

**FOLEY** [00:00:19] Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the eighteenth day of the One Hundred Sixth Legislature, Second Session. Our chaplain for today is Pastor Randall Klynsma of Omaha Reform Church in Omaha, Nebraska, Senator DeBoer's district. Please rise.

**PASTOR KLYNSMA** [00:00:42] I'd like to thank the senator and this assembly for allowing me to lead you in prayer. Father in heaven, we give thanks to you as the Lord of Lords and the King of Kings. We bow before you, acknowledging that you are the great, the holy, the true God in heaven above. We thank you that we come as-- before you as our father, through the work of your son, our Lord and savior, Jesus Christ. We pray that as we draw near today and throughout our lives, that we would come not with earthly thoughts of your greatness and glory, but that which reflects your holiness and your greatness. We pray for your kingdom, that it would come, that you would govern us by your word and spirit, that you would help us to love you and serve you as we ought. We pray for your church and for believers around the world. We pray that you would destroy the works of the devil and restrain every power that exalts itself against you. We pray that your will would be done on earth as it is in heaven. Grant that we and all men would turn from sin, would turn from doing our will, and turn to do your will. We pray for our daily bread, that you would provide for our needs, that you would sustain us by your grace and mercy, that you would forgive us of our debts as we forgive our debtors, that for the sake of Christ and his one sacrifice on the cross, that you would not count our sins against us but wash them and cleanse them that we might know you and love you and serve you. We pray that you would lead us not into temptation, that you would lead-- keep us and deliver us from the evil one, for we know that the world, the flesh, and the devil are always opposed to what is right and good and true. We pray that you would sustain and encourage and strengthen us. All this we pray because yours is the kingdom and the power and the glory forever. We ask this all in Jesus's name. Amen.

**FOLEY** [00:02:58] Thank you, Pastor Klynsma. I call to order the eighteenth day of One Hundred Sixth Legislature, Second Session. Senators please record your presence. Roll call. Mr. Clerk, please record.

**ASSISTANT CLERK** [00:09:36] There is a quorum present, Mr. President.

**FOLEY** [00:09:38] Thank you, Mr. Clerk. Are there any corrections for the Journal?

**ASSISTANT CLERK** [00:09:40] No corrections this morning.

**FOLEY** [00:09:41] Thank you, sir. Are there any messages, reports, or announcements?

**ASSISTANT CLERK** [00:09:44] There are, Mr. President. Your Committee on Government reports LB763, LB822, LB911, LB820 and LB850 to General File, some having committee amendments. That's all I have at this time.

**FOLEY** [00:09:54] Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR305. Members, Senator Brett Lindstrom would like to announce some guests today. We have with us a group called the Music Therapy State Task Force from Omaha, Lincoln, as well as some folks from Maryland, Virginia and Iowa. All those guests are with us in the north balcony. Could you please rise so we can welcome you to the Nebraska Legislature. Additional items for the record, please.

**ASSISTANT CLERK** [00:10:28] Thank you, Mr. President. Your Committee on Enrollment and Review has reported LB68, LB76, LB107, LB148, LB236, and LB266 as correctly engrossed. Those will be placed on Final Reading. Additionally LB381, LB477, LB477A, LB534, LB731 and LB880 have been correctly engrossed and placed on Final Reading. That's all I have this time, Mr. President.

**FOLEY** [00:11:08] Thank you, Mr. Clerk. Senator Bolz would like us to recognize Dr. Joshua Gutierrez of Lincoln, Nebraska, who's serving us today as family physician of the day. Dr. Gutierrez is with us under the north balcony. Doctor, please rise so we can welcome you to the Nebraska Legislature. Before proceeding to the agenda, Speaker Scheer, you're recognized.

**SCHEER** [00:11:31] Thank you, Mr. President. As I had mentioned last Friday, I would let you know as bills, priority bills came up. On Monday, Senator Lindstrom designated LB242 as his priority bill. That's a bill to adopt the Infrastructure Improvement and Replacement Act and provide a turnback for sales tax revenue. So with that being said, I intend to place LB242 on the schedule for debate tomorrow morning. So just a heads up that LB242 will be on the agenda tomorrow. Thank you, Mr. President.

**FOLEY** [00:12:03] Thank you, Mr. Speaker. We'll now proceed to the agenda, General File 2020 committee priority bill. Mr. Clerk.

**ASSISTANT CLERK** [00:12:08] Mr. President, LR279CA, introduced by Senator Scheer, a constitutional amendment authorizing the increase in the maximum number of members of the Legislature not to exceed 55 members. It was read for the first time on January 8 of this year and referred to the Executive Board Committee. That committee placed the bill on General File with no committee amendments

**FOLEY** [00:12:29] Thank you, Mr. Clerk. Speaker Scheer, you're recognized to open on LR279CA.

**SCHEER** [00:12:35] Thank you, Mr. President. First, I'd like to thank Senator Hilgers, Chairman Hilgers, and the Executive Committee for prioritizing LR279CA for me. Want to go through-- it's a very simple bill. Some people have tried to make it more than it is or have confusion on what it exactly does. To be simple, we are changing one item in the constitution. Right now the constitution says that the Legislature can go up to a number of 50. It can be from 30-- the-- our membership can be from 30 to 50. This simply changes the 50 to 55. So at-- if it goes to the public to vote on, and at that point if it is approved by the public, the number would be changed to 55. For those of you not familiar with the system, in order for this body to change its size, you would have to introduce a bill to increase the size by whatever number you would choose to think of at that time. And, in fact, I'm not sure where the bill is at, at this point in time, but I believe Senator Friesen has a bill that he has introduced this year that would change our number of senators actively engaged from 49 to 50. So we have the ability to go to 50 at this point in time. This simply would change it to 55. Give you a little historical data: When we changed to the Legis-- the Unicameral in the mid-'30s, the work that-- the paperwork that was approved, again, stated that we could have somewhere between 30 and 50 senators. At that point in time, when the Legislature met, it designed itself to be 43 members. That's what we started at. So in 1937, when we had 43 senators, each senator was responsible for about 27,000 constituents. It stayed 43 until the early '60s. And at that point in time, every state had to change because every other state that-- in the nation has the bicameral system and they ran it exactly like the federal system, meaning that they had a senate that was based on size of districts and they had a house that was based on population. That's fine for the federal government to do, but we cannot do it as states, so every state had to switch their system to have all of it be based on population. So when you go around the nation, they will have a house and they will have a senate. You will have one senator per district, but you will have two house members per district. So everyone in every other state literally has three representatives. In Nebraska we have one. An interesting fact, from 1937 to 1963 or '64 when it was changed, those 43 districts, the boundaries never were-- never were

redrawn. Those districts stayed the same for literally over 30 years. When they were forced to change them, they added the 6 districts that we are currently using, up to 49. So in 1963 our population was about 1.4 million and, by adding those six senators, it brought the number of constituents per district to 30,000. Right now, using the census numbers at 2019, we are approaching 2 million in population. That will get us right at 40,000 per district. I'm not trying to imply that we need this to move next year. That would be up to the body, if this were successful, in the fall. But if you do nothing, our representation will have gone up 50 percent, as far as inhabitants, since our first inception in 1937. I think you have to start realizing there is a maximum amount that a senator can be responsible for the people that are in his district because, if we are going to be honest, using our system, and if we have 40,000 constituents, that would be like saying in other states, their districts would be 120,000 because they have three representatives. Nebraska has one. Some of our districts are extremely large, takes almost a full day to drive across a district. Some of our districts are very nicely compacted. You could probably walk around the district boundaries within a day. So one has to look at the equality of representation across the state. Are those from those very large, less-populated districts having the same access to their senators as those in the more populated areas? I think not. This bill simply changes the constitution to read 55 instead of 50. It does not automatically raise the number of the people here. That is something that has to be done legislatively. Would there be a cost to do so? I'm sure there would be. But again, that has nothing to do with this bill. This bill is a permissive bill. It allows a future legislative body to determine if they want to increase their numbers for whatever purpose that might enjoin. It's not a-- a silver bullet for our redistricting, could be a part of our redistricting package, certainly. But at this point you can't really count on it because it-- it still has to go to the general election and it still has to be approved. So it may or may not be available. Could it be an augment to whatever the legislative body comes up for redistricting? Excuse me. I'm sure it might, but it's not a for-certain. It's something that I think might be beneficial to let the state vote on. If they decide that 50 is still the right number, then 50 it is. Nothing ventured, nothing gained. But I do think in the future it will help. It doesn't save the-- the loss of population in the western part of the state. Those districts will not all of a sudden shrink to half the size. Maybe at best, if you were to add two senators, those districts would only get a little larger, but they will get larger. The population growth is in the three-county area, Lancaster, Sarpy, and Douglas County. If you added two senate seats, unquestionably, they would go there. It doesn't affect the amount of representation by urban or rural. It still comes out the same. It just gives a little better representation to those constituents in all of our 49 districts, or whatever number you choose to utilize. It does not

automatically bring the body up to 55. It changes a number. A legislative body would have to do that--

**FOLEY** [00:21:36] One minute.

**SCHEER** [00:21:36] --on its own. It's a fairly simplistic bill. I'd be glad to answer any questions from the body, but sum and substance, we're changing one thing, 50 to 55. Thank you, Mr. President.

**FOLEY** [00:21:52] Thank you, Mr. Speaker. Debate is now open on the proposed constitutional amendment. Senator Howard.

**HOWARD** [00:21:56] Thank you, Mr. President. And thank you, Speaker Scheer, for the opening. Speaker Scheer actually came and spoke with me yesterday about this bill and I, admittedly, did not have it on my radar. We've had a lot going on, on the Health and Human Services side. And so I wanted to-- I told him I would listen to debate, and I'm excited to listen to the debate today, but I did want to share sort of my one red flag that I shared with Speaker Scheer yesterday, which was a concern about us being even. And so one of my major sort of pieces of heartburn, not about this bill but sort of about the way that we work here, is sort of that separation of powers. I always want to make sure that each branch is coequal and no branch is sort of inserting itself into the other branches' work. I think we have a lot of checks and balances for that. And so what the Speaker and I discussed yesterday was, would it be possible to add something on to ensure that we would remain at an odd number? I-- Lieutenant Governor Foley worked with my mom. I-- I-- I'm very fond of him, but I would worry that allowing us to be at an even number and then sort of allowing the Lieutenant Governor or the executive branch to be our tiebreaker would-- would sort of be an insertion of the executive branch into our work. That give-- doesn't give me a lot of comfort. And so what Speaker Scheer and I talked about, and he had discussed yesterday, was the possibility of an amendment to ensure that we would remain at an odd number. My next question was really about little things like logistics. We may have 55 spots, but do we have 55 chairs? How much would that cost? The voting board is original to the building. It has 54 slots on it. Bertram Goodhue designed this building very intentionally. And so I want to be mindful of sort of the historic presence of our voting board in the work that we do here. But really, when I think about this, and, you know, I'll wait for sort of an amendment that says that, we'll-- that we can guarantee odd numbers, but I do think that there's a possibility that ultimately this benefits urban districts. My district is one of the fastest growing in the state, and so presumably midtown Omaha and Sarpy County would be

getting most of these seats. And so then urban districts would actually outnumber further our rural colleagues with this sort of math that we would be doing, which I think would be really interesting and sort of change the tenor of the work that we do here if there were more urban voices in the Legislature. But I-- I assure you, I'm going to listen to the debate. I'm curious about sort of an amendment to make sure that we go to odds or at least make sure that we have an odd number so we're not asking the executive branch to do our tiebreaker. And so with that right now, I would probably be present and not voting on this resolution just to sort of get a better feel for-- for what its consequences might be. Thank you, Mr. President.

