've got an outlet for this. I think in the election of the Speaker context we have an outlet for this. And so ultimately, I can't support putting this into the rules because I think we need to provide that flexibility. So thank you, Mr. President.

FOLEY: Thank you, Senator Hilgers. Senator Erdman.

ERDMAN: Thank you, Mr. Vice Pres-- Mr. Lieutenant Governor. Thank you this morning for my opportunity to kind of come and explain that I voted no, and I voted no for some of the reasons that have been stated by Senator Hilgers. We, as a state, several years ago voted for term

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limits. And Senator Chambers and I agree on this one. They did it for the fact that Senator Chambers was in the Legislature. I opposed that. I said it should be up to Senator Chambers' district to elect whoever they want. So now we have a body of 30 people who have served two years or less. The institutional knowledge and the history is gone. It went out the door. The lobby is here; they didn't change. They have a lot of history and knowledge of what happened before and how they can work their way to get done what they want to do. We put in place things that limit this Speaker, and it will limit future Speakers. And as I have spoken about term limits, you see the results, and that's the way it will be. So when we move forward with a rule that limits not only this Speaker but the next one, we may have wished we hadn't done that. I appreciate the way Speaker Scheer has handled the Legislature. He didn't always give me the time that I thought I should have, but someone has to be in charge. And so this rule says a minimum of six hours, three hours, and a hour and a half, a minimum. So then the question is, what's the maximum? Can we go 12 hours? This doesn't limit the debate to six hours, three hours, and an hour and a half. This is the minimum. And so if someone calls for the question and we have to have 33 votes and someone didn't get fair and full debate, in their opinion, and the presiding officer says full and fair debate has been had and we vote, is that a violation of that rule of six hours or three hours or an hour and a half? I don't know. So I guess what I'm saying is when you go to someone's door and they got a big, old German shepherd laying on the steps sleeping, you don't walk over and kick him and then ring the door bell. This was working before and it will work again, so I'm voting as I did in the committee. I'm voting no and I would encourage you to do the same. Thank you.

FOLEY: Thank you, Senator Erdman. Senator McCollister.

McCOLLISTER: Thank you, Mr. President. Good morning, colleagues. I'm not sure if I'm for this bill or not or for this rule change, but I do have some observations that I want to make regarding last year. I'm bringing back 10 or 12 bills because we did-- we lacked the time to bring those bills to the floor. So we do absolutely have a shortage of time and we do need to use our time properly. The question in my mind is whether or not the Speaker has used that authority, his authority, to be flexible the last couple of years during his tenure, and I would say that he has. I don't know of a single senator that felt that he was improperly used or didn't receive an adequate hearing from the Speaker with regard to a bill that came up to the floor, and I certainly didn't

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have any problems at all. And I am grateful that the Speaker used his ability to make changes in order to save time. The question I have about this particular rule change is whether it should be four hours or six hours for the initial amount of debate before cloture is called. The only thing I can think of, of debate going that four or five hours is analog-- analogous to sitting on the tarmac of an airport waiting for a plane to take off, locked in your seat belt. Some of that last four or five hours is absolutely painful, painful to listen to. I can remember that the first couple years that I was here and some of those debates were just, just plain awful. Can't gloss it any better than that. So I'm going to listen to the debate. I would, I guess, favor a shorter number of hours than longer, based on what I think was a lack of good debate the longer it goes. Thank you, Mr. President.

FOLEY: Thank you, Senator McCollister. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President. And good morning, colleagues. Colleagues, I wanted to rise and explain one of the reasons why I voted this out of the Rules Committee, and it was not necessarily from a complete commitment to this rule or a need that this rule has to happen this year or has to happen in this exact language, but it was more of a need to have a dis-- conversation on cloture and how we as a body approach debate. Kind of the evolution from my first year and people in my class and people more senior have seen how things have changed with cloture motions and extended debate and filibusters becoming perpetually more and more common, I know more senior members have seen an even greater shift over the course of their term. And so that's why I think kind of the amount of time we allocate to debate is so important, so conscious to talk about, because there's kind of different ways of debate sometimes goes too quick in your favor or-- or it goes too slow, depending on the situation. And there's two situations I want to talk about. So keep in mind that when we have a substantive proposal on the floor, let's pretend it's a tax plan, there's going to be a tax plan that comes to this floor that if any trends from last year continue will not be unanimous. At least somebody will speak against it strongly. You'll have the introducer of the bill gets ten minutes. The introducer of the committee amendments, who might be very much the same person, gets ten minutes. If there's an amendment to the committee amendments, which I will guess there will be, there will be ten minutes. So that means introducers and supporters of the bill get 30 minutes off the bat. And then we could jump into priority motions and all sorts of other-- or just standard rules of debate.



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From there, two and a half hours is 30 times on the microphone at best. That is not-- that's just slightly-- that's just barely over half of this body getting to speak once after the introducers and-- and-- and supporter-- key supporters of the committee Chairman of a bill speak. We could decide that's good. We could decide that's not good. But that's something to be-- keep in mind that when there's substantive proposals, like a tax plan or something of that nature, that weight, are going to hit the floor, get prepared to speak on it one time, because if you're lucky and get in the queue early you might be able to speak on it one time. I know for all the hubbub about the many, many, many hours we spent on the budget, I-- I think I spoke on the budget twice, and I was just always in the queue when we adjourned because it was on me to not hit my-- to hit my button faster last-- next time. May be a third time that I think I yielded at the request of an Appropriations Committee member because they, too, had barely gotten a chance to speak on the budget, despite all of the hours we had spent on the budget, just because there was that much to say from that many people. And granted, yes, the topics kind of merged together and we were hitting same points, and both sides were kind of saying the same points, but that was the tactic we chose that evening. So that's something I want people just to kind of keep in the back of their mind of when these substantive issues come on the floor and we're facing three hours-- and I actually, I do, do like the ability to take a break in the middle of extended debate and force people to come together. I think we have had productive discussions and I've been a part of those discussions, some that have worked, some that haven't, but on whether or not there's actual compromise. So I appreciate that rule and would note that the current proposed amendment to Rule 7 doesn't change that. The Speaker would still have the prerogative to two hours or three hours or what have you to take something away and encourage people to get in a room and figure out if there's a compromise. The other thing, and I just want to have this in the back of their mind, and I know this is not true for all of us or some of us, but my first year down here when it was eight, you had to go eight hours in cloture, eight hours, especially if you were on your own or in a very small group that was passionate about taking things to cloture, eight hours was a long time. You had to be very conscious about the rules. You had to be very conscious about the procedures. You had to be very cautious about the speaking order, time, where you were, all sorts of things. That was a higher burden and it just was. It wasted more time, unarguably.

FOLEY: One minute.

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M. HANSEN: Thank you, Mr. President. But it changed at least how I viewed extended debate. Now, colleagues, there are things on this floor that I care about or-- and will not vote for but don't oppose strong enough to do extended debate on. There are others that I do. I know everybody is in that camp. So when we are ultimately waning days, we spent a lot of time spinning our wheels, we've spent a lot of time on different motions, kind of step back and think about, you know, is this something that I want to spend the time on, knowing that it's ultimately going to come back to yourself probably having less time on another bill. And that's what I want everybody in the back of their mind as we deal with cloture and Rule 7 through the rest of the session. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Senator La Grone.

La GRONE: Thank you, Mr. President. I am opposed to this rule, and much of why has already been stated, but I did want to still speak to touch on something Senator McCollister had said and it's the main reason that I'm opposed to this rule change, and that is how Senator Scheer has used this in the past. I think that history-- the last two years have shown that he has been fair and judicious in how he has used this authority, and he's used it to advance the body's progress through the work that we need to do. And he's always done so making sure that both sides have come to an agreement with how to proceed. And so again, like I said, much of what I-- the reason I'm opposed to this has already been stated, but I did want to point out that since we elected him to be our Speaker, I don't see any reason to take away this authority from him since he has not shown-- since he has been fair and judicious about how he has used it in the past. So I just wanted to point out-- that out and touch on what Senator McCollister had brought up. But again, I'm opposed to this rule and I would encourage you to vote against it. Thank you, Mr. President.

FOLEY: Thank you, Senator La Grone. Senator Chambers.

CHAMBERS: Mr. President, members of the Legislature, once again I'm very disappointed in my colleagues. You all are discussing something and you have not read it. If you've read it, you have not understood it. I would like to ask the Speaker a question, if he will answer.

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FOLEY: Speaker Scheer, would you yield, please?

SCHEER: Certainly.

CHAMBERS: Senator Scheer, would you show me where in this rule that we're speaking of the term "Speaker" is mentioned.

SCHEER: Well, I'm assuming, because you asked, it's not, but I-- I won't belabor the point.

CHAMBERS: You're correct. The term used-- that's all I will ask the Speaker. You all keep talking about the Speaker. The term used is "presiding officer." I'd like to ask Senator Hilgers a question, because he is the former Rules Chair. He has started his own law firm, so he should know the answer to this question.

FOLEY: Senator Hilgers, would you yield, please?

HILGERS: Of course.

CHAMBERS: Senator, does the constitution specify an individual as being the-- the presiding officer of the Legislature?

HILGERS: I believe that the constitution requires that the Lieutenant Governor be the presiding officer of the Legislature, if I recall correctly.

CHAMBERS: And your belief accords with the facts. Thank you. Members of the Legislature, we've gone even a step further. Whoever sits in the Chair is the presiding officer. This does not say the Speaker will do this. I'm the one who was upset when the current Attorney General-- Lieutenant Governor presided when he ought not. He had been campaigning with the Governor against a sitting member of the Legislature. When we have proposals that the Catholic Church does not like, that person who's up there now should never preside. And if you want me to, I'll go back and get the record and I'll take all of the time and lay it out, and you can't stop me. I don't trust one person. The process of the Legislature should not be dependent on your confidence in

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one individual. We should not draft a rule with Senator Scheer in mind. How do you know Senator Scheer may not run off the rails and have a problem with a Governor or members in the lobby or others being in a position to bring pressure to bear? You all are too trusting. You know what this goes back to? White privilege. You think everything is going to go the way you want it to, because it does. You need to listen to people who have been on the underside of the garment and can see how your constitution is corrupted, your individual laws are corrupted, your rules are corrupted. Those who put this U.S. Constitution together did not realize they were writing the perfect blueprint for a constitutional dictatorship. What is being done by this President right now would be referred to as a coup in another country. C-o-u-p, that means strike. A coup d'etat is a blow against the state. A coup de grace is a mercy killing. But coup means a blow. To stop the government, to shut it down is what a dictator does. To use the military to do nonmilitary things is what a dictator does.

FOLEY: One minute.

CHAMBERS: You all as white people are so presumptuous, so narrow-minded, so short-sighted, you can do anything you want to with your rules. And a lot of them are designed to stop me, but the reason you won't stop me is because I think and you don't. I can think and you cannot. And I'll find a way around any rule you put in the book. One year they had what they called the nuclear option that would stop me, and I threatened the senators. I said if you do it this session, count every bill as my property. I will assume a prior-- a proprietary ownership of every bill and you're going to have to do that on every single bill. And it was never invoked. The following January when we dealt with the rules, I moved to repeal that rule and it was repealed. The media even took note and pointed out that it was to serve a purpose, yet it was never invoked. Then the--

FOLEY: Time.

CHAMBERS: -- one against whom it was directed--

FOLEY: Time, Senator.

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CHAMBERS: -- got rid of it. Did you say time?

FOLEY: That's time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Halloran.

HALLORAN: Thank you, Mr. President, colleagues, fellow Nebraskans. A common thing I hear from my constituents, and I would wager you hear it from your constituents, is that we have debates that are redundant and repetitious, same arguments over and over for and against. In Toastmasters they have an exercise and it's called-- what they do is they call it table topics. They'll give you a topic and they'll give you one minute to form an argument for that topic and to close on that topic. And whoever comes closest, without watching their watch, to one minute gets a traveling trophy, and it says I stood up and I spoke up and I shut up on time. The discipline for efficiency of time does not rest on the Speaker's shoulders or the President's shoulders. It-- it-- it rests on our shoulders. It's our responsibility to be efficient for our time. Nebraskans expect us to be that way. They're efficient with their time. So I just want to stand opposed to this. I believe that Senator Scheer, Speaker Scheer, has shown his mettle. And so I don't live up to what I argued against, being redundant and repetitive, I will close and shut up on time. Thank you.

FOLEY: Thank you, Senator Halloran. Senator Lowe.

LOWE: Thank you, Mr. President. You know, I've been here for two years now and I feel like an old dog. My wife says I look like one, too, but that's all right. You know, it-- it has been working for the last two-- two years, this three-hour time period that we have. And everybody does get a chance to speak. You know, you just have to be quick with the light. You may speak once, twice, but we move through the progression of bills timely. And if you have a priority bill and you want it to be heard, you want this timeliness to continue. You know whether it is three hours or six hours, it-- it's-- you can get it done in a shorter period of time. I-- I look at-- I was in the restaurant business. And you go to a restaurant and you see waiters and they're busy. You have great service. If there's nobody in the restaurant and there's five waiters, they're all standing in a

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corner talking, you don't get good service. So if you can condense things down and we're busy and we're continuing and we're moving forward constantly, we're giving good service to the people. And I think that's what we need to think of when we look at this. I'm standing opposed to this rule change because I think what we have going on right now is very good. Thank you, Mr. President.

FOLEY: Thank you, Senator Lowe. Senator Chambers.

CHAMBERS: Mr. President, what's happening here demonstrates why you need rules. They can get together-- when I say "they," a clique or cabal-- and determine how the legislative process is going to move forward or not move at all. And those who are under that cabal's control will sit here quiet like knots on logs and not say anything. It is in the nature of a Legislature to have repetitive debate. One person does not say what is being thought by every other member of the Legislature. Each person should have the opportunity to speak and say what needs to be said in his or her own way. I will always be in favor of extensive debate. I don't use the term "filibuster." I say extended debate. You all are not going to get involved, most of you, in the discussions on any serious bills. You're going to sit there. When the trash legislation comes through, I have to try to stop it. When the garbage comes through, I have to haul it out. You all bring bills that you yourself have not read because it was given to you by somebody, and therefore you cannot answer questions. Unfortunately, there's something in me that has led me to believe I have an obligation to do this job to the best of my ability because I affirmed when I first was elected-- I don't take oaths-- I affirmed that I would do the job to the best of my ability. And when I give my word, my word binds me. It binds me more than your oath to God, because you all don't carry that out. That's why I know this nonsense about trusting God is tripe. I hope it gets out on the floor and you all are going to explain to me how the Legislature can compel the Attorney General to take a position, which ethically he or she does not agree with or that in his or her best judgment is not one that ought to be upheld, and that he or she should represent any person who gets into a lawsuit. The Attorney General doesn't defend private individuals. There's a bill that's in the Education Committee. It should have come to Judiciary so that you all could be spared the embarrassment of trying to make the Attorney General do things that some nutty group got together and persuaded legislatures around the country to offer it, and the legislators swallow it up because they don't understand the law and don't care about it. But I do, and it's unfortunate for

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me. I have to spend more time on white people's trash than the white people do themselves because white people don't care. Whatever the law says, they'll find a way to get around it. If you had had a white priest in a demonstration against abortion surrounded by black high school males taunting him, the police would have been called. They'd have been dragged off and busted upside the head and charged with a crime. But because white boys from a Catholic school were taunting a Native American holy man, everybody-- not everybody-- a lot of white people--

FOLEY: One minute.