**FOLEY** [00:24:54] Thank you, Senator Howard. Senator Matt Hansen.

**M. HANSEN** [00:24:58] Thank you, Mr. President. And good morning, colleagues. And I want to thank Senator Scheer for his introduction on this. I think some of the initial media coverage and some of the initial thoughts I had on this was that people would be-- would be hoping that this would be kind of the silver bullet for redistricting or would be some sort of drastic change. Obviously, actually, increasing the number of the people in our body by 10 percent would be a pretty significant change. But I just meant-- but I meant in terms of-- of what it would mean for redistricting, what it would mean for our districts. And the reason I bring this up and the reason this is kind of prevalent in my mind is I know a lot of you remember that last year I had a bill about complete count committees, which is a kind of federal, you know, Census Bureau recommendation that each state do. And we've gotten to the point where Nebraska, the counts vary just a little bit, but the consensus is that there's 45, 46 states that have done it. It's Nebraska, Texas, and South Dakota are often the three states that don't have a complete count committee. And that's important because 47 other states, some of which have appropriated millions of dollars, tens of millions of dollars to making sure that they have an accurate count of all of their people are out there. And now we're not at risk, I don't think, for losing congressional districts, so sometimes that's why it's on people's minds. But when we talk about, you know, how many people we represent, how big our districts are going to be, some of those issues, that has to be tied to the census and we as a state just simply haven't been stepping up and really doing anything. I appreciate the Governor sent out a proclamation yesterday, I believe, to support the census. It's a little bit similar to the intent language of the bill this body passed last year. But in between the veto last year and the proclamation yesterday, I don't know if there was a single thing on the state level that we did to try and promote and have an accurate census. And that's one of the things that's important, is when we talk about this, there are certain groups that are more likely or less likely to be undercounted or overcounted. And with

this new census coming up, it's going to be done primarily online. And so when we talk about groups that don't have access to the Internet, don't have reliable access to the Internet, maybe aren't very connected, sometimes, you know, from what I've heard about rural broadband in this body, that's going to be a lot of rural groups. We're going to have to make sure we do some really interesting and kind of quick turnaround to make sure that rural towns, rural individuals, maybe people who don't live near a town have access and understand what it is to census, how they have to fill it out this year, how they have to get access to the Internet one way or the other. I understand some people have-- part of rural broadband doesn't discount that people might have dial up and whatnot, but that's a level of outreach that we as a state really need to make sure we do if we want to make sure we have the-- you know, we talk about representation, everybody having access to their representative, well, knowing where they live, knowing who they are, you know, knowing where to draw the districts is a key important part of that. And that's something, those numbers we're only going to get, you know, once every ten years. We're going to get them in April, or we're going to try and count them in April and we'll get them next year, rather. And that's something that I just really want to put in everybody's minds. You know, I think it's kind of-- the ship has kind of sailed on Nebraska leading any sort of statewide complete count effort this year, although I will put-- kind of put out into the world that both the Governor and I believe the Secretary of State probably have the authority to just unilaterally do it by executive order or proclamation. That's how it's been structured in other states. And we do have about 25 complete count committees at the local level. I really have to compliment-- Lincoln and Lancaster County are doing a joint one to really make sure Lincoln and Lancaster are prepped and working with schools, working with advocacy groups, working, you know, to make sure that people are really counted where they live. But there's a concern here that what we're going to talk about, the impacts of this or the goals, you know--

**FOLEY** [00:28:58] One minute.

**M. HANSEN** [00:28:59] Thank you, Mr. President. We talk about, you know, how many people do a senator represent? You know, I'm concerned we might not even have an accurate number to base that on just because we as a state have really not stepped up to do just the kind of bare minimum recommended by the Census Bureau that 45, 46 other states have. So as we kind of talk about and look towards redistricting, as we look towards the census in a few weeks, a month and a half now, I just want that kind of piece to be hanging out in all of my colleagues' brains. And I thank Speaker Scheer for bringing a bill that gave me the opportunity to spark that discussion. Thank you, Mr. President.

**FOLEY** [00:29:40] Thank you, Senator Hansen. Before proceeding, Senator Morfeld would like to announce a guest today. We have with us Deion Wells-Ross of Omaha, Nebraska, with us under the north balcony. If Ms. Ross could please rise, like to welcome you to the Nebraska Legislature. Long list of senators in the speaking queue. Senator Morfeld, you're next.

**MORFELD** [00:30:04] Thank you, Mr. President. Colleagues, I rise in opposition to LR279CA for a few different reasons. First, I-- I don't think that this helps increase the quality of representation by quantity of representation. I think that if you look at the maps, what this will do is make some of the larger rural districts a little bit smaller, but not significantly to achieve what we want to achieve. I think quite frankly, if we want to make them small enough so that they're truly accessible to the public and somebody can just drive 30 or 45 minutes to go and talk to their state senator, we'd, quite frankly, have to double the size of this Legislature. And so I'm not in favor of putting something into the constitution that, quite frankly, does not even achieve what the introducer of the constitutional amendment wants to achieve, and nor am I in favor of actually doubling the size of this body to achieve what the Speaker wants to achieve. So that's why I'm fundamentally in-- in opposition to this. I also understand this doesn't guarantee it because we would have to actually vote for it. That being said, I'm not in favor of putting something in the constitution that opens up the possibilities of changing the body in a way that, quite frankly, I don't think needs to be changed and, quite frankly, does not achieve what the Speaker is trying to achieve. Even if we added the six members-- we can add one right now on our own, obviously; that's authorized in the constitution up to 50. But even if we added an additional five members, most of the seats, quite frankly, are going to go to the urban core areas, the metropolitan areas. They might have a little part of a rural area in there but, quite frankly, it's not going to achieve what the Speaker wants to achieve. And in addition, it brings up several different logistical issues that I think are important. First, I think that our legislative staff are chronically underpaid as it is right now. I would rather see the money that would go to additional legislative staff go to current legislative staff so that we can have better benefits, more competitive pay, and more financial opportunities so they can support their families. I have not seen any major initiative from the Executive Board on that, or from the Speaker, for that matter. In addition, if we are concerned about representation, then we should be concerned about some of the barriers that we have attempted over the last few years, and thankfully stopped, to put in place of representation, for instance, the voter ID bills that have been introduced the last few years, the constitutional amendment that would authorize voter ID, in the queue right now, that I think Senator La Grone introduced; in addition, the



vetoing of the complete count commission that Senator Hansen talked about, actually making sure that when we draw these districts, that they're actually the amount of people that are in those districts; legislation that would try to make it so that we exclude noncitizens, even the ones that are here legally, from being represented as well. If we're concerned about quality of representation and ensuring that everybody is represented and that we have access, then we should be concerned about the quality of representation and the access people have to their democracy, not just their state senator. And that's my concern is that should be our focus. And LR279CA doesn't even achieve the purpose of what the Speaker is trying to achieve, which is that people have more access to their state senator. There's other ways, quite frankly, that we could do that. We could take the money that we put into the new legislative offices and the-- the new state senators and their staff, and we could have district offices open for some of those state senators that are pretty far out west. I don't know how we would define that, but it could be a certain radius--

**FOLEY** [00:34:00] One minute.

**MORFELD** [00:34:02] --and so that way, that they have a staff office and a staff member that is open 365 days a year, year-round, excluding the federal holidays and all those things, so that people have more access. I think that that would be a better use of our resources than expanding the body. And quite frankly, I think voters have made it pretty clear that anytime we've had something that helps state senators, whether it be in terms of salary or expanding their offices or whatever the case may be, they've struck that down for the last several years. So, colleagues, that's why I'm in-- I'm in opposition to this. I appreciate that the Speaker is trying to expand access. I think there's ways to do that more substantively. And I'd like to see leadership in those ways. And I'd like to see these resources made to making some of these senators, who, quite frankly, do represent very large districts, more accessible to their constituents. But there's other ways to do that, and adding a few more senators and shrinking the districts in a de minimus amount isn't going to do that, and that's why I rise in opposition to LR279CA. Thank you, Mr. President.

**FOLEY** [00:35:07] Thank you, Senator Morfeld. Senator Friesen.

**FRIESEN** [00:35:11] Thank you, Mr. President. I rise as undecided. I'm-- the debate's going to be good. Would Senator Howard yield to a question, if she's here?

**FOLEY** [00:35:25] Senator Howard, would you yield, please?

**FRIESEN** [00:35:27] Senator Howard, earlier when you talked about having a tie vote, I mean, do you recall, has this body ever had a tied vote where the-- the Speaker or the President had-- the Lieutenant Governor would have had to break a tie?

**HOWARD** [00:35:47] Well, no, because we're at 49, so if we were at 50, then we would have one potentially.

**FRIESEN** [00:35:52] But if-- but if all of a sudden one person was missing-- has there ever been a case, I guess, where we've had a tie vote, where the-- where the Lieutenant Governor has had to break the tie?

**HOWARD** [00:36:01] Well, since 1963, we've been at 49, so I can't imagine that there's been one.

**FRIESEN** [00:36:08] So there's never been a case where somebody was missing and we're in an even number and-- even, you know, so my point being is that whether we're at 50 or 49, if somebody is absent one day, we're now even. But I don't recall, and I-- I-- I asked Senator Chambers and he thinks it occurred once, that the Lieutenant Governor back in the day had to break a tie vote, but-- so it can happen. But-- but to say that we can't go to 50 or 52 or 49, it doesn't seem like that's a valid argument to do this or not, or even to have an amendment to prevent it, because you know how many times we've had to try to get to a 33 vote count and somebody doesn't show up that day, right, and so--

**HOWARD** [00:36:52] Oh, I do know about that--

**FRIESEN** [00:36:53] --things-- things happen.

**HOWARD** [00:36:54] --although I would disagree on the valid argument statement.

**FRIESEN** [00:36:56] Thank you--

**HOWARD** [00:36:56] I think it's quite valid.

**FRIESEN** [00:36:57] Thank you, Senator Howard. You know, I-- I don't know whether-- this doesn't change the urban-rural divide. It doesn't-- it doesn't change anything on the number of votes we have here. Does it-- does it raise the level of discussion on this

body? I don't know. I mean, maybe we should talk about shrinking it. Maybe we should go down to 39, raise the quality, quality instead of quantity. This is going to be a great discussion. You know, we've-- we've got in the-- in the rural areas, you know, I feel sorry for Senator Hughes and Senator Brewer and-- and the area that they have to cover. The territory alone, just to make the rounds to do town halls and the miles they drive, I can-- that-- that becomes a burden. Will this change anything on how this body gets things done? I don't think so. You know, we could go to 70 people. We could-- I'm-- I'm looking forward to more discussion on something that I guess changes my mind. I-- I-- I just-- right now, I really don't know. I'm-- I'm going to bring a bill that adds one because currently, as, you know, Senator Morfeld said, he-- we don't want this in our constitution. Well, right now, it's in our constitution to allow us to fluctuate in that range. So by this, actions of this body, we could actually go to 50 if we wanted to. It's already in the constitution to allow us. This-- Senator-- the Speaker's bill just allows us a bigger range. So it's already set up in the constitution. We have changed that in the past and added people. But now does that-- does that make this body more deliberative to do that? Does it give more people the opportunity to run for office? You know, at times we've-- we've found it difficult to get people to run for seats. Our pay level is too low. We can't-- we can't hardly justify to people to look at them and say, I want you to run for office, but, you know, you're going to get paid \$12,000 a year to give up eight years of your life. So we've got a lot of issues we need to address. I-- I agree with that.

**FOLEY** [00:39:11] One minute.

**FRIESEN** [00:39:11] But this is probably the-- just the broader debate is, does this make this-- does this bill make this body better if we would add two more senators, or should we talk about shrinking it? Let's go to 39. Thank you, Mr. President.