CHAMBERS: --are now saying, these were children. You wouldn't call these young black men children. You'd say these are young adults. You would say they should know better than to do this. But since they're young white boys, Catholics, all of the alibis, all of the rationalizations. And a black man, like me, watches it and it has its impact. And I'm going to bring it up on this floor. And I'm the reason a lot of these rules are changed because you don't want to hear it. But I will not equivocate, I will not apologize, and I will be heard. And if you don't like what I say, you've got legs. You can walk out of here. But you're not the ones I'm talking to. I'm talking to the people who watch us on television. I'm talking to editors who may pay attention and others. If I thought that intelligence--

FOLEY: Time, Senator.

CHAMBERS: --would rule-- Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Senator Hunt, you're recognized.

HUNT: Thank you, Mr. Lieutenant Governor. Good morning, colleagues. And I also want to say good morning to my constituents in District 8, as this is my first time on the mike. It's for the second house that I rise today in respectful support of this rules change. I think it's important for us to understand that nothing about this rule will prevent the Speaker or the presiding officer or any of us from working together to bring cloture, from working together to bring that debate to an end sooner. This rule just ensures that all of our bills have enough time to cook. It doesn't say anything about us not being able to take it out of the oven when it's ready, when we think it is. So

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I disagree that this is an inefficient use of time, because our job is to take all the time we need to make judicious, informed, well-thought-out decisions that serve all the people of Nebraska. And it doesn't mean we have to take all the time; it just means that we're all going to get a chance on the mike, that we're all going to be able to represent our positions. And I think that for our voters, for the people of Nebraska, it's really important that we do that. And so for reasons explained by Senators Hansen and Senator Howard, I ask that you support this rule change. Thank you.

FOLEY: Thank you, Senator Hunt. Senator Lathrop.

LATHROP: Thank you, Mr. President and colleagues. I'm on the Rules Committee and I voted in support of this proposed rule. And I want to take a minute to at least explain what my thought process was and maybe start with this observation, that this rule change is not about Speaker Scheer. It's not about Speaker Scheer. It's about the institution. As Senator Chambers indicated, it's about whoever is presiding at the front of this Chamber and not the Speaker. Oftentimes the Speaker is the person that's enforcing these rules but not necessarily. A little bit ago we passed an amendment to the rules that's-- that prohibited somebody from standing up and making a motion for unanimous consent to send somebody out to bracket somebody else's bill. That's because we all recognize that's kind of a-- a cheap shot thing to do. Right? When I-- when I announced that I was running for the Legislature, an awful lot of people who I served with before and people who I worked with at different times said, do you know that the place has changed? It's a lot different than it was when you were here, Lathrop. And I think not from my experience over the last week and a half but from what I have heard, what I watched two years ago, the place is definitely a lot different than it was when I was here. I will tell you that the thing that maybe is the most concerning for me is that in my previous service the first consideration was the institution. It was not somebody's bill. It was not about getting even. And it most certainly wasn't about partisanship. It was first and foremost about the institution. So when somebody would stand up and do a pull motion that's permitted under our rules, the Speaker would stand up, followed by every committee Chairman and they would stand at the mike and say this is not the way we're going to run the place. And my experience in running a business is we start to make more rules when people start to push the envelope, when they don't respect the institution like they should. And that amendment to the rules change that we did a little bit ago to stop this practice of asking



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for unanimous consent to bracket somebody else's bill is a perfect example. Now the question is, should we make a change to the-- to the time limits and enshrine time limits into our rules? Well, I can tell you in my previous service we'd never even have this conversation. We'd never have the conversation, because you would not get a cloture vote, in my previous service, not at 7 hours and 50 minutes. You got it only after eight hours of debate on General File, and every single senator, 49 people, could count on that. This proposed rule amendment is a function of the fact that not everybody can count on that now. We don't know who's going to be presiding. We don't know if somebody is going to try to do a little shenanigans, get somebody up in the Chair, move for cloture after a couple of hours. This is about protecting our institution. It's not about Jim Scheer or about any previous Speaker or the next Speaker but about our institution and whether or not we want to have a standard, something we can all count on. And it's not a-- it's not a judgment of Speaker Scheer either. We're not saying he's done a bad job. This doesn't prevent him from pulling your bill off the agenda after three hours of debate either, which he can still do.

FOLEY: One minute.

LATHROP: This is about making sure that we have a standard we can all count on. Many of you are going to want to pass a bill on property tax relief. I'll just use that as a hypothetical. Let's say the property tax relief bill comes to the floor and it raises sales tax. Right? Some people don't want to do it that way. Right? A lot of people want property tax relief. You start putting in new sources of revenue. Now we've got a bill that's a trouble-- that's more controversial. Do you want to know that you're going to get six hours on the floor with that bill? What about the budget bill? The budget bill, the reason this proposed rule change says at least or no sooner than is so that we can get a budget bill. That budget bill definitely is going to take longer than six hours.

FOLEY: Time, Senator. Thank you, Senator Lathrop. Mr. Clerk.

ASSISTANT CLERK: Mr. President, Senator Chambers would move to amend the proposed rules change number two. Every place where the word "presiding officer" appears, strike it and insert the word "Speaker."

FOLEY: Senator Chambers, you're recognized to open your amendment.

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CHAMBERS: Thank you. Mr. President, members of the Legislature, I read you-all's rules. They ought to say what you mean and they ought to mean what they say. In this specific rule, everything is based on the Speaker. You don't want to offend Senator Scheer. Well, Senator Scheer is a big person. He is an adult. I'm going to show you something that you ought to have done, and that's to turn to your Rule Book. And since you may not have time to do it and follow me, you have to take my word for it. But I'm going to tell you where to find it. Rule 1, Section 5, and it's under capital B, with the words following "Presiding Officer." "The Lieutenant Governor shall preside as President of the Legislature. The Speaker shall serve as acting President and preside when the Lieutenant Governor shall be absent, incapacitated, or shall be acting as Governor. All references herein made to the President shall be construed as meaning also the Speaker whenever he or she may preside." It says that the presiding officer of the Legislature shall be the Lieutenant Governor, which accords with the constitution. How many of you all read anything about the presiding officer or the Speaker in your Rule Book before you start popping up here opposing something and giving a reason that is not a reason? This rule doesn't apply only to the Speaker. The presiding officer is the Lieutenant Governor. The Speaker is the acting President or presiding officer when the Lieutenant Governor is not here. I'm going to see how many of you will accept my amendment because I'm going to take it to a vote. You all don't care about this amendment. You are in the process of giving a lesson and a message. I know you. I've been here long enough. I've been here over four decades. You cannot bring up anything that I have not seen or that I cannot see through. I know what you don't even know, because when you were told how to vote you were not given instruction or an edification of why you should vote against this rule change. Will it hurt me? No. Nothing you can do can hurt me. If you have any rule that allows anybody to speak and you're going to have to do that, I'm going to speak. And I'll speak whenever I decide to, and I'll talk about whatever I want to. We are privileged under the constitution against having our speech and debate restricted by anybody or being called to account by anybody because of anything we say during speech or debate in our legislative proceedings, and the U.S. Supreme Court has said that is to ensure vigorous, robust, free-wheeling debate which those in the branch that represents the people should engage in. You all don't care about that, because you're not going to debate any kind of way. And you'll be given your instructions. Some of the new people have already shown me how they are required to debate on a vote we had earlier. They don't even understand why they voted against it. They can't give a rational reason for having voted against it. But when you have a boss and the boss speaks,