**FOLEY** [00:39:25] Thank you, Senator Friesen. Senator Hughes.

**HUGHES** [00:39:29] Thank you, Mr. President. Good morning, colleagues. I am on the Executive Board, and I did vote to push this LR out to the full body for discussion and wanted to weigh in with a few of my thoughts of why I did that. I don't think there's any question that the population in Nebraska is moving toward the east. We talk about the rural-urban divide, and I have a real problem with, you know, what your definition of urban is and what your definition of rural is, because I'm pretty sure they're different than mine. So I-- I don't like the-- the discussion of rural-urban because I-- I think that's individual numbers that we all-- the biases that we all bring. But from-- where I'm coming from is, as Senator Friesen mentioned, I have a very large district. And when I-- and for

whatever reason, I live on the very west end of that district, clear up against the Colorado border. When I get to the east end of my district, I'm closer to Lincoln than I am to my home, and logistically that is a very difficult district to service. And part of our roles as state senators, I think, is to service our constituents, to be visible, to be accessible. And if my district were to grow, that's going to make it that much harder. And then also you throw the fact that there is a different time zone in my district does make it more challenging to get to the events in a timely manner. And-- and I'm not com-- I'm not complaining because I knew how big the district was when I ran, but we put on over 40,000 miles during my campaign. That's a lot of miles. But I didn't put on as many miles walking as what some of my urban colleagues did. You know, there is-- there is a difference, but it's still the same. It's a matter of getting to the people that we represent, making sure that they understand what our values are, what we bring to the table, and trying to convince them that we are the best person in the race to represent the 35,000-40,000 people that we do. And I think as that number grows larger, it makes it harder for us to have that connection with our constituents. And that is very important. That's the-- that's the core of what we do is represent the people in our districts, and I think it would be wise for this body to make sure that we have opportunities to reach as many of our constituents as we can. And if that number grows by 2,000, 3,000, 4,000, 5,000, that makes it just that much more difficult for us to make sure we have the opportunity to try and get to a majority of our constituents. We've all been through campaigns and we all know how hard that is and how hard we work to get here. So I think adding a couple seats, you know, we're not automatically going to 55. I guess I-- I was interested in Senator Howard's comments that, you know, we-- we have an amendment to automatically make it odd. That's-- that's a little disingenuous to future bodies. You know, those of us that have come previous to us, I'm sure, had concerns about what we were going to do, that we were a bunch of rookies, we didn't know how things worked. But we figure it out. And for us to have those same thoughts about--

**FOLEY** [00:43:29] One minute.

**HUGHES** [00:43:29] --future members of this body, remember, there have been a lot of people stand at these mikes before we have been here. So we are standing on their shoulders, building on what they have done. I think we make pretty good decisions. I think they make pretty good decisions behind us, and I think they will be making good decisions in the future. Is it a perfect system? No, but it's the system we have and it's a good system. Let's let it work. Let's let the people of Nebraska decide to give the Legislature a little flexibility. I think that's a very good thing, and this is a good time to do that because we are looking at redistricting next year and that will be a challenge, no

question about that, but this would be a good opportunity to be able to have some flexibility in what this body looks like going forward. Thank you, Mr. President.

**FOLEY** [00:44:31] Thank you, Senator Hughes. Senator Lathrop.

**LATHROP** [00:44:39] Thank you, Mr. President. And, colleagues, good morning. When I saw this resolution come along, my first reaction was, I don't-- we expand the number. What's-- what harm could there be in that? But when we talk about making an amendment to our constitution, that is our governing-- that is our governing document. And I think it represents our collective wisdom embodied in our governing document and we ought to have a pretty good reason if we're going to amend the constitution. And I've listened so far to the debate. I've given some thought to this, and what I haven't heard is we need five more guys or-- or five more senators because we need to have another committee, because the votes don't work right with 49. When you talk about changing the number of people who are in here, we ought to have a compelling reason. And what we're-- what I understand to be the case is a constituent of Senator Scheer's thought this sounded like a good idea. And I've introduced bills for-- for constituents. We've all done that. We've all had those occasions when somebody stops you at the grocery store or they live next-door or they were a good supporter and they say there ought to be a law, and so we put a bill in. This is a little bit different though. We're talking about changing our constitution, our governing document, and there ought to be a good reason to turn our back on the wisdom of those who have set the number at 49. And I will suggest to you that it should be more than a guy in my district thought this would be a good idea. There ought to be something that isn't working right now that this fixes structurally, but we really haven't had a conversation about what's this do to the committee structure, in other words, what we oftentimes talk about, the unintended consequences. So right now, there's 49 people in here, pretty good number for trying to sit down and-- and talk to your colleagues about it. I remember ten years ago I was standing here at a late night and I-- you know how it's dark in this room and everybody has their light on, and I looked across the room and I thought to myself, this whole thing works pretty well, like there's a few lawyers in here and we had a-- some Ph.Ds. We had some farmers. We had some ranchers. We had a butcher. We had a candlestick maker, probably. We-- this-- this works. This works. Forty-nine works. You don't have to get around to-- to 55 people to talk to somebody about your bill. You get around to 48 or you get around to 24. Our committees work. Our rules work. Now I get that there is some concern about the-- the upcoming census; when we have the new census, we will observe that there has been a shift to the east with districts. And I'm going to tell you-- I'm going to tell you, I was around for--

**FOLEY** [00:48:37] One minute.

**LATHROP** [00:48:37] --redistricting and I may be the only person here that's standing, elected, in this body that was around on the Exec Board last time we did redistricting. And I'm going to tell you, this is the ugly part of this nonpartisan body is redistricting. It is a partisan activity. The rule says-- the rule says the committee will consist of nine people, no more than five from one party. Well, guess what? It turns out five Republicans, four Democrats, and you know what happened after that last time. It was a partisan exercise. And so part of my concern, colleagues, is that we have had bills that would make for a fair process and they don't see the light of day. Now we want to give that group, assuming we have the same structure--

**FOLEY** [00:49:38] That's time, Senator.

**LATHROP** [00:49:39] --five or six. Did you say time?

**FOLEY** [00:49:40] That's time, Senator. Thank you, Senator Lathrop. Before proceeding, Senator Walz would like to recognize some guests today. We have a very large delegation for the national-- excuse me, the Nebraska Chapter of American Physical Therapy Association, including 115 students from UNMC, Clarkson, Creighton, Southeast Community College, and 10 sponsors. All of those guests are with us in the north balcony. Could you all please rise so we could welcome you to the Nebraska Legislature? Continuing debate, Senator Pansing Brooks.

**PANSING BROOKS** [00:50:18] Thank you, Mr. Lieutenant Governor. Good morning, Nebraskans. Our state's unique motto is "Equality before the law," so know that whoever you are, wherever you are on life's journey, whomever you love, we want you here. You are loved. So I'm happy to rise today and speak about this issue a little bit. I have a lot of questions, and so I'd like to ask a couple of people. Senator Hilgers, would he take some questions first?

**FOLEY** [00:50:50] Senator Hilgers, would you yield, please?

**HILGERS** [00:50:51] Yep, absolutely.

**PANSING BROOKS** [00:50:53] Senator Hilgers, I-- I have heard that you are supporting this bill. Is that correct?

**HILGERS** [00:50:58] I-- I am supporting it.

**PANSING BROOKS** [00:50:58] OK. So have you looked at how this will affect staff numbers? Are cuts necessary for staff?

**HILGERS** [00:51:07] We-- the-- we have had some numbers. I want to clarify that I'm supporting it because it doesn't create an automatic increase. This just gives us authority down the road, so it doesn't increase it to 55. There has been some data collected as a theoretical increase that we might do in a year or two or three.

**PANSING BROOKS** [00:51:19] OK. Well, I've heard that-- that if we move to 55, I've heard-- actually heard somebody say that-- that the senators will have to cut one staff member to be able to pay for this.

**HILGERS** [00:51:32] I have not. I have-- I would not accept that characterization. I mean, it certainly would be possible. I wouldn't-- I wouldn't accept that change.

**PANSING BROOKS** [00:51:39] OK, the fact that it's possible, to me, those of you who are committee Chairs understand that that is-- you have about four or five people on your committees to help you do your work. The rest of us have two people who help us. And that would talk-- in my opinion, would cause less access, because then I would have times when I need to be in my district or at a meeting and our office would be closed. No one would be there if I needed to take a staffer with me. So that's-- that's one issue, besides the fact, as Senator Morfeld said, we need to be paying our staffers more money, not considering cutting staffers and cutting access to our office, in my opinion. That's a real concern of mine, Senator Scheer. I also am concerned about the fact that-- I'm still asking questions, Senator Hilgers-- because I feel like Senator Scheer may be gone when this-- this is all going forward, and I want to make sure that somebody who's on Exec can be on the record for what's said and done. So right now, in my opinion, Bill Drafters are completely overloaded. I think that they have so much work, so you add-- OK, we don't know if it's going to be 55, but let's just say, for argument's sake, since that's where it is right now, that we're talking 55. How would-- how would we aff-- how would we help the load on Bill Drafters? Would that include hiring more Bill Drafters if we're at 55?

**HILGERS** [00:53:06] I think if we're going to expand the number, Senator Pansing Brooks, of senators, I think we'd have to-- we'd have to accommodate that increase in

workload with-- throughout the Legislative Council, so in all of the various divisions, including Bill Drafters.

**PANSING BROOKS** [00:53:18] OK. And so has there been discussion about adding more legislative days? Because if we're adding more bills, we have to have more days to hear those bills, because each bill, I mean, we have some people, as we know, that have brought 40 bills in a session. And say it were 20, 20 times 6, that's a lot of bills, a lot of time because, of course, the people are our second house and we've got to make sure to hear each-- each bill.

**HILGERS** [00:53:48] I don't-- I've not heard any conversation about increasing the number of days.

**PANSING BROOKS** [00:53:51] So do you think it's possible to hear every bill without a significant change in the number of days if we go to 55?

**HILGERS** [00:54:00] My-- my instinct is yes, because if you're just looking at numbers of roughly a 10-- if you were to go to 55, roughly a 10 percent increase in the number of senators, I think we've had about a 10 percent variation, if you look back over the last 10 years. Over the bienniums, you know, some years we'll have 900, some years we'll have 1,000 bills. I think it's within what we have accommodated in the past, so I don't think we would need--

**FOLEY** [00:54:21] One minute.

**HILGERS** [00:54:21] --back-of-the-envelope analysis--

**PANSING BROOKS** [00:54:22] OK.

**HILGERS** [00:54:22] --would be I don't think we would need more days.

**PANSING BROOKS** [00:54:23] I guess I'll just quickly-- I'm concerned, since I'm short on time, where we would put the new senators. We're already having issues, as we know, just from the change of-- of-- of what's going on with the-- in the structure. So I don't know if we would have to move certain groups like PRO, Legislative Research. Would those places have to be moved? Senator Scheer, I have a quick question for you, if you would, please.



**FOLEY** [00:54:48] Senator Scheer, would you yield, please?

**SCHEER** [00:54:50] Oh, certainly.

**PANSING BROOKS** [00:54:51] Thank you, Speaker. I was just wondering, have you done a full cost analysis or is this really just what you're thinking about for the future to-- for better access?

**SCHEER** [00:55:01] No, I've not thought of a cost estimate, Senator, and the reason for that, this-- this bill has no cost. When-- if and when it would be passed by the population and if and when the Legislature determined that it was going to increase its size, I believe it's up to that body at that point in time to determine--

**FOLEY** [00:55:23] That's time, Senators.

**SCHEER** [00:55:23] --the positives and the negatives in relationship to whatever number they choose.

**FOLEY** [00:55:27] That's time.

**SCHEER** [00:55:28] Thank you, Mr. President.

**PANSING BROOKS** [00:55:29] Thank you, Senator Pansing Brooks and Mr. Speaker. Senator Bolz, you're recognized.

**BOLZ** [00:55:35] Thank you, Mr. President. I wanted to share just a little bit of information that I've gathered trying to discern my position on this bill. And I-- I-- I want to be clear and say that Speaker Scheer has been very straightforward, in terms of his intent here, that there is not a specific number that he is proposing, that he is proposing flexibility for future senators, and I appreciate that and I-- I do want to make a fair statement here. But I do-- there have been some questions regarding potential costs. And as an Appropriations Committee member and an Executive Board member, that's something that I-- I wondered about too. And so I just wanted to share-- and these numbers are for the addition of six new members. And anybody is welcome to come see the summary, if you want to grab it from me, and you can do your own math in terms of what a different number of senators would cost us. But the salary of six additional members would be \$73-- \$77,508; sessional reimbursement for a 90-day session, \$78,285; salary of 12 additional staff, \$786,033; basic furnishings for offices,

\$161,880; technology, \$27,972; Chamber phones, \$1,272; Chamber wiring, \$7,250; voting board modifications, \$2,300; Chamber microphones, \$1,625; and operating cost, \$27,000. The-- the biggest expenditure would be the-- the additional staff that would come along with the six state senators. And I don't want to put words in Senator Hilgers' mouth, but I think some of what he was reflecting on is our responsibility as an Exec Board to make sure that we have the appropriate and fair bandwidth for the people in this building to do their job. And so I think if we're adding additional senators, we do need to make sure that we're thinking about the cost of additional staff and salary, because it's only fair that if Senator Quick has two staff and Senator McCollister has two staff, then a new member also has new staff. A couple of other points that I wanted to make are-- I-- I did ask some questions of Legislative Research and I-- I don't think it's necessarily a requirement that we will lose two senators in rural areas. It depends on how you draw the map. And if anyone wants to see an example of a map and the parameters used by Legislative Research in an example map only, about how that could be done, you're welcome to-- to come grab-- grab me and I'd be happy to share that with you. So I just want to make sure that we're not unnecessarily having an argument about rural or urban senators or rural or urban divides because I think adding additional senators could add more representation to rural or urban areas. Keeping the number the same does not necessarily decrease representation of rural areas. It depends on the parameters and the-- the maps that are drawn. The last thing I wanted to say as an Executive Board member as it relates to this specific issue is we still have a bill in committee-- I think it's LB261, I think it's Senator DeBoer's bill-- that would require a state computer-used software to draw these maps. We've also had other bills related to specific criteria for how redistricting would work or how maps would be drawn, and those bills haven't gotten out of committee. So I'm-- I'm a little hesitant to add additional senators and-- and not make sure that we have the right parameters and tools and expectations in place for changing those maps when we're both redistricting--

**FOLEY** [00:59:35] One minute.

**BOLZ** [00:59:35] --and adding additional people to this body. So just wanted to rise and sort of articulate some of my hesitations about this proposal and some of my-- my thoughts and ideas. I do think if some of the-- the proposals that came to the Executive Board about fair and independent redistricting were to move forward, that might open up some interest in maybe adding some senators, especially if we added those other tools to the tool box, like the state--run software and-- and like the additional criteria for how we're drawing districts. Thank you, Mr.-- Mr. President.