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you do what the boss tells you to do. You all are not going to be frank and bold like I am. That's why I say it on the floor. And I'm the black man in a white Legislature who has to remind white legislators what the nature of your job is and what you ought to be doing. You all will say your constituents this or constituents that. I represent my constituents. And I've seen things in the paper where people who hate me say they just wish that their representative would represent them the way Senator Chambers represents his constituents, even though I can't stand him for the way he does it. They think I'm the example of what you ought to be. I'm the one who fights the trash legislation and you're going to hear me say that over and over and over. Since you all are making your vote on this matter hinge on your attitude towards Speaker Scheer, what harm would be done by putting "Speaker" in this rule? It would let you know that the Legislature's wish is not that the Attorney-- that the Lieutenant Governor or another member of the Legislature sit up there when a matter as important as cloture is going to be voted on. You know why you should have more votes for cloture, which is 33, than the 30 you need to override the Governor's ve-- veto? Because the Governor is not entitled to extra heavy votes. But in the Legislature, when you vote cloture you are stopping everything that the Legislature is about and that legislators ought to be doing. There will be no further discussion. There will be no amendments. There will be nothing. The Legislature will be shut down. And that should take an extraordinary majority of the members to be willing to give up all of their prerogatives as legislators. Again, you all don't care because you don't care about the Legislature. That's why the Governor will ridicule chew-- ridicule you. I saw him making fun of the hick people, hick-- hick, "hickified" people out in western Nebraska. When have you seen the Governor wear hick clothes, a hick jacket, a hick shirt? Only when he's appealing to the hicks. When he was at his ball was he wearing the "hickified" shirts and clothes that he wore when he was appealing to the hicks? No. He put on the millionaire suit, and the hicks had to put on the suits. He shows contempt for you. He should have dressed when he was seeking votes the way he customarily dresses. But that does not govern how white politicians work. They show contempt for the constituency they say they're going to represent. How much time do I have, Mr. President?

FOLEY: 1:55.

CHAMBERS: Thank you. I'm going to leave my light on because there's a specific item I want to discuss about this dressing a certain way, but it will not apply to the legislators, it will not

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apply to the Governor, it will not apply to me. Now that ought to whet your appetite. I don't say your imagination because you have no imagination. You have to have a functioning brain to have imagination. And then imagination is funny. It will make a cloudy day sunny, make a bee think of honey. Now the reason it takes imagination to say that, because you have to conclude that a bee can think and that what a bee is thinking about is honey. So I'm not going to say imagination. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Debate is now open on the Chambers amendment. Senator Chambers, you're recognized.

CHAMBERS: Thank you. Mr. President, there was a-- a farmer named Arthur Kirk who lived in Cairo, Nebraska. Other people would say "Kyrow" [PHONETICALLY] because that's the way they pronounce the city when it's in another country. Cairo, Nebraska: A banker was in dispute with him over the payment of a loan and was able to bring the sheriff into it and convert it into a law enforcement matter. The farmer, asserting his right to not be handled in that way, ordered the sheriff to leave his property since he had not committed any crime and the sheriff had no search warrant. There was no reason for him to be there. So the sheriff talked to other law enforcement people. And to make a long story short, as that man's life was shortened, they involved the State Patrol, who ultimately wound up using that man's wife to lure him out of his home: white, members of the white Nebraska State Patrol, belonging to and representing the white citizens in the white state of Nebraska, showing me how white people treat their own. They had a fixed-wing airplane circling his property. They had every way to enter his property or leave it blocked off by State Patrol vehicles and there were state troopers. And somebody called him on the telephone to talk to him. And I said I'd make that part short. His wife was used to lure him out of the house, not knowing she was the lure, and when he came out they killed him. I said they murdered him. The rifle that they say he shot probably was nonfunctioning because there was a jammed cartridge in the chamber. They couldn't find a spent cartridge where there should have been one, based on how this weapon operates when you fire it. It kicks the shell out. It would go out and toward the back. And they knew precisely where he stood, based on the lie they told, but they searched and couldn't find it. So I got involved. And it became a matter of national interest because there was a black Senator interested in what happened to a white farmer who belonged to what was called the posse comitatus, who was purportedly a racist, and this black Senator was

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there. So a man named Geraldo Rivera was sent by 60 Minutes to talk to those people. Geraldo Rivera came to the farmstead and the family and the farmers in the area wanted me to be there. They viewed me as a spokesperson for them, not the white Governor, not the white Lieutenant Governor, not any white senator but a black man who was hated by the white people in this state and who was willing to come to the aid of a family who were supposed to be avowed racists. When Geraldo Rivera came, you know he's from a big city. They wear suits. I don't know if he could afford a Brooks Brothers suit. I didn't know if he was wearing Stacy Adams shoes when he interviewed people. But I never saw him in an interview wearing a checkerboard cowboy shirt, tight Levi's, and cowboy boots. He came out there dressed the way he thought he should dress because he was talking to some Nebraska hicks in a flyover state. And I asked him, I said, hey, man, why are you dressed like that? That's not the way you dress on 60 Minutes. Then all of a sudden Geraldo Rivera did not want to interview me. And when they put-- and he-- his interview was brief. It consisted primarily of things he was saying. And there was a lady named Barbara Walters on that program, and Geraldo Rivera was being interviewed by her about this racist farmer who had been killed out in Nebraska. And as Geraldo Rivera talked about all the horrible things this posse comitatus was about-- antigovernment, carrying rifles to have a war against the established order, if necessary-- and you know what Barbara Walters said? She got that soulful, hurt feelings look, and I quote her. She said, "tewahbull, tewahbull, tewahbull" [PHONETICALLY]. I guess she had a speech impediment.

FOLEY: That's time.

CHAMBERS: But she said--

FOLEY: But you may proceed on your next opportunity, Senator.

CHAMBERS: Thank you, Mr. President. These kind of people and politicians don't realize what ordinary people perceive when people who don't dress like them want something from them and suddenly will dress like them. Those are the things I, as a black man, watch because it shows me that your white leaders don't even respect you all. You are the ones they go to when they need a vote or to become a base. Well, now there are people who never thought they'd need food stamps, and looked down their nose at people who had to get food stamps, as the farmers did

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before their crisis, and then they had to get food stamps. And there I was trying to help them when no other white politicians were doing it, and I'm going to show you all articles to prove it. Have do more for your people than you do and did for your people. Unfortunately, again, when I was a little boy, didn't know any better, trusted what grown people told me. They read something in the Bible that stuck in my mind, even when I was a little boy: Am I my brother's keeper? That was a turn of phrase that stuck with me. You know why I say unfortunate for me? Because I accepted it. Every person who is male is my brother. Every person who is female is my sister. And those who are in the process of transitioning are my brothers/sisters. Anything born of a man or a woman is one to whom I am akin. The "Bibble" even says of one blood God made all nations of men on the face of the earth. He should have said, and women. And I accepted that. So when I got in the Legislature, and even before I got here, I did not like to see anybody ganged on. In grade school, you know what I would do because white people picked on white kids in school? And there was this boy named Donald Gibson [PHONETIC]. I mentioned him. He's an albino: white hair, very pale skin, pink eyes, they danced all the time. They called him bunny rabbit and they'd pick on him. So I couldn't take it anymore. I thought he had friends; he apparently didn't. So when they came to pick on him, I said, if you're picking on him you're going to have two people to pick on today because I'm not going to let you do it. Donnie Gibson [PHONETIC] was not picked on at Lothrop School anymore. And there were only about seven or eight black kids at Lothrop School at that time. So when this man who was supposed to be a racist was shot under circumstances I thought were wrong, I said, in my opinion, he was murdered by the state and I had an obligation to speak about that and help his family. Because of what I did, I got invitations from around the country to go out to talk to these groups who were on the outs and I went to talk to them. I'm not afraid to go anywhere and talk to anybody. When the Governor put on his "hickified" clothes to talk to the "hickified" people in the hick parts of this state, he told me the way I ought to regard you. He showed me by example. You all don't dress like that on the floor of the Legislature. Then why did he dress like that when he wanted your people to vote for him? You think he invited any of those hicks to his ball to dance and enjoy the aura that existed--

FOLEY: One minute.

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CHAMBERS: --when they put him in office? No. There was a movie called "Guess Who Came to Dinner?" I can tell you, you don't have to guess but I'm going to use that terminology, guess who will not come to dinner when the Governor is extending invitations? The ones who wear those "hickified" clothes whose votes he wanted. So since you all want to specify what this rule ought to say because of one man in whom you've had-- you have confidence and that one man occupies a position in the Legislature, insert "Speaker" in this one rule. And you can do that. Cloture is something that the Legislature determines will exist, not the constitution. So since you're basing it on the Speaker, my amendment gives you the opportunity to put your vote where your mouth is.

FOLEY: Time, Senator.

CHAMBERS: Thank you, Mr. President.

FOLEY: Senator Chambers, you're recognized to close on your amendment.

CHAMBERS: Do you all see how much time I can take when I want to? And I can be relevant, I can be germane, all of those things. And I can be infuriating, because you know that what I'm saying is true. You all who come from backgrounds where you may have been on a school board or a county board need to have a little seasoning in the Legislature so you understand that the processes of a school board or a county board are not the same as those in a Legislature. You all control the purse strings. You control how much money the Governor's Office will get, the Attorney General, the courts and the judges. And they spit in your face. They have contempt for you and they show it. They sneer at you. You are the butts of their jokes. The Governor, when he had on his "hickified" clothes said, I fought the Legislature. And there was a footnote: but Senator Chambers is not included in that because I don't want to fight him because he'll fight back. What-- what I found out, because I really paid attention when a reporter whom I respect with the Lincoln Journal Star, and still do, always have, did a paragraph and quoted where in his television presentations the Governor said, I fought the Legislature. And in people's minds, they slap-- he's grabbing you by the collar, slapping you upside the head, say do this, and you do it; pulling you by the petticoat, say you do it, and you do it. Because here's what I did, because I do additional research, even when it involves a Governor. Between the time that the Governor

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settled on what he was going to say and it got to those who were going to present that piece on television where he's supposedly or allegedly talking, are you all aware that with technology now, they can make it appear somebody is saying something that that person is not saying? They had former President Obama saying things against what President Obama stood for, as an example what could be done. Well, what the Governor said when they sent the copy was, if you write sloppily and you write a B and the loop at the bottom goes slightly below the line, it could look like an F. So they said, well, is that an F or a B? Well, it must be an F. So they had the Governor's mouth saying, I fought the Legislature. But what the Governor had said is, I bought, I bought the Legislature. And he did buy the Legislature, not everybody. You all know whose livery you are wearing. You all know which ones of you were bought by the Governor. Your votes have started to show some of it already, and I watch. Why does a rabbit run faster than a fox and take escape and evasion actions that the fox cannot duplicate? A person said the best way to find that out is to ask a rabbit. The rabbit said, it's simple. When the fox is chasing me, the rabbit-- the fox is running for his dinner; I'm running for my life. You all are interested in lobbyists' dinner. I'm interested in my life, my integrity, my self-respect.

FOLEY: One minute.

CHAMBERS: Nobody buys me. Nobody owns me because they tried to buy me. But I'll tell you the people who do own me: those who are not going to be able to get their food stamps because your President has executed a coup. What is involuntary servitude? Being forced to work when you're not paid. And there are federal workers who have been compelled to come to work and they're not paid. And all you white people, you white conservatives, a bunch of hypocrites, you watch that and it makes you no difference. How can I have any respect for you? I respect the institution of which I am now a part and I'm trying to dignify it at least one notch higher by letting this rule say what you all have said you mean it to say. Thank you, Mr. President.

FOLEY: Thank you, Senator Chambers. Members, you heard the debate on Senator Chambers' amendment to the proposed rules change. Those in favor of the amendment vote-- There's been a request to place the house under call. The question is, shall the house go under call? Those in favor vote aye; those opposed vote nay. Record, please.



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CLERK: 12 ayes, 4 nays to place the house under call.

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.

CLERK: 29 ayes, 5 nays, Mr. President, to place the house under call.

FOLEY: House is under call. Senators, please return to the floor, check in. The house is under call. Senators Wayne, Stinner, Lindstrom, Kolowski, and Brewer, please return to the floor and check in. The house is under call. Senators Wayne, Stinner, and Brewer, please return to the floor and check in. Senator Brewer, if you could check in, please. We're lacking Senators Wayne and Stinner. Senator Chambers. Thank you, Senator Chambers. We shall proceed. The question before the body is the adoption of Senator Chambers' amendment to the proposed rules. He-- Senator Chambers has requested a roll call vote. Mr. Clerk.

CLERK: (Roll call vote taken.) 12 ayes, 36 nays, Mr. President, on the amendment.

FOLEY: I raise the call. The amendment is not adopted. We'll proceed with further discussion on the proposed rules change. Senator Slama, you're recognized.

SLAMA: Thank you, Mr. President. I rise today on behalf of my constituents in District 1, whose biggest complaint about politicians is that we talk a lot but always don't accomplish much. I stand opposed to this rule change because there is a time for extended debate, but also a time to move on and avoid getting hung up on noncontroversial bills. As has been noted by many of my colleagues, Speaker Scheer has shown his ability to be judicious with his distribution of time. We only have 90 days to address issues this session. And on issues like property tax relief, my constituents simply don't have time to wait anymore. So again, I'll keep it short and reiterate that I stand opposed to this rule change and would encourage my colleagues to join. Thank you.

FOLEY: Thank you, Senator Slama. Speaker Scheer, you're recognized. He waives the opportunity. Senator Crawford, you're recognized.

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CRAWFORD: Thank you, Mr. President. I rise to affirm what my colleague, Senator Lathrop, said when he was speaking in support of this proposed change to the rules. This is really about the institution and it's about protecting the institution. Having full and fair debate is a critical part of our work here. And there are some bills that don't require very much time. And the, the rule change does not require us to spend time on those, on every bill. It only is involved when someone is wanting to invoke cloture. And cloture is an important tool in our body to end debate. But it's important to realize that ending debate is a, should be considered a big step, a hard-to-achieve goal in a deliberative body. And so making sure that our rules protect cloture and ensure that we only reach a cloture vote when there has been adequate time for full and fair debate is an important protection in our institution. It is, again, not about any particular person or, in the body, it is about adopting shared expectations about what's required when we are going to allow cloture. And cloture stops debate, stops amendments, it is a critical step and one that needs to be taken very seriously. And so one of the reasons that I was in favor of this rule coming out of the committee was recognizing the importance of making cloture be something that is only taken under consideration when it is, after there's been full and fair debate and to recognize that cloture should be, should not be taken lightly. To adopt cloture motion means that we are, again, stopping deliberative process. And it's critically important that we only, we do that only when it is important and necessary to do so. The deliberation in the body continues at least six hours. Six hours is not a lot of time. It is an important amount of time to allow for that full and fair debate. Whenever one knows the amount of time that we're using for full and fair debate, people know how to adjust their deliberations appropriately. And so it is also the case that the rule does not require that debate stop at six rules. It does allow when we have some issue that requires more full and fair debate that it's allowed to go further than that. One of the reasons that requiring six hours for full and fair debate in General File is considered in terms of protecting the institution is really to recognize that it should be a difficult task to have extended debate that requires us to go all the way to cloture. And so as Senator, as my colleague, Senator Hansen mentioned, knowing that you have to fill six hours should give you cause to question whether or not this is an issue that you really want to run to a cloture vote. Or is this an issue that we should have debate on and then go to a vote, a majority vote of the people in the body? So I just wanted to clarify that and affirm, second, the comments of my colleagues Senator Lathrop and Senator Hansen that really this rule was proposed by the committee and supported by members of the committee, including

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me, in large part just to make sure that we are protecting the institution and to make sure there were shared understandings about--

FOLEY: One minute.