**FOLEY** [01:00:11] Thank you, Senator Bolz. Senator Hilgers.

**HILGERS** [01:00:14] Thank you, Mr. President. Good morning, colleagues. I rise in support of LR279CA. I thank the Speaker for his work in bringing this to the body. And I think as it's framed before us, what we are actually-- what is in front of us today and what we-- what we-- we-- we would do would be to give the people of Nebraska the opportunity to just give us some additional authority to maybe at some point in the future increase the number of senators in this body. So I think it's important to frame the question as it really is before us, which is-- this is not a question of should we pass a bill today or this session that will increase the number of senators to 55. It is, should we ask for additional authority? The authority already exists in the constitution up to a certain threshold. Should we ask for a little bit more authority that-- to give us the tool in the tool box sometime in the future to use or not use at a future Legislature's discretion to help be responsive to our constituent needs? That's a narrowly framed question. It's a narrow question that's before the body and I support this particular resolution, and the reason why, I think, has been articulated by Senator Hughes, by the Speaker and others, which is I don't think there's any doubt from a logistical constituent access perspective. The larger our districts get, the more population that we have, it makes it harder for us as a citizen Legislature, not a full-time Legislature, to be able to interact with our constituents. And the Speaker has passed around some numbers in that regard. If we were to go to 55, you could-- you could reduce the number of cit-- citizens, constituents in our districts by 5,000 or 6,000 people. And if you don't think that has some positive impact on an individual senator and their staff's ability to have one-on-one communications with their citizens, with their constituents, I just don't think that the math adds up there. Now there are roughly four flavors of counterarguments that I've heard here today, and none of them are persuasive for me to vote red on this particular resolution. The first one, and I think maybe the strongest, is the one that Senator Pansing Brooks and I were talking about, Senator Bolz has raised, all of which are great questions, which is how is this going to work? If we go to 55, what's-- what does that mean for the Revisor's Office? What does that mean for staff? What does that mean for the physical space in which we're operating? All those are outstanding questions, but all-- none of those are directly implicated by the question before us today, which is just, should we ask for more authority to do something potentially later or potentially not do later? You could imagine maybe that if we were to go to the outer limits of a potential authority, let's say we were to ask the people of Nebraska to-- to have 100 senators in the body, you could say at some point, well, look, that's just not feasible, practical, doable, we just can't do that. And at this stage, that would be enough to vote red. That's not what we're asking for. We're asking for just five more-- or to 55-- from 50 to 55.

That's a 10 percent increase. So the questions of logistics and costs are absolutely great questions. They're ones we ought to sort through. I don't think we have answers to all those questions, but in part that's not the-- the-- we don't have to because that's not the question before us today. So that's flavor one, and I don't think at this stage it's persuasive. Maybe at a later stage, on a different bill, in a year or two or five, I think that might be persuasive. Flavor two is-- I think this is Senator Morfeld's-- many of Senator Morfeld's points, which are, hey, look, if we want to-- we want increased access for-- for constituents, it's-- we should do all these other things. We should vote down voter ID. We should maybe have field offices around the state and all these other things. Whether those are good or bad or not, whatever your view is on those, I think this body can walk and chew gum. And I think when we have a policy decision, sometimes those policy decisions need to be made in view of the comprehensive policy framework that we have on an issue. I don't think this is one of them. I don't think the question of whether or not we should ask the-- the state of Nebraska, the citizens of the state of Nebraska for some more authority to potentially use or not use sometime down the road is implicated by whether or not there's voter ID in the state. That's flavor two. I think we can walk and chew gum. I think those are-- those are good policy discussions to have and we'll have them in the appropriate vehicles whenever a bill comes to the floor. Flavor three is the constitutional argument, which is, hey, we shouldn't be amending our constitution or we should ought-- we ought to do this very carefully and in concept, in principle, I absolutely agree, of course. Of course I don't think we should. But I want to be pretty clear, and I think it's important for people watching, that we're not injecting some new principle into the constitution. We're not striking out--

**FOLEY** [01:04:19] One minute.

**HILGERS** [01:04:20] --some major provision-- thank you, Mr. President-- of our Constitution. We're asking for a 10 percent increase in a number that has already been in the Constitution for some time. And in fact, I think we're improving it because we've solved the problem that Senator Howard has identified, which is the problem in having in even-numbered body, which, by the way, we could go to-- Senator Friesen has a bill-- we could go to 50 and we would have exactly the problem Senator Howard identified. With the amendment that she has proposed, or that the Speaker has proposed in light of her objection, we could resolve that problem. The fourth flavor, I think, and I'll just be very brief about it, is this concept-- this is what we heard in the hearing, which is the concept of redistricting and maybe we shouldn't move forward with this with redistricting bills that we're still sorting through. We are sorting through those. We have a hearing next week on Senator McCollister's bill. The Exec Board will work through those bills in

due time. And if there's a change to be made to the body, we will bring that to the floor. The Speaker said, and I agree, this is not a redistricting solution. It's never been presented as a redistricting bill. I don't think it is one. It is another tool that we might use or not use sometime in the future. I'd yield whatever seconds I have remaining to the Speaker.

**FOLEY** [01:05:18] Time's expired. Senator McCollister.

**McCOLLISTER** [01:05:22] Yeah. Thank you, Mr. President. Good morning, colleagues. I don't think we should delude ourselves on this particular proposal. The record of the Legislature going before the voters with various proposals is not good. Consider our low pay, \$12,000. I know we have gone before the voters two or three times to make an effort to increase that-- that paltry amount. How about term limits? That's another example of dissatisfaction with this Legislature by people in the state. I don't think this-- this bill or this-- this constitutional amendment is necessarily guaranteed success. I'm sorry Senator Bolz is no longer in the Chamber because I wanted to ask her a few questions. Senator Bolz, will you yield?

**FOLEY** [01:06:16] Senator Bolz, are you in the Chamber to yield? Yes, she is.

**BOLZ** [01:06:20] Sure.

**McCOLLISTER** [01:06:21] Senator Bolz, you gave us a number of numbers, but I didn't hear the total for adding six senators. Did I simply not hear it or did you not express it?

**BOLZ** [01:06:35] Let's see. The total here is \$1.-- \$1.17 million. Most of that is ongoing. Some of those are one-time costs, but most of it is ongoing.

**McCOLLISTER** [01:06:47] Thank you. Well, the money part of this, even though it's not part of the constitutional amendment, is going to be asked and it will be a political consideration by people in this state when this proposal, if it does, goes to the voters. I've got some other issues as well: the timing of all of this. Yes, redistricting occurs in '21 and how we would mesh together an expansion of the body with redistricting is a question I think deserves a little bit of discussion here this morning and-- and further down the road. With that in mind, would Speaker Scheer yield to a few questions?

**FOLEY** [01:07:32] Speaker Scheer, would you yield, please?

**SCHEER** [01:07:33] Certainly.

**McCOLLISTER** [01:07:33] Tell me, Speaker Scheer, how-- how would we mesh together an effort to redistrict, which will occur in '21 also, with a bill to expand the number of senators in the body, which would also occur in '21 if the voters approved your proposal?

**SCHEER** [01:07:51] I don't know that you would do both of those. Perhaps the addition of those spaces that would be available to you may not be utilized next year as part of it. I'm not trying to portray this as a answer or a solution to redistricting. It's one of constituency as far as I'm concerned. So you're absolutely correct. There has to be a lot of fore-- forethought that goes into the addition of additional senators on this body. It may not work to do that next year as you move forward. I don't know that it will or it won't, but certainly a good point. But that doesn't deter me from the fact that at some point in time, it may be "behovent" on the body itself to look at expanding it. That may be next year, maybe not. It could be ten years from now. It could be 20 years from now. It could be eight years from now. I don't know. But it will take some forethought certainly.

**McCOLLISTER** [01:08:52] Yeah. Thank you. Thank you, Speaker Scheer. Also coming back with another question on the practical considerations, the rules of this body are predicated on 49 senators. The committee structure is based on 49 senators. The number of bills, which are now unlimited, will that have an-- an effect on the number of bills senators can offer? It's-- also we look at the physical facility in this-- in this building. Every senator has or will have his or her own office and, you know, we'd have to expand the number of offices to accommodate that.

**FOLEY** [01:09:32] One minute.

**McCOLLISTER** [01:09:33] Do you see any issues related to that, that we should consider here this morning?

**SCHEER** [01:09:38] Well, no, because this doesn't change that. And as much as some on the floor have tried to portray this as 55, this is zero. It doesn't change a thing. We are at 49 until this body chooses to increase it. I doubt very much that, because it is available to them, overnight that any body, this coming newly elected one a year from now or anyone else, would say, oh, my God, we've got six more spots, let's use them all. I don't think that's practical, I don't think that's logical, and I don't think it's realistic. So I think, yes, all of those things will be-- have to be taken into consideration, but it's an

if and when. And all of that then would be discussed on the floor as part of that resolution or that bill to expand the number to whatever it might be.

**FOLEY** [01:10:30] That's time.

**McCOLLISTER** [01:10:30] Thank you, Mr. Speaker.

**FOLEY** [01:10:32] Thank you, Senator McCollister and Speaker Scheer. Senator Hunt.

**HUNT** [01:10:39] Thank you, Mr. President. I have a bunch of notes here because I've been listening very intently to this debate. I was really interested in kind of the impetus for this and also the history behind efforts perhaps in the past to expand the number of senators in our body. So I asked yesterday Legislative Research Office to give me the transcripts of every time throughout the history of the Legislature that we've tried to add more senators, and they gave me a lot of great information. And I was really interested to see-- one, two, three, four, five, six, seven-- eight times in the past, since the first time in 1969, constitutional amendments or bills have been introduced to increase the number of legislative districts or to increase the number to 50, which of course is allowed in our constitution, as we've already discussed quite a bit. There have been a lot of great points made on the floor already that I probably would have made myself, but it sounds like the problem that we're trying to solve are these kind of regrettable situations, like what Senator Hughes and Senator Brewer have, where their districts are so geographically wide that it becomes very difficult to serve those constituents, to do constituent outreach and access, and also to travel back and forth between your district. And I have an hour drive every day back and forth to my district and, you know, that's tough on me and tough on my family, but I can still do town halls. I can still do constituent outreach. And so I understand that that would be very difficult. I agree that-- I don't know if this is going to do anything to raise the quality of service that we're able to provide though. But I would suggest that something we could do to raise the quality of service of senators in the Legislature is to increase the pay. A lot of the proponents who I've heard talking for this bill are those among us who worry less than others about pay, who have a spouse at home or a second income, who have financial security. And something that I hear very often from my constituents and people across Nebraska is that the cost of running for office and the low pay of serving in the Legislature really discourages people from throwing their hat in here and trying to get involved. So I did some-- I did do some back-of-the-envelope math. You know, if you take my salary, which is like if you include the per diem, it's like \$19,000 or \$20,000. You take that for six senators, perhaps, just conservatively with that smaller amount, you add the LA, you

add an AA for everybody, you're looking at \$1.5 million per biennium for adding these people. And I get that this doesn't automatically take us to 55. I get that it's just a tool, that it's narrowly framed, but I don't think that it's fair to say that because this wouldn't actually have a narrow impact, and we have to judge bills and CAs by the impact that they're going to have. And the cost of adding more senators, that question is implicated by this constitutional amendment, because if we're giving the Legislature-- or the voters the right to decide the-- the authority of the Legislature to add more senators, then that does imply that this could happen and that this is something that we would have to be financially prepared for. And with our financial situation in this state, I don't think that that's realistic. I would sooner support the Legislature going full time, maybe with a 60-day session and a 90-day session in the same year. I would sooner support us receiving something like full-time pay. I appreciated and supported Senator Vargas' bill to--

**FOLEY** [01:14:37] One minute.

**HUNT** [01:14:37] --increase our pay to the-- or constitutional amendment to increase our pay to the median household income in Nebraska. I would support something like healthcare and benefits for people who work in the Legislature. When we have these types of incentives, more people are going to run for office and better people are going to run for office because they're going to think that the pay is worth it. And for the senators who live in rural Nebraska, who have farther to drive, that pay could also help incentivize them. Another thing I think we should discuss seriously, if we're discussing how we're going to improve the quality of service we offer to our constituents, which I think is ostensibly the point here, why don't we copy what lots of other states do and offer funding for a constituent office back in our home district. Many other states do that. They allocate funds so that you can have a home office in your district with a staffer there dealing with constituent services and problems. This is something that I also think would alleviate--

**FOLEY** [01:15:35] That's time.

**HUNT** [01:15:35] --a lot of problems and-- thank you.

**FOLEY** [01:15:38] Thank you, Senator Hunt. Senator Linehan.

**LINEHAN** [01:15:40] Thank you, Mr. President. First, I want to thank Speaker Scheer for bringing this forward. He has been here and I think served the Legislature well for



several years now. He clearly cares about the institution. And what he's trying to do here is to make us look forward. And he's introducing the idea that maybe in the future we went-- we may want to expand the numbers of senators. I think it's something he doesn't need to do, but I think he's doing it because he's concerned about the state and where we are. If you look at the maps in Nebraska-- and I'm worried about this, too, kind of from a different angle. I love our Legislature. I love the one house. I understand why we have it. I understand why Senator Norris didn't like conference committees. I've worked in that world where you have two houses, and it's very difficult to get things done, and-- and the secrecy of comp-- I understand all that. But the concern I have about our Legislature is ,because we're one house and we clearly represent our constituents by the numbers, who cares about-- who protects the minority rights? That's why you have a second house. That's why we have a Senate in D.C., somebody to make sure that Nebraska, our rights are protected when it comes to the larger states like Texas and California and New York. And I know that's a different subject, but I think when you look at the map and they keep consolidating everything to the east where I live, even grew up in the east, but everything gets consolidated to Lancaster, Sarpy, and Douglas County, it's going to be a problem for the rest of the state going forward. And I think this may not be the perfect answer, but I definitely think that we need to look out 10 and 20 years to what's going to happen. We all know what's happening in the population. And how are you going to expect a handful of senators to cover all of the Panhandle, all of southwest Nebraska, all of those-- the Sandhills? One senator doing that? That doesn't make any sense. So, again, I really appreciate what the Speaker's trying to do here. And again, my understanding, this isn't saying we're going to expand to 55, this is just saying that we should have the option to expand if that's what a future body, when most of us probably aren't here, decides they need to do. I think it's very forward looking. I appreciate very much his thoughts in this and I will support Sen-- the Speaker on this. Thank you.

**FOLEY** [01:18:37] Thank you, Senator Linehan. Senator Wayne.

**WAYNE** [01:18:51] Thank you, Mr. President. I listen to the reasons for this and I keep going back and forth. I do like my friend Senator Brewer, and I have a hard time understanding how hard-- I mean, I have a hard time understanding-- I guess I do understand how hard it would be to travel throughout his district, and same as Senator Erdman. But at the same time, we are at a place in society where we have more technology and access to our elected officials than we did when this was passed a long time ago. We have the ability to be on Twitter, Facebook, email, which is relatively new when you think of the body as a whole where it was snail mail. So the ability to contact

and interact with your elected official seems to be a lot easier today than it was a long time ago. The second point I'd like to make is that in Douglas County, I represented a school district that had over 45,000 people, which is significant larger than the district that I have right now. I didn't think not being able to contact my constituents or interact with them was an issue. So if it's a geographical location, maybe we can ex-- or issue, maybe we can explore secondary offices in your district, or something like that, that makes it easier for you to contact your constituents. But the sheer number of people should not be the driving force because right now in Douglas County, our Douglas County Commissioners represent 80,000 people and our city council represents roughly 65,000 people per district. So it's not a number issue. We got to be talking about geographic issue, and if that's the case, that's just the nature of the beast of having a population that continues to move east. But I do want to point out that two big issues we are going to tackle this year could solve all these problems. I keep hearing from my conservative colleagues that property taxes are the reason why people are leaving the state, and I hear that we're going to have a bill to solve that. I keep hearing that we have to have corporate income tax breaks and corporate tax credits to drive more corporations here through the ImagiNE Act, so we'll solve that issue. If-- if those two bills work out the way people plan they are going to work out, then this becomes a moot point. We'll balance the population and we'll have everything be perfect and we can keep it at 49. So that's my thoughts on it. I keep going back and forth because I do understand the geographical issue, but if we're going to solve our major population issue with the ImagiNE Act and property taxes, then I think 49 is just-- is fine. So with that-- with that, I would like to yield the rest of my time to Senator Halloran.

**FOLEY** [01:21:34] Thank you, Senator Wayne. Senator Howard, 2:00

**WAYNE** [01:21:36] Senator Halloran, Senator Halloran.

**FOLEY** [01:21:38] I'm sorry, Senator Halloran, 2:00. [LAUGHTER]

**HALLORAN** [01:21:43] Thank you, Senator Wayne. Do you have a song request or anything that you would like? Can I yield my time back to Senator Wayne?

**FOLEY** [01:21:53] Senator Wayne, you're recognized for 1:40. He waives that. [LAUGHTER] Senator Morfeld, you're recognized.

**MORFELD** [01:21:59] Thank you, Mr. President. Colleagues, I just want to reiterate a few points. I certainly do appreciate Senator Hilgers teaching me how a constitutional

amendment work, or a proposed one, and how that this and-- and Senator Scheer. He's pointing to Senator Scheer. I get that this does not automatically get us to 55 state senators. But the problem is, is that when I put something into the constitution, I have to assume that all of the possibilities that that constitutional amendment authorizes could be put into effect by the Legislature. And if that's the case, then I think that-- I've-- I've heard some napkin math from Senator Hunt. I think Senator Bolz actually put in a request to get some math from the Clerk of the Legislature. It sounds like it's going to be anywhere from about \$750,000 to \$1million if we added six more state senators and all of their staff. And all I'm saying is I get that, for instance, we don't have to go the full 55 or the Legislature doesn't have to do the full 55 if it's authorized by the people with redistricting. I get that. I understand that. I've read the language. But I will tell you that doing this right before we do redistricting gives a high likelihood, quite frankly, that the Legislature will look at that as a serious option, because people will have a lot of different political considerations in terms of how big the districts are. And I'm hearing from some rural folks off the mike here that this is really going to reduce their district, the amount of people in their districts or the counties, in a de minimus way, like in a district with ten counties it would only make it nine and a half counties or nine counties. So we're not even achieving the actual policy purpose that the Speaker is intending. And the only way to achieve the policy purpose that the Speaker is intending by making them significantly smaller in terms of geographic size is by actually doubling the Legislature, which I'm certainly not in favor of, and I don't think a lot of people are in favor of, and I don't think the voters will go for it either, even if they'll go for this. So my overriding concern is that this is not achieving the intended purpose of the Speaker, that in order to achieve the intended purpose of the Speaker, we'd actually have to go much further, which I'm opposed to, and I'm not going to put something before the voters that does not achieve the intended purpose. That's the number-one reason why I'm opposed to this. Now there's a bunch of other reasons also that kind of frustrate me in terms of some of the things that the Speaker said the intended purpose of this is, and I have not seen movement on, or I have seen movement on that, quite frankly, I think dilutes constituents' power and their ability to be represented, and I listed those things earlier. But that's not even a third argument or a fourth argument, as Senator Hilgers was bringing up. My primary argument is this doesn't do what the Speaker intends, and I'm not going to put something on the ballot before the voters that does not even achieve the purpose of what the introducer is intending. I think that the \$500,000 to \$1.5 million, or however much it would be, would be much more well spent on investing in our current legislative staff and resources. I would be in favor, quite frankly, of a satellite district office for senators that have districts a certain amount of distance away from the Capitol. I think that's very reasonable. I'm in favor of all those things. And I-- I have no

clue what it's like to represent a district that's literally the size of a state, which I think is what Senator Brewer's district is, and I'm open to dedicating resources to those types of state senators to tackle those unique challenges. I'm open to that. I'll work with senators on that.

**FOLEY** [01:26:01] One minute.

**MORFELD** [01:26:04] But this is not the solution, colleagues. Thank you, Mr. President.

**FOLEY** [01:26:05] Thank you, Senator Morfeld. Senator Matt Hansen.

**M. HANSEN** [01:26:10] Thank you, Mr. President. And good morning again, colleagues. Colleagues, you should have received a handout that I asked the pages to hand out. It's got my initials, "MVH." I know we've got Senator-- several senators with "MH," so I always do "MVH." And it's from NCSL, and it's our state page summary, and they do it for each 50 states if you're so inclined. But it's Nebraska in the census, and there's a lot of information on there, some of which is probably not surprising or well known. But one thing I wanted to highlight, and it's on the bottom of the first page-- it's the second-to-last paragraph-- was talking about the hard-to-count populations and undercounts. And the Census Bureau, the NCSL is reporting that the Census Bureau estimates that about 17.5 percent of people in Nebraska did not fill out the 2010 Census, or did not self-respond, rather, to the 2010 Census. That's the population that we are trying to make sure we do better with this next time around. If you do not self-respond to the census-- if an individual does not self-respond to the census, somebody has to affirmatively go out and try and find them and try and count them, and we know that it's not a perfect system. So it is much better to build up the education, the-- the-- the systems in place to get them to self-report in the first place. These are what's called hard-to-count populations, and NCSL, I'll quote: Generally, the hard-to-count groups tend to be children younger than five, immigrants, racial and ethnic minorities, rural residents, low-income people, the homeless, and Native Americans. And I bring that up just in the-- kind of the context of we're-- we're talking about this amendment in terms of the size of the districts, which are being talked about in terms of the population that lives there, because we operate under the principle of one person, one vote. Well, if we're-- we're still at this point where it's concerning that there's a lot of rural residents who are considered hard-to-count populations. And as far as I could tell, we at the state level have not necessarily taken any initiative to really reach out to them. I know there's many kind of individual city campaigns. I think the League of Municipalities and other organizations have done a good job of trying to empower local leaders, but that's a

variety across the state. We're going to see a lot of different places. So I just kind of wanted to flag that in people's minds. This is what we're talking about when we're talking about the census. You know, I had some people ask me if I was interested in trying again after the complete count bill got vetoed last year, and frankly, since the census is on April 1, even if I dropped it day one, gotten a favorable committee hearing, prioritized it, even if we sped it through with 49 to nothing, I don't think we as a Legislature really have the ability to get anything done with any sort of meaningful step-up or speed-up time. 2019 really was the year to do it. I think at this point we're probably-- even if we had something happen today, we've probably missed the boat. But I did want to kind of talk about what some of other states are doing and what we probably, looking ahead to 2030 now, should start looking at. So this is also from NCSL and I'm-- I'm relying on their census resources and legislation page. And they've had lot of good resources, and this is updated as of January 31 of 2020, so it's-- it's recent. I talked about it. So we in Nebraska were potentially going to create a complete count committee, which, again, is recommended by the Census Bureau. It's recommended by the federal government. It's recommended by the Trump administration to have a complete count committee. We were going to do it through legislation. According to NCSL, only three states have actually needed to do it through legislation. That was Illinois, New York, and New Jersey. The other 40-some states that have it all did it through some sort of executive order or executive action. Just going through the list, I won't go through the whole thing, but Alabama had Executive Order 715, which created a state-level complete count committee on August 20, 2018; Alaska, on February 12, 2019.

**FOLEY** [01:30:09] One minute.

**M. HANSEN** [01:30:10] Michael J. Dunleavy-- thank you, Mr. President-- the governor, established the 2020 Census Alaska Complete Count Commission through an administrative order, Administrative Order number 303; Arizona, the same, and down the list: Arizona, California, Colorado, Connecticut, Delaware, District of Columbia, Florida, so on. Kind of a lot of our peers, a lot of states that are very different to us, a lot of states that are right next to us all established these complete count committees to make sure that when they talked about who they represent and who lives in the state, they had an accurate and complete count. And that is something that I just feel we as a state have just not done this year. In fact, we're getting national press and noted for how little we've done this year. With that, I might have a little bit more to say on the census, but I'll catch that next time. Thank you, Mr. President.