CRAWFORD: --what would be expected in order to get to a cloture vote. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. You are recognized to close if you would care to, Senator Crawford.

CRAWFORD: Thank you, Mr. President. Colleagues, I appreciate the thoughtful debate we've had on this rule change this morning and appreciate the comments of people about why it's important to have full and fair debate and what full and fair debate means. And yet also discussions about the importance of having efficient and effective debate on our bills that we have before us as well. And so I believe that an important priority of the Rules Committee was to make sure that we had this debate on the floor and to make sure we had the conversation about what is expected for full and fair debate and to recognize and discuss how important it is that we allow motions to go to full and fair debate and to have some understanding that there would be an expectation that we would go six hours generally in, on General File and three hours on Select File and an hour and a half on, on Final Reading. I believe we've had that conversation and I believe that there's been recognition of why this is important to make sure that we do this. And we've also heard from the Speaker about when he would consider instances when he would choose to not allow full and fair debate to run until full six hours and only, only doing that in the instance where there are people on both sides of the issue who agree to that provision is the only time you would see it not going what it would be the expected number of hours for a full and fair debate. And with that, Mr. President, I'm going to withdraw this rule change amendment. Thank you, Mr. President. I just do want to clarify for the sake of the body that I have talked to other members of Rules Committee about this withdraw motion and have their permission to withdraw this rule proposal. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. The Rules' proposal has been withdrawn. Mr. Clerk.

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CLERK: Mr. President, that completes the proposals as offered by the Rules Committee. I now have an amendment offered by Senator Briese. I believe Senator Briese has distributed copies of his members or of his proposed change. It amends Rule 7, Section 3.

FOLEY: Senator Briese, you're recognized to open on your amendment.

BRIESE: Thank you, Mr. President, and good morning colleagues. I rise today to present a proposed amendment to our Rule 7, and I'll note that several days ago I believe a package was sent out amongst us on the floor here that described an amendment I had. I have since revised that and I've passed out a new proposed amendment. I believe it's on your desks. Senator Chambers and I had a nice visit about this last Friday. I'd say our conversation centered on the philosophical differences on the role of the institution and the role of the members of this institution. And I understand that he will most likely oppose this proposal, and we'll want to hear from him on this. Some have suggested this proposal targets Senator Chambers, but I would predict that if we adopted this proposal, it most likely would not impact him. If some day things would get completely out of hand and 45 senators feel that way, it could come into play against any one of us, but I think it's highly unlikely. My proposed changes come from conversations I had this past summer with constituents at town halls. There the number one issue obviously was property taxes, but a common complaint I heard was the refrain that I watch the Legislature, and you guys waste a lot of time. And I think that's a recurring, a recurring refrain we've heard here this morning also. Several of us have stood up and indicated they're hearing the same things from their constituents, that we do waste, seem to waste a lot of time in this body. So I began thinking about our obligation to this body and to all Nebraskans. And I note that under Rule 7, Section 4, any motion to call the question must be demanded by five members of the body. My proposed amendment to Rule 7, Section 3, would require the same of any debatable motion that comes before a body if any member asks for a show of five hands. The Nebraska Legislature truly is the people's institution. As state senators, I believe we have a duty and an obligation to protect this institution, and protecting this institution means many things. It means ensuring that our time here is used efficiently on behalf of our fellow Nebraskans. It means ensuring that no one individual has the ability to hijack the institution for his or her own agenda. It means ensuring that no individual out of spite or less than charitable motives can control the institution. It means that no one individual can slow walk an entire session. And that's what this proposed amendment

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is designed to do. It's designed to protect our institution from bad actors, determined to subvert the will of the people and steal from the Nebraskans their house. Let's take an example. Suppose a senator decides to go rogue and slow walk an entire session. With a combination of motions and amendments any one individual can filibuster every bill at every stage of debate without the ability to defeat those bills. He or she can single-handedly cripple our institution. He or she can single-handedly hold Nebraskans hostage. I submit that we owe it to Nebraskans to prevent that from ever happening and I believe this proposal can do this. What this amendment will do is require that no one individual can do this. Instead, the language I have proposed will require at least a modicum of support for any debatable motion or amendment. I spoke about this with a group of individuals in my district this last summer, and one individual who happened to be an economic development director in my district, opined that the standard should be ten or more. And I agree with that since it takes 17 to filibuster anything, but since our court rules require five hands in the event of a motion to call the question, I felt that five would be the proper approach. And let's note that this proposal will not stifle minority or unpopular opinions. Those individuals, whether it's you, me, or anybody else, will have the ability to express their viewpoints as they take advantage of the normal time allotted to speak on the floor on the underlying bill. And as state senators we have unusual access to other forums, whether it's the op ed page, whether it's a TV interview, a newspaper interview, a press conference, so forth. So to summarize, this amendment to Rule 7 will serve to protect the integrity of our institution, it would serve to ensure that our time here is used more efficiently, it will protect our institution from bad actors, it will be supported by the vast majority of Nebraskans, and it will not appreciably stifle, chill, or subvert unpopular views. I feel the bottom line is this, if you're the only one that supports an idea, if you're the only one that opposes an idea, if you're the only one that's angry about something, you should take your lumps and sit down. And then go to the press, go to the Rotunda, go out on a street corner, go to your colleagues, go to one of the many forums you already have, but do it on your own time, not on Nebraskans' time. This Legislature simply is not a forum for personal grievances. And last week many of us were at a workshop on harassment. And at that workshop they gave us a handout and I'd like a quote from that handout. In that handout they suggest that one of the key takeaways from that particular workshop is this, and I quote: You are all to serve the institution of the Legislature. You are part of something bigger than yourself. Protect the institution. And I believe that that's what this type of proposal does, it

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helps to protect the institution. So I'd ask for your consideration of this proposal. Thank you, Mr. President.

FOLEY: Thank you, Senator Briese. [VISITORS INTRODUCED.] Debate is now open on Senator Briese's proposed rule change. Senator Crawford.

CRAWFORD: Thank you, Mr. President. The Rules Committee had an opportunity to discuss this proposed rule change. We had a hearing on the proposed rule change and had a robust discussion about this proposed rule change as a committee. As a committee, we chose not to bring it to the floor. One of the key considerations of the committee was the importance of protecting the rights of the individual members and an important part of George Norris' institutional prerogatives in this body are really to protect the importance of the individual member. Individual member has the right to make amendments. The individual member has a right to make motions. And we felt that was an important right to protect and so the Rules Committee did not approve this rule change and I would urge your oppose, I would urge you to oppose this rule change. Thank you, Mr. President.

FOLEY: Thank you, Senator Crawford. Senator Chambers.

CHAMBERS: Mr. President, members of the Legislature, I talked to Senator Briese about this. This is one of the silliest things I've ever seen, except that it was attempted before. There was a senator here and he referred to me as the lone dissenter. So he had a number of proposals to try to silence me. Nobody could offer more than a certain number of amendments on a bill. See, if your mind is like an empty bucket, don't think everybody has an empty bucket for a mind. Many times in history the lone person turned out to be right. I'm going to give Senator Briese an example. The Legislature under the goading of the so-called pro-life group wanted to ban what they call late term abortion. I was, I spoke against it. I was the only one who voted against it. And guess what happened. My comments were referred to by the federal district court that struck down that bill where 48 dumbbells voted for it and one wise man voted against it. The Appeals Court, Eighth Circuit, made reference to my testimony when they upheld the district court's decision to strike it down. Then the U.S. Supreme Court made reference to my comments when they upheld both of the lower courts' decision to strike it down. One person can be right and

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usually is. When you find a great mob of people going a certain way, they're not thinking. One person heated them up and they ran because everybody was running. I'd like to ask Senator Briese a question or two.