**FOLEY** [01:30:54] Thank you, Senator Hansen. Senator Cavanaugh.

**CAVANAUGH** [01:30:57] Thank you, Mr. Lieutenant Governor. Good morning, colleagues. First, I would like to say thank you all for your hospitality yesterday to Barrett. He is back at school today, but he enjoyed his time in the Legislature. Hopefully that'll be the last time this session. I am undecided on this bill and very interested in what everyone has to say this morning. It's certainly an interesting concept that Speaker Scheer has brought before us. One of my bigger concerns, as far as this body goes and being a representative government, is something that we've heard from several of our colleagues already this morning, but it's the-- the pay, the salary, the fact that we're all paid \$12,000 a year, \$1,000 a month, which is less than childcare for Barrett. It makes it very unrepresentative for our constituents that people have to sacrifice more than I think Nebraskans understand for us all to be here every day, not just our time away from our family and loved ones but the financial sacrifice and the financial burden of being in this body. If we wanted to work to be a representative government, one idea I would like the body to consider is reimbursing in-state travel, in-district travel. Right now we don't do that and that is very cumbersome, especially if you have a large territory. So I can understand why it would be very difficult to see your constituents and be accessible to your constituents since you are not reimbursed for the mileage to visit with your constituents, so expanding reimbursements for in-state, increasing salary for our senators. And again I would just like to reiterate and support increasing salary for staff. Staff is definitely underpaid in this building. I always joke that they're paid more than me, but that doesn't mean that they're paid well because the bar is low. And one other thing with the financial side of it is that it would be great if the Legislature, if senators could get the same access to healthcare benefits that the staff gets. I'm putting this into the record for the public that we, as senators, if we want to get health insurance through the state, we have to pay for it 100 percent out of pocket, which means we end up paying the state if we do that in-- because it is greater than our salary. My final note is that if we were to do something like adding five more senators, I agreed with Senator Bolz's notion about looking at what we're doing as far as redistricting goes, because I think it's important. Even though these are not necessarily exactly the same, they are intimately tied with one another. And with that, I would yield the remainder of my time to Senator Matt Hansen if he would like it.

**FOLEY** [01:33:55] Thank you, Senator Cavanaugh. Senator Matt Hansen, 2:00.

**M. HANSEN** [01:33:59] Thank you, Mr. President, and thank you, Senator Cavanaugh. I wanted to continue a little bit on the census information I was talking about. And again, I

know I'm talking more now to 2020, but this is an issue that I don't think I had enough knowledge of and built up enough for in 2020. I really learned about some of these complete count issues in December of 2018, so that really just gave me personally one session to try and get it enacted, and I'll be long gone by the time we get close to the next census. And actually, I know a lot of the people in this body, presumably everybody in this body, I guess, unless anybody sits out and comes back again, won't be around for the 2020 Census. But I just-- that's part of the problem we were having with term limits is some of these institutional knowledge on cyclical things that are maybe longer or as long as our eight years kind of doesn't get kept. So I wanted to start putting this on the record. Hopefully somebody here grabs that knowledge and wants to maybe, towards the end of their term in 2027 or what have you, work on it and-- and try and get it going. So there's a-- there's several bills. So in addition to kind of the executive orders, as I said, three states had created a complete count committee via state statute. But a lot of the states that had the creation of a complete count committee, either through the secretary of state or the governor, some sort of administrative or executive branch action, committed funding resources to do it. There's kind of a variety of different ways. And this is something I admittedly-- when I introduced LB436 last year, we were in the budget cycle and the budget constraints that we had been in for the prior two years, so I had kind of the ability and-- not the ability, the restraint and the restriction to try and make this a fiscally neutral position, so I kind of knew some of these proposals were off the table. But you see what some of the other states have done in terms of grant programs, grant programs to education, grant programs to communities, grant programs to other--

**FOLEY** [01:36:05] That's time, Senator.

**M. HANSEN** [01:36:06] Oh, I'll continue later. Thank you, Mr. President.

**FOLEY** [01:36:08] Thank you, Senator Hansen. Senator Dorn.

**DORN** [01:36:11] Thank you, Mr. President. Thank-- good morning, colleagues. Would Speaker Scheer take a question?

**FOLEY** [01:36:19] Speaker Scheer, would you yield, please?

**SCHEER** [01:36:21] Oh, certainly.

**DORN** [01:36:22] Thank you. Talked to you a little bit about the process. I guess this is a resolution. So what is the process as far as going through General and Select? And if you could, I also had commented that I read an article that said on Final Reading it would need 40 votes.

**SCHEER** [01:36:41] The process works-- this is a constitutional amendment. If-- it will need a minimum of 25 votes to pass on General File. It would take 25 on Select to pass on Final. To be on the general election, it would take 30 votes. If I were trying to put this on the primary ballot, it would take 40 votes on Final.

**DORN** [01:37:05] OK. I think some of the discussion this morning, Senator Hilgers, I think he spoke very well on it. This, then putting it on the ballot, and most likely it would be on our fall ballot, would then allow the people to vote on giving this body the authority then to increase it up to 55.

**SCHEER** [01:37:26] That is correct.

**DORN** [01:37:27] OK. Thank you. I-- I sit here and I'm definitely going to vote in favor of this. I think the people of Nebraska, we should be allowing them to have a vote on this. I sit here today and a lot of the discussion we are having today here, other than senators' viewpoints on whether or not this is a-- maybe an OK bill or something that we would do once it's passed, I look at this as more of a discussion. Does this body want to allow the people of the state of Nebraska to vote on this idea? The last few days we've had a discussion on a bill, and quite often it's been brought up by this body that local boards shouldn't be the ones making that decision. It should be the people of that district or that area. And then here today, we're having the discussion also. We as 49 senators now, are we going to allow the people of the state of Nebraska to vote on this? To me, that is the discussion we should be having here today and then giving reasons of why. I think Senator McCollister mentioned it. Sometimes maybe we don't have enough faith in the people in Nebraska to vote to do it right. I do know they also sometimes don't have enough faith in us 49 senators to do it right. So to me, this is more of a discussion of, do we want to put this on the ballot and give the people of the state of Nebraska that option to vote? One other thing-- and I know there's been some cost about senators. I'm glad people have thrown out some of those numbers, but I guess nobody's actually commented on the cost of what this would take the state of Nebraska to put this on the ballot because that-- with this bill, this resolution, that's really the only cost, and I don't know what that would be or whatever. What are we spending on this bill today? The others are all future costs. They would be future costs that we would encounter if we



wanted to-- this body upped that to 49-- from 49 to 50 or 55 or whatever. So with that, I will allow the rest of my time to Speaker Scheer.

**FOLEY** [01:39:35] Thank you, Senator Dorn. Speaker Scheer, 1:30.

**SCHEER** [01:39:37] Thank you, Mr. President. Just wanted to follow up on a couple things. My friend Senator Morfeld has stated several times the intent of my bill. Unfortunately, his intent of my intent is not my intent. If he had been listening on my opening, he would have heard me say that this does not and will not shrink those large districts out west. My hope might be that at least they don't get a lot larger, but by no stretch did I ever say that it was going to minimize or shrink the rural districts. It's not the case. That's not the intent. For whatever reason, this morning's conversation now dwells in the what-ifs. Well, the what-ifs are all decided after this bill is passed and the folks of Nebraska would support it and it would come back to this body. For us to think that everything is going to change overnight, I think, is unrealistic. It seems that we have come upon a divide. This was a thought. And by the way, Senator Lathrop, this was not a suggestion for a constituent of mine. I have never said that. What I said was that a constituent came and talked to me, didn't say it was of mine. He is a Nebraska resident, but he's not a constituent of mine. And I don't know that that's should preclude us from discussing a viable item. Thank you, Mr. President. I can see you're bending over, so I'm assuming my time is up. Thank you.

**FOLEY** [01:41:22] Thank you, Mr. Speaker. Senator Lathrop.

**LATHROP** [01:41:27] Thank you, Mr. President and colleagues. If this idea came to the Speaker from somebody who was not a constituent but somebody who lives in Nebraska, then I stand corrected. I wasn't intending to mischaracterize where the bill came from other than to suggest that it came from an individual who gave Senator Scheer this idea and now it's on the floor, nor do I believe that that's reason to not support the amendment. These things come to the floor all the time. In fact, many of the ideas that come to the floor come to us through a constituent or somebody that we know or we're familiar with in our elected position, and so that's not a disqualifying thing and I didn't mean-- I certainly don't mean to suggest that it is. I do want to go back to the point I was trying to make before I ran out of time, which is this. I was here ten years ago when we did redistricting. And I got to tell you, we were-- this body was quite a bit less partisan than than it-- I've found it to be currently. And that process was completely partisan. It's-- I'll just prepare you for this. It's an ugly time when it exposes the partisan nature of the members in this body when we get to redistricting. And I understand why.

The people that have more votes naturally want to take advantage of that and keep that advantage. Our rules as currently constructed, the process as currently constructed, is the Exec Board picks nine people, no more than five from any one party. Well, that's pretty clear. Probably ought to be five Republicans and four Democrats, and that's what it-- that's how it happens, because there's more of you than there are of Democrats. That's fine too. Understand something, though, that the last time we did this, the four people who are in the minority party had no say in any of it, not in how the maps were drawn, not in the attempts to amend it in committee, and when it came to the floor, every attempt to make a change was met with opposition and ultimately failed. We have had over the last couple of years, including this year, a number of bills that would create a nonpartisan process. They don't go anywhere. They literally don't go anywhere. We will have the same process unless we pass legislation that creates some kind of a nonpartisan commission or choose the idea that we've seen that makes it a nonpartisan process. And unless that happens, here's my concern. We will-- we're headed for a redo of the same partisan process. Throw in five more seats. Five more seats, that causes me pause. It causes me pause, and I'm not implying anything about Senator Scheer's motives. I'm just telling you what my concerns are. And we can all talk about why these redistricting bills never see the light of day, but the fact that they don't, suggests that we're headed for the same process, and if we're headed for the same process, 49-- 49 districts is enough for me because we throw 55 of them in there and guess what? We're rearranging Omaha, we're rearranging Lincoln, and we make these huge districts out in western Nebraska marginally--

**FOLEY** [01:45:29] One minute.

**LATHROP** [01:45:29] --bigger. Did you say time?

**FOLEY** [01:45:31] One minute.

**LATHROP** [01:45:32] Thank you. We make them marginally bigger and provide more pieces on the chess board for a partisan process. Now, you want to put a bill out for a nonpartisan commission, any one of the ideas that we've seen floated over the last couple of years, and we get that passed? I'm fine with 55 if-- if somebody has a basis for that or a reason or something about our process we're going to improve. But when George Norris set this up, the idea was to have a few people in here, not-- not like the House of Representatives but fewer people in here, so that this could function in a nonpartisan way, we could work with one another in a nonpartisan way, and it wasn't so

big and so unwieldy that that couldn't happen. So I remain opposed to LR279, not because I believe the Speaker has some--

**FOLEY** [01:46:33] That's time.

**LATHROP** [01:46:34] --ill motives--

**FOLEY** [01:46:34] That's time, Senator.

**LATHROP** [01:46:35] --but we need a different redistricting process before we change the number of members. Thank you.

**FOLEY** [01:46:40] Thank you, Senator Lathrop. Mr. Clerk.

**ASSISTANT CLERK** [01:46:43] Priority motion, Senator Chambers would move to recommit LR279CA.

**FOLEY** [01:46:47] Senator Chambers, you're recognized to open on your motion.

**CHAMBERS** [01:46:51] Thank you. Mr. President, members of the Legislature, I must bring a touch of reality. You have term limits not because white people were upset with the Legislature. Those blue-eyed devils were upset with one man, a black man, and they made it clear when they hired people to come here to help them. There was a national organization called Term Limits, whatever, and they used my name and wanted to spend money, which they did, to bring people from other states to collect signatures. So you all need not play as-- like you don't understand. You have term limits now because of a black man and a population of over a million stupid white people. In order to get at one black man, who cannot stay here forever anyway, they gutted the Legislature and it will never be the same. And I tried to get those idiots to understand what they were doing, that you should not put into your constitution a provision that is detrimental to the cause of white supremacy. You have shown that one black man is more powerful than 48 white people, and that black man works under the rules put together by those 48 white people. So if those are the dumbbells who sent you all here, I shouldn't look for too much intelligence out of you because water seeks its level. And I can say what I want to and make you as angry as you please, because I can use your rules to get back at you, if you mess with me, legislatively. And I decided I'm going to use this provision to show how I will control the flow of activity on this floor, anytime that I want to, as long as you have those rules that white people put in place, because I

learned the rules. You might have eight cards in your hand and all you're thinking of is the number of cards, eight cards. Well, I got four aces and four kings. And you say, well, he's only got eight cards, I got eight too. But it's the quality, the power, the strength of the cards based on the rules governing how the game is played. You all don't pay attention to the rules because you have the numbers. You think you can bulldoze everything through here that you please. I cannot stop everything. I know that. The state would be a much better place if I could. You wouldn't have so many trash laws that started with trash legislation which was aimed to put me in my place, but it hurt white people far more than it hurt black people because there are more white people. There was a recommendation I made when one of these asinine for-- and I'm not-- these terms are not describing Senator Scheer. He's trying to do what he thinks is best. This was in a discussion, 2002. They were talking about all this territory. Senator Chambers: Senator Jones, wouldn't it be easier to give some of that extra territory to the abutting states, instead of adding more senators, if they wanted to? Senator Jones: Well, you kind of hit the nail on the head because the Panhandle has wanted to go to Wyoming for several years. Now, we're talking about territory. I get so frustrated here because white people want to look like and treat us like they're superior to us and deal with more stupidity here than anyplace I've been in my life, even in the Army. At least in the Army, the men learned the rules. Here, they don't. They're white. They're privileged. They are spoiled. They are racist. They are unfair. They are mean-spirited. They are cruel. And I do what I can to stop them. But some points are reached when I can't stop them from hurting the people. What difference does it make how many senators you've got because the population is leaving the rural areas? Under the U.S. Supreme Court, you must redistrict on the basis of population. If the population moves to the eastern side of the state, those people on the western side are not going to be able to get anything done if they put in 100 senators because the disparity would still be there. They would just have more senators who are going to be outvoted by the people on the eastern side of the state because that's where the population is. I learned math at OPS. Where did you all learn math? You think that by reducing the number of people in each legislative district by what amounts to, in the context of what we're talking about, an inconsequential number. The disparity in this legislative body will still be the same. How dumb are you all? You all need some education in those rural schools so when you send these senators here, they will know something. And you need somebody to talk to you like this. We're grown people. I'm not going to treat you like children in the first grade. You act like that, but I don't believe in child abuse, even when they are of greater growth and more years. I don't believe in bullying the weak. But they send people here who do things that are not wise and in the best interests of the public, and I'm not going to mince words or bite my tongue to keep from hurting their feelings. I've tried to save

the integrity of this Legislature as an institution, and you all will not accept it. The Governor doesn't respect you. He sends his flunkies over here to order you out in that Rotunda and you go trotting out there because you are a lapdog. You know what a lapdog is? Not one who licks up spit. That's a lickspittle. A lap dog is one of those small canines who when a person sits down, jumps on that person's lap. That's what a lapdog is. If I mean a bootlicker, I will say bootlicker. You all have nothing to be proud of as a whole. This Legislature is not respected by the judiciary; it's not respected by the Governors. That's why they purchase senators and send them in here to do the Governor's work. Why do you think Senator La Grone is offering this crazy racist bill requiring ID to vote? Because he is a flunky for the Governor and that's why he was appointed. You all know this, but you won't talk about it. You will not face reality. It reminds me of a scene in a movie that had Jack Nicholson and he said, you cannot stand the truth. And that's what's the problem with you people here. You make it look like you don't know that two plus two does not equal bullfrog; it equals four. You make it seem like your intelligence level is such that I can spot you two letters and you cannot spell cat. I will spot you two letters and you can't spell cat. Does this show you the contempt that I have for the way we operate here? And you know why I-- I express this contempt? Because you don't operate this stupidly in your own personal life or you couldn't even get here. When you try to get out of your city, if the light is red, you'll go. You will not cross at the crosswalk. You will run your car into a building. The kind of stupidity manifested on this floor would make it impossible for a person to live in a city and survive. And you ought to have some respect for this place. It's your Legislature, not mine. It's your Legislature. It's a white people's Legislature. That's why white people got term limits, to get rid of the black man who stood up to you. And there were other white people who were upset and offended by the term limits amendment proposal. And they said, if it's by the rules of the Legislature that Chambers dominates and sets the tone, why won't the other 47 learn the rules? Why do you elevate a man? Why do you lionize a man? No man should have such power.

**FOLEY** [01:55:54] One minute.

**CHAMBERS** [01:55:55] But if you all are so weak-kneed, such lickspittle, spineless people, I'm going to take your rules and do what I need to try to make this a place that is respected. I don't have much more time here. I don't even have much more time on this earth. But while I'm here, you're going to know that I'm here. And while I'm on this earth, I'm going to make my mark, and nobody will ever be able to say I took low to another man or woman because I feared and consequently I did not do what I believe. I respect

myself. I respect this place as an institution. I just don't respect the people who are in here misusing it and low-rating it. Mr. President, I withdraw that motion.

**FOLEY** [01:56:43] Motion is withdrawn. We'll return to the speaking queue. Senator Geist.

**GEIST** [01:56:53] Yes, thank you, Mr. President. I would just like to get back to discussing Senator Scheer's LR, and I do stand in support of it. And for one thing, we're-- the thinking that we would go immediately to 55 senators I think is unrealistic. I do think that one of the reasons that I am in support of this LR is, for one thing, I like the creativity and thinking outside the box and giving us some options to look at in-- in the future and being more forward thinking. The other thing that I've thought of is that there are many of our committees that are standing committees that have an even number of committee seats. And to Senator Howard's comment earlier in our discussion-- she was not liking the idea that adding an additional senator would make the body an even number of 50-- well, currently in our committee structure, we have many committees that are even-number committees, and often we get deadlocked in a committee with a bill. So if we added one or two or three or however many additional senators to this body, the likelihood that we could add another seat to those even-numbered committees is greater. Now I understand it's more complicated than just adding an additional seat. We have to know what caucus those individuals are in and there are issues with that. However, the likelihood that we could add additional seats to committees and make those odd-number committees tends to sway me towards the possibility of adding an additional senator or two to the body. I think it's a good idea. I think it-- it shares the load across the state. It may give equal representation to what the body has right now. Maybe we'll have a similar bipartisan body that we do currently, but I don't think that it takes away from rural representation. I think it enables the rural senators to be represented equally in this body. And for those reasons, I stand in favor of LR279CA and will support it. Thank you, Mr. President.

**FOLEY** [01:59:37] Thank you, Senator Geist. Senator Vargas.

**VARGAS** [01:59:39] Thank you very much, President. Colleagues, I-- I did not vote on this bill out of Executive Board. I didn't vote no, I didn't vote yes, and I'm going to try to explain the reason why. You know, typically, I'm not saying that we don't all do this, but this is how I approached it. I'm really trying to-- to evaluate the policy on itself, and there were some good questions and a good dialogue in-- in the actual Executive Board when we had the hearing. I did get an opportunity to ask some questions of Speaker Scheer,

and about the bill and the intent, so there's no need to really rehash. You know, this is-- brought by a constituent. The questions I had were-- I was trying to focus on the policy. But it-- it did get into what else could we do that would potentially get to the same problem that's being identified, which at least one of the problems, my interpretation, is that if with growing population in the state in Nebraska, it is inherently becoming potentially more difficult for those senators in those areas with growing populations to be able to have, you know, strong access and-- and-- and representation with a larger geographic area, and I-- and I do understand that. And so one of the questions I asked in the hearing was, you know, if there was-- we can have another conversation in addition to this about staffing, and I know many people have mentioned this on the mike as well, on other resources that we have seen other Legislatures take on to then improve some of that access so that we're not viewing this as the only thing that is on the docket to-- potentially to support, but that there are other things that we can look at that are getting to the same or at least trying to solve the same problem. That's one of the reasons why I didn't vote yes on it, or no, because I couldn't identify this as the solution to the problem, more as a potential solution to a problem. So I wanted to make that known. The other questions I had, what was brought up in the committee, the reasons why I didn't vote on this, was that this would potentially alleviate some of-- some of what we may see in redistricting, so I'll plainly say this. Redistricting, at least we've heard from some past senators, we-- none of us have been here for that-- have been-- except Senator Lathrop-- have-- have described it as a painful process, and we don't want it to be a painful process. We try really hard to uphold the nonpartisan Legislature. And I-- I know-- I'm not saying that any of this is driven by anything partisan, but in that being a more painful process, I think one of the rationales that we had heard that I wasn't yet sure that I wanted to be in support of it, which is why I was neutral, is-- is that this would help alleviate some of that painful process. And so I-- I think there was an article in the paper that referenced Senators Avery and Langemeier that both stated, a Democrat or a Republican that both headed up the redistricting committee, that this they don't necessarily see increasing the number of districts that would alleviate or change the fact that it was a painful process. That was one of the things that led me to not vote yes for it, because I was not convinced that this is yet-- not yet the solution. But again, I was compelled by the fact that this is not necessarily a mandate to us. It's just putting it up to the ballot. But I wanted to put that in the record because I-- I didn't want my not voting to be seen as an indifferent to this specific bill, but more I wasn't-- I didn't have enough information in front of me that told me this is something that we necessarily really need to do. I know a lot of the debate is focused on this provides us with more options. So that's what's in front of us--

**FOLEY** [02:03:42] One minute.

**VARGAS** [02:03:42] --whether or not this provides us with enough, more options, or if we really need some other additional options that will help make a potentially painful process less painful. And that-- and that's a good conversation for us to have. And I think there are some other things that can make it less painful. And I-- and I hope we do take that up not only out of Executive Board, but colleagues are talking to each other about what can we do ahead of time to ensure that a process, potentially with changing lines or potentially with representation, to make sure that people have the right resources and can have good touchpoints with their senators, that we have those things. So I'm glad that the conversation is focused on that. And I've heard a lot of that in testimony. But I wanted to make sure it was in the record why I was a neutral testimony. I-- I don't yet have enough information that's telling me this is something that is the solution to the problem or a panacea in some way, not that every single thing that we do has to, but since I haven't seen past Legislatures--

**FOLEY** [02:04:43] That's time.

**VARGAS** [02:04:44] --take this up before-- thank you.

**FOLEY** [02:04:44] That's time, Senator Han-- Senator Vargas. Senator Matt Hansen would like us to recognize some guests today. We have with us 16 fourth graders from the Trinity Lutheran School, Lincoln, Nebraska. Those students are with us in the north balcony. Students, please rise so we can welcome you to the Nebraska Legislature. We also have 50-- 50 members of the Nebraska State Education retirement group with us in the north balcony. If those citizens could please rise, like to welcome you to the Nebraska Legislature. Mr. Clerk.

**ASSISTANT CLERK** [02:05:23] Mr. President, Senator Chambers would move to bracket LR279CA until April 22, 2020.

**FOLEY** [02:05:29] Senator Chambers, you're recognized to open on your bracket motion.

**CHAMBERS** [02:05:32] Thank you. Mr. President, members of the Legislature, experience is the best teacher and some will have no other. When I tell you that I can do something, I must be prepared to demonstrate it, and the best time to demonstrate it is close enough to when I made the statement so that your loose minds will not forget



what I had said. So I'm going to show you, with the rest of the time we have this morning, how I can manage what the Legislature does. Now let's say that there's somebody out there-- when I say out there, in this Chamber-- smarter than I am. I would love to meet that person and I would go to that person and be taught. I want my education improved. I love myself more than I love anybody else or any other thing. Whitney Houston sang that song: Learning to love yourself is the greatest love of all. People fall into depression, they lose their way, because they have no confidence in their own mind, in their own judgment, and other people dictate to them what they ought to do. So if they get the approval of people, they're elated; if people disapprove, they are deflated. You have to come to a point where you understand what it is you believe, what it is that you are, then you live according to that. I have a self-imposed standard of conduct, which apparently is much higher than the standard that people who claim to be religious will have, but I don't judge mine comparing it to somebody else, I judge what I do compared to me: How well does what I do accord with what I say I believe? I know what motions can be made during debate. I know which motions are priority motions. And that means that if that motion is offered, it will not trump the person who is currently speaking, but that priority motion is the immediately next order of business when whoever has spoken-- speaking sits down. And I'm going to show you how I can jump to the head of the line anytime that I want to. And as I was going to say, if today there is somebody smarter than me on this bill, that person is going to have to be smarter than me on every bill for the rest of the session. We are one-third of the way through this session already. How many of you all had thought of it in those terms? Maybe none other than me, but I know the value of time. I know how to manipulate not time, but the way that time will be used. I know how to do something between the tick and the tock on the clock. You all don't know. You could. It doesn't take that much time to read our rule book and know what it says. Am I worried about somebody else doing what I'm doing, like some flunky appointed by the Governor? Not at all, because you all will team up on that one, and he has no heart, so you'll make him sit down and he wouldn't do what I'll do. If you try to stop me, it's simply provoking me. And the louder you cry out, the more I think about this maxim that I created. Maybe somebody else said it because there is no new thing under the sun. The louder the vipers hiss, the closer and more effectively I'm striking to their nest. And I don't care what they say. I don't care how they look. I don't care how they feel because, by and large, they don't care how the people I'm concerned about look. They don't care how those people feel. They don't care how much those people are hurt by the things this Legislature does that it shouldn't do and refrains from doing that it should do. So you have your constituency who would gut your Legislature to get rid of one black man, thereby enshrining him in your Constitution, which has not happened with any man in the history of this state, or woman either. I'm not arrogant.