FOLEY: Senator Briese, would you yield, please?

BRIESE: Yes, I will.

CHAMBERS: Senator Briese, you made reference to five hands being required for what?

BRIESE: To call the question.

CHAMBERS: So when they raise their five hands, has the question been called by virtue of those five hands being raised?

BRIESE: I don't believe technically it has.

CHAMBERS: So with what you're talking about, an amendment will be rejected if there are not five hands that agree that it should be allowed.

BRIESE: The intent of this is to stop further debate--

CHAMBERS: No. Here is what I'm, I'm asking you--

BRIESE: --on any debatable motion.

CHAMBERS: I'm going to ask you the questions, because I don't want to get too far afield. If five people do not agree that that amendment should go forward, those five people in effect defeated that amendment, didn't they?

BRIESE: No. It will take five people to ensure that an amendment can be debated or discussed.

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CHAMBERS: If you don't have five people who raise their hands, the amendment cannot go forward. Is that true?

BRIESE: Correct.

CHAMBERS: So then amendment, an amendment offered will be defeated without any vote. Isn't that true?

BRIESE: Well, it will take five people to continue debate on anything, at which point then there would eventually possibly be a vote on it.

CHAMBERS: Senator, if Senator x offers an amendment and nobody agrees it should be offered, that amendment has effectively been defeated, hasn't it?

BRIESE: Yes.

CHAMBERS: That's what I had asked you in the first place. And you think that's the nature of legislative debate and the way it should be conducted, isn't it, because you offered an amendment to achieve that? That's what you think ought to be the guide for the Legislature, isn't it?

FOLEY: One minute.

BRIESE: Yes, I do.

CHAMBERS: If a motion is made and it's not an amendment, that motion cannot be considered unless at least five other people agree that it should be allowed to be considered. Correct?

BRIESE: Is that a question? Yes, to the extent it's a debatable motion.

CHAMBERS: And since my time is up, I will ask you any other questions I have the next time I'm recognized. Thank you, Mr. President.



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FOLEY: Thank you, Senator Chambers. Senator Morfeld.

MORFELD: Thank you, Mr. President. Colleagues, regardless of the technical nature of the amendment or exactly what it does or what it doesn't do, I'm opposed to it because of the intent of the proposed rules amendment. And the intent is, is to stifle debate. It's to make it so that we're less of a deliberative body. It's very frustrating to me sometimes when I introduce legislation and it's filibustered because I generally think the legislation I introduce has merit and is a good idea. But I also understand that it is the prerogative of the body, a deliberative body. That is the purpose of a Legislature, to deliberate that legislation and to deliberate that issue. That is the purpose of a Legislature, is to be deliberative. And when I teach American Government 101 at college, the first thing that I tell my students is that if your Legislature is efficient, that's when you should be scared. That's when you should be afraid. The Legislature is not supposed to be efficient. Lawmaking is not supposed to be quick. It is supposed to be deliberative. It is supposed to be hard because what we do here is serious. It is creating the laws by which all of us and our constituents must live by. It should not be efficient. It should not be quick. It should be deliberative. Thank you, Mr. President.

FOLEY: Thank you, Senator Morfeld. Senator Matt Hansen.

M. HANSEN: Thank you, Mr. President, and good morning, colleagues. Colleagues, I rise in opposition to Senator Briese's proposed amendment to Rule 7, Section 3. We did hear this in, a variation of this in the Rules Committee. There was at least an initial proposal and I think this amendment proposal is similar. Functionally, just to kind of state back and remind everybody what this is, is this is enforcing a second, a third, a fourth, a fifth, and a sixth to begin the opportunity debate on something, anything, so any debatable motion or amendment. So you have a technical amendment to a bill. Somebody wants to challenge it to prove a point. You've got to make sure you have five people ready to raise their hands immediately or else your amendment automatically loses and maybe that's a catastrophic thing for the bill. Maybe you can reoffer it; that would maybe be something in the rules proposal we'd have to see. Overall that's my concern is, we talked about this kind of in a grand vision of what the rules are and we kind of have to remember what the rules are when we're actually in here. It's in the evening, people are taking meetings, trying to work on other bills and other issues. Maybe there's a lot of people paying

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attention to the issue, but there's some genuine debate between two or three members. All of a sudden there's a challenge. There's something that goes up to the presiding officer and all of a sudden in that moment, in that moment only, you need five people to agree with you and need to be in this room agreeing with you. You don't know it's coming because the other person might not give you a heads up. And this is the moment where the bill could potentially live and die based on a quick decision by the presiding officer. And I know we've had a long discussion about the Speaker and presiding officers this morning. It's not necessarily that they would be unfair, it's that the rule would bind their hands of I would encourage them to be gracious and state the motion clearly and give everybody some time to kind of clear their heads and react. But at the end of the day, you know, you can see how confusing it could be. I'll remind everybody, too, last Friday when I withdraw a bill Senator Chambers asked for a roll call vote and we got pretty much to the c's before people in this room realized what was happening. And I had to kind of talk to some people very quickly that it was a motion I was in favor of, just because that's how it goes sometimes on this floor. So when we're adding new barriers and new burdens to even just have substantive debate and even just the introduction of an amendment that's something I would be wary of. I would also remind people who have been in this body about the number of times we've had an amendment, a motion, or something of that nature that, he's no longer in the body, but I'll give Senator Schumacher credit for being somebody like this who often has kind of a seemingly off-the-wall idea about a single word and then over the course of his very in-depth ten-minute amendment introduction, he's explained at least why the issue is a valid one worthy of debate. And that's something where if you don't have that opportunity at the beginning and the introducer of the bill or opponent of the bill, whoever it is, is all focused on getting to a final vote as quickly as possible, he would not necessarily have that opportunity to open on that amendment the same way we would all expect to be able to open on an amendment to a bill or issue we're passionate about. I could presume there could be some sort of, you could try to get there in speaking order and ask people in speaking order, let them know what's coming, but then we're starting to try and then time, the speaking queue and other things of that nature. And finally, this issue was kind of compared to calling the question. I will point out that calling the question is an issue of ending debate on a particular question. And so in that instance having a higher standard makes sense because it is functionally an antidemocratic. It is saying we are ceasing debate in order to move forward. And that is something that I think is valid to have a high bar and is something that is functionally the same motion every single time so that it can be

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stated clearly and correctly and you know when the presiding officer says there's been a motion to call the question, do I see five hands, that's something we all are familiar with and don't have to take time to register as opposed to, you know, Senator Matt Hansen has introduced an amendment and Senator so and so has objected, do I see five hands? By the time you process that, that's the length of time we've had debate. So colleagues, I would encourage you to not support Senator Briese's rules amendment. I think there's both some procedural just how we function as a body issues with it, as well as the overall attempt to limit debate which is not necessarily our purpose here on the floor is to have good and fair and long and in-depth debate. Thank you, Mr. President.

FOLEY: Thank you, Senator Hansen. Senator Bolz, you're recognized.