White people did what they said I came here to do, which was not what I came here to do. They said I came here to destroy the Legislature. No, I came to try to make the Legislature what it ought to be and what it could be based on the constitution, the laws, and the power that a legislative assembly has to help the people and make their life better and the world a better place, as childish as that might sound. I didn't come here to destroy the Legislature, but that's exactly what white people did when they put term limits in. I could not kick 48 white people out of here, could I? But white people, in their arrogance and stupidity, kicked all 48 of them out to try to get me, and they got all of us with one exception. I came back. I was like Lazarus. I was supposed to be dead because I was old when I left here. So I'm older now than I was then. People ask me will I come back and implore me to come back, and I tell them I may not even be alive four years from now. Let the applause be held, but if you must applaud, at least don't whistle and stomp, because it would be so voluminous that they'd pick it up on the seismograph out in California and they'd say, we didn't know they had earthquakes in Nebraska. And they say, yeah, and we call that-- we name our earthquakes, because we only got one-- we call it earthquake Ernie Chambers. He makes us like that. Sometimes he makes us so angry we could bite nails. Then why don't you get rid of him? Well, we did. We got term limits and got rid of him. We had to get rid of 48 other white people, too, but all white people are the same, so what difference does it make? We'll replace them, which they did. But then out in California, they say, what are you crying about? They said, because he came back, he's back again, and he's worse than he was when he left, and although he's 12 years older than he was when we kicked him out, he seems to be stronger now than he was before, all our hatred and animosity seems only to strengthen him. Uh-huh. And I am going to live four more years to spite you. If you hadn't messed with me, maybe I would have been decent and died like a nice Negro gentleman is supposed to do. But you reached that something deep down inside of me that goes all the way back to Mother Africa that says, don't give in, don't give up, don't quit; the harder they come, the stronger must be your resistance; the more alone you are, the more you have to magnify your ability to resist, so you not only live those four years to spite them, you come back to the Legislature and spite all of them in Nebraska. What do you think of that? You don't like that. You don't like me. But I'm not here to be liked. I'm trying to make you all think. And you know what that effort indicates? That I feel you are capable of much better things than you're doing now. If Jesus existed, you think he didn't know there would be a Hitler, a Mussolini, a Netanyahu, a Donald Trump, all these slaveholders? He had to know that if he was what you all say he was.

**FOLEY** [02:14:32] One minute.

**CHAMBERS** [02:14:32] But that is not what everybody was. And you don't punish the innocent with the guilty, even though the "Bible" did say the fathers have eaten sour grapes and the children's teeth are set on edge, and then threaten to invoke punishment down to the 10th or 12th generation, which meant people who were not in existence, who won't even know why horrible things are happening to them, will suffer. My job is to break that chain, if I can, and make sure at least that the innocent don't suffer and that even the guilty don't suffer in a way that destroys and does not recommend-- recognize that fundamental human dignity that is in every being born of a man-- man and a woman. My job is hard, but nature sends hard men to do the hard work. Thank you, Mr. President. And I withdraw that motion.

**FOLEY** [02:15:31] The bracket motion is withdrawn. Senator DeBoer, you're recognized.

**DeBOER** [02:15:34] Thank you, Mr. President. I don't talk here very much and-- on the mike, and so I think this is kind of an interesting illustration of the point that I want to make. We have sort of the very thing that is the point that I want to make. Philosophically, I have some concerns if this particular provision would be put on the ballot and then would pass on the ballot and then would be the situation where we add more people. And this is my opportunity to talk to the people of Nebraska, as well as to the people in this room, about my concerns, and so I'm going to take it. I know we're several steps away from adding people to this Chamber, but it's something I think we ought to think about. One of my biggest concerns is always about process, how we make the decisions we make and making sure that we do the best job to make the process of decision making as good as possible. But here's the reality of my experience. I'm the type of person who likes to listen first before I speak. It's just a personality thing. So by the time I've weighed my words in this Chamber, there are usually about ten people in the queue. So then I must wait an hour before I can speak. But an hour later, we're often not even on the same part of the topic. If I have a question, it's an hour later. So that's kind of why, for those of you who watch the Legislature enough, you often see senators milling around in the back and talking about things. We talk off the mike because if we wait for our turn to talk on the mike, it can be an hour or even longer than that. It's really the only way to have a timely answer to your questions. But if we're talking off the mike more and more, that takes away the transparency and some of the accountability that we have to the people of Nebraska. In this bill today, for example, a couple of people have spoken twice, but mostly it's just been one time for all of these senators. So I did the math and for everybody in this Chamber already to speak one

time each, it's about four hours. If we speak all three times that we're allowed, that's 12 hours. We never even get 12 hours on a bill. And this is one of the reasons we don't know the difference between a discussion and a filibuster, because we already have so many people who would like to speak just one time, that that takes us to four hours, which is longer than our three-hour rule for the-- the first time on the mike-- or for the first time it comes up before us, which means that if I want to speak, sometimes I don't get the opportunity. This has happened to me more than once where I would like to speak on an issue, but because I don't have that Alex Trebek, Jeopardy button-pushing skill where I get in there right away, I don't get the opportunity to do so. If we add six more senators, and I know that that isn't what's-- the question before us, this is just authorizing the possibility of that, but if we add six more senators, that's six more people who would have an opportunity to speak. That's a half an hour each time for five minutes for one time at the mike on each issue. I start to think about 10 percent more bills, not to mention half an hour on each conversation, and that's just for one time to hear. I think we're going to start taking more and more time. We're going to have more and more gridlock, we're going to have to do more things off the mike, and I start to worry about whether or not we lose some of our transparency when we do that. I wonder if we would even have time in a 60-day and a--

**FOLEY** [02:19:36] One minute.

**DeBOER** [02:19:36] --90-day session. Even if we only add two, that's ten minutes more, a half an hour more on each issue if we speak three times. More personalities, I worry about more gridlock, more personalities, more people, more opportunities one person says, I think I'm going to filibuster this bill. It becomes a concern for me about whether we have meaningful conversation when we get too many people introduced into the situation. So, people of Nebraska, if this does come before you, I suggest to you to think about the transparency issues. Think about what happens when we have so many people trying to get in on every conversation on the microphone. And I worry that what will happen is, in fact, your voices will be less heard because you won't be able to even have your representative get in line to be able to speak. So those are some of my concerns. I might put my-- my button on, but I don't think I'll get back in the queue, so I won't be able to speak to you again. Thank you, Mr. President.

**FOLEY** [02:20:38] Thank you, Senator DeBoer. Mr. Clerk.

**ASSISTANT CLERK** [02:20:40] Mr. President, a priority motion. Senator Chambers would move to bracket LR279CA until April 22, 2020.

**FOLEY** [02:20:48] Senator Chambers, you're recognized to open on your bracket motion.

**CHAMBERS** [02:20:53] Thank you, Mr. President. Members of the Legislature, did I tell you that I can jump to the head of the line whenever I want to? And I can do that. When a person offers a motion, if it's voted down, then a reconsideration can be offered, but that person has to wait until an opportunity to speak comes up. But a reconsideration motion is a priority motion, so all he or she has to do is keep his or her powder dry until that motion is taken up. But when you offer a motion, you can pull it whenever you want to, and the Legislature can't stop you. And if you've become aware of what I'm doing and you decide you're going to try to get the Chair to rule the way you want the Chair to rule, and Senator Foley has done that on occasion, then I would move to overrule the Chair and you all would say, uh-huh, but you only get to speak one time, and everybody else will speak and make sure you don't speak again. And I will have achieved my end by making you co-conspirators, by you talking on something other than the bill, because now we have a motion to overrule the Chair because the Chair made a ruling that's not allowed by the rules. But I can make you all so angry at me that you will disregard what's in the rules and you will vote to uphold the Chair when it makes a ruling not allowed by the rules. That's how much I understand you; it's how much I control you. But I haven't done it like I could do every day, on every bill, if I choose. And if you think I don't have the stamina, you have another think coming. But if you want to test me, the thing to do is test me. How many bills do you all have that mean something to you? I haven't even designated a priority bill. I've got a bill hung up in the Ag Committee to get rid of a law that's unconstitutional. You all don't believe it is because you won't read it, so I'm going to seek an Attorney General's Opinion. It has to do with a county board authorizing somebody to go on another person's property and poison prairie dogs, whether prairie dogs are there or not. They don't have to give notice to that person. The law says specifically they don't have to be given notice. Well, the-- they cannot take your property without following proper procedures. They would have to give notice for that entry on your land to be valid. They don't have to have a warrant. They don't have to do anything. And that is unconstitutional. But if a person, laying that aside, does not kill prairie dogs on his or her land, and the county board orders that person to do it, for every day that person is out of compliance, it's a \$100 fine. Well, maybe they can all offer the opportunity to a person to do it and you not have to pay this fine, but if a person is recalcitrant and says, I'm not going to do it, they can levy that up to 15 days, \$1,500. Then you know what becomes of the money, based on that law? It either goes to the county board's general fund or it goes to the black-tailed prairie dog enforcement

fund. But you know what the constitution says about that money? It should go to the public school fund. That's what I told the dumbbells on the Ag Committee. They don't accept it. I've told the dumbbells out here, and Senator Hilgers is the one who says, don't pay attention to him, and you all follow the lemming leader off into the sea because you don't like me. And that's how I control you. I control you through your dislike of me. And I can make you do what I want you to do, even when you realize that I'm manipulating you, because you think you're showing me something. All you show me is how easy it is to manipulate you, how dumb you are, or how smart I am. What are you going to accept as the alternative, that I'm a genius or that you are dumbbells? Are you Trilby? And you have to find out the name of the person who controlled this individual through hypnosis because I'm not going to tell you everything. So you are my tennis ball. I have the racquet. Pop! Over the net, you-- I hit the ball, but I don't want to score an ace. I want to hit it where you'll hit it back. So I lob it and you lob it and I lob it, and pretty soon the spectators get upset, but because I'm a championship player and you're staying alive in this volley, that you keep lobbing it back and you don't want to try to hit it too hard because you might hit it into the net and that ends a volley that might make history for having comprised so many hits back and forth over the net. Do you think I'm smart? I am humble. I am modest. I am too modest ordinarily to tell you how modest I am, I'm too humble usually to tell you how humble I am, because both of them would be untrue. But in a setting like this, where so many lies are told, so much dishonesty, so much backstabbing, then it fits right in with the milieu. So I have taken over this morning, as I said I was going to do, and I will continue it. And if you mess with me, it won't just be this bill. I can do this for an entire session and I'll be like lightning. You will not know when and where I will strike. I will be arbitrary. I will be unpredictable. And I can smile like the Cheshire cat and cut your head off if I'm the executioner. The executioner doesn't have to be angry, doesn't have to make an ugly face because the executioner, if he does it the old-style way, has the sharpened ax. And when the executioner decides to let the ax fall, your head and your body break diplomatic relationship. Your body stays here and your head goes rolling somewhere else. I have to use analogies. I have to use metaphors. And I'm following the technique of your Jesus. You know why I say your Jesus? Because the Jesus of the "Bible" doesn't do the things that you all's Jesus does. And