BOLZ: Thank you, Mr. President. I, too, rise in opposition to this proposed rule change and I want to put it in context for the sake of consideration and deliberation. Maybe let's apply this to a case study. So one of the issues that inspired me to run for office was Nebraska's safe haven law. So LB157 was introduced in the 2008 Legislative Session and it read: No person shall be prosecuted for any crime based solely upon the act of leaving a child in the custody of an employee on duty at a hospital licensed by the state of Nebraska. That bill did not provide an age limit for which a person would drop a child off at a hospital and not be prosecuted. And I think many of you will remember the resulting headlines which meant that many families in various sad and sometimes tragic circumstances brought children to Nebraska seeking safe haven. And the Legislature had to come back and set that age limit. Under this rule, someone who may have had the idea that an age limit should be set would have had to have five colleagues to agree with that statement before there was even any deliberation. And, colleagues, this bill with the language I just read to you, passed with a support of 41 votes. So in that case, a minority opinion may not have even been able to be heard even though it was in the best interest of Nebraska. I also want to apply this to the case study of something that might impact my district specifically. There are several unique and wonderful aspects to District 29 in Nebraska. I'm the home of Union College, which is a small faith-based college right in my own neighborhood. I am the home to Tierra Park. I'm the home to Southeast High School. If there were a bill that impacted any of those institutions or areas specifically, it would be very, very important that I, as the designated representative of District 29, be able to speak to that issue any time I needed to, even

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if i were a minority opinion. And so I appreciate that we are thinking about how we move our processes forward. I appreciate that we're thinking about making sure that we use the time on the floor appropriately and deliberatively. But I don't support this proposal because sometimes the minority opinion, sometimes even a small minority opinion, deserves an opportunity to become a majority opinion. Thank you very much, Mr. President.

FOLEY: Thank you, Senator Bolz. Speaker Scheer, did you wish to be recognized?

SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, those that wish to still drop a bill this morning, just so you've got a little heads-up, probably at 11:40 we will stop taking bills for today so that we can get them all read across. Again, tomorrow is the last day of bill introduction, so you still have tomorrow to put anything in that you still have or are working on. Just wanted to give everybody a heads-up if you are wanting to put anything in today, they'll probably stop taking them right at 20 to 12:00 so they've got ample opportunity to get them read across. Thank you, Mr. President.

FOLEY: Thank you, Mr. Speaker. Continuing discussion on Senator Briese's amendment.  
Senator Chambers.

CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Briese and I did discuss this. I told him I thought it was unwise, that I would oppose it, but I never told him he couldn't introduce it, that if he really believes it, go ahead and let it be debated. That's what is supposed to be done here. But what I cannot consent to is having to get the permission of five of you all to speak. I'm a grown man. I'm a grown black man, proud to be black. Were I blacker, I could be prouder. You will not find me apologizing for my race, for my color, or anything that your good colored friends that you have may do. And I'm not going to seek the permission of five white people to speak. You know why I say five even though there is another black man here? I would tell him I don't even want him to be a part of that demeaning, degrading notion. This degrades and demeans the Legislature itself. Every one of us who is sent here comes with all of the rights, privileges, prerogatives of a person elected to this position and there is nothing in the constitution, nothing in any law that says before you can carry those duties out, you have to get the permission of five other white people. That's that white privilege. That's why people

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want to dictate. We can shut you done and we'll shut you down by making it the law. If we make it the law, now it's right. I've dealt with that all of my life, and I've found a way around it. Let's say that I want to offer an amendment and you all refuse to let me offer it. Then I'll just talk on everything that comes up. Every amendment you offer I'm going to talk about. I'm going to explain the amendment that I would have offered, the value of it. Then somebody might get tired and say, well, Ernie, I'll offer it then. Or hey, that's a good idea. But I don't want to go through all of that. I'm trying to head some of that off at the pass because the rest of you will swallow spit and [MICROPHONE MALFUNCTION] and I will have to fight it for the integrity of your Legislature. They could not get the notion of protecting, as they called it [MICROPHONE MALFUNCTION] into the constitution until I was out of this place. [MICROPHONE MALFUNCTION] trivial [MICROPHONE MALFUNCTION] should not be put into it. I even gave them the example of how some simpleminded people from Pennsylvania, when they were adopting the U.S. Constitution, wanted to put protection of, they call it fouling, but hunting, fishing, and trapping. They call it fowling and angling. One of the Websters, Noah or Daniel, stood up and ridiculed it to such an extent it was laughed to scorn and withdrawn. One of the things he said was that on a cold winter's night when you've been sleeping on the right side and the left side, which is exposed, has gotten cold, you can not prevent--it based on the constitution--from turning to the left side to let it warm up while the right side may have gotten cold, and everybody saw how stupid it was. I could always show white people how stupid these things were to put in their constitution and they couldn't get it there until I was gone.

FOLEY: One minute.

CHAMBERS: I'm the garbage man here. All that Senator Brieese would do is make it harder for me to move my garbage truck. He would take the wheels off, then I'd have to get a wheelbarrow. Do what you want to with it. But it's silly and it's demeaning and you all are so dumb--I say that on purpose to try to irritate you--you are so dumb, you know nothing about the nature of a Legislature and you're going to let somebody tell you you've got to get permission of five of us before you can offer an amendment, before you can offer a motion. Are there five you who will allow me to do what I was elected to do? Crazy. The more I think about it, the more I hope you accept it. Thank you, Mr. President.

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FOLEY: Thank you, Senator Chambers. Senator Briese.

BRIESE: Thank you, Mr. President. I rise to comment on a few of the comments we've heard here. Someone suggested that lawmaking should not be easy, it should be a slow, deliberative process and I agree with that 110 percent. It shouldn't be easy. And I agree we are a deliberative body. Someone suggested that my proposal would create a barrier or a burden on substantive debate. I maintain that what I'm trying to prevent here is the burden on substantive debate. That's what this proposal would try to do to help eliminate some of those burdens. Someone suggested this proposal would erode the power of individual senators. But our body is not about the power of the individual. This Legislature is Nebraska's house. It's not intended to be a forum for any one individual, you, me, or anybody else. And somebody, I think Senator Chambers, suggested great ideas often begin with one person. Well, that's possibly true. But I submit that a lot of poor ideas can also begin there. And if something is a great idea, you shouldn't have any problem convincing a few other senators of that on your own time outside of this body. But like Senator Howard suggested earlier about proposal number two, this also is probably not something that we should spend 30 days on. With that, I'm going to indicate my intent to withdraw this proposal here shortly. But going forward this session ask yourself, as we debate some of these issues it is, we get into debate on some of these things, ask yourself if this rule could be useful. Ask yourself if some changes to what I'm proposing here would be in order and ask yourself if that would be helpful in maintaining the integrity of this body. So with that, I would withdraw this and thank you, Mr. President.

FOLEY: Thank you, Senator Briese. The Briese proposal is withdrawn. Speaker Scheer, you're recognized.

SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, we're going to, we do have at least one other rule change that will be discussed. But I want to make sure that we have ample opportunity to get the bills read across and introduced this morning. So we will continue on rules tomorrow morning. Senator Crawford can reintroduce where we're at, at that point in time. And we will try to hopefully perhaps maybe finish them up. But for this morning, we will, we're done with the rules as Senator Briese has withdrawn his rule change. But we do have at least one other one to discuss tomorrow and we'll be moving, and again, reminder that we'll start at 10:00

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tomorrow morning as well. And any bills that you do want to be filed today, please get them up there so that we could get them read across yet this morning. Thank you.

FOLEY: Thank you, Mr. Speaker. Additional bill introductions. Mr. Clerk.

ASSISTANT CLERK: Thank you, Mr. President. (Read LB487-LB588 by title for the first time.) New resolution, LR12CA, offered by Senator Vargas and others is a proposed constitutional amendment to change the annual salary of members of the Legislature to 50 percent of the most recent report of the household income for the state of Nebraska. In addition to that, Mr. President, a notice of hearing from the Education Committee, motion to withdraw LB14 offered by Senator Blood. Reference Committee will be meeting in Room 1003 upon adjournment. A series of name adds: Senator Hunt to LB7, LB58, LB207; Senator Gragert to LB291; Senator Brewer to LB450; Senator Gragert to LR7. Finally, Mr. President, priority motion. Senator McCollister would move to adjourn until Wednesday, January 23, at 10:00 a.m.

FOLEY: You heard the motion to adjourn till tomorrow morning. Those in favor say aye. Those opposed say aye. We are adjourned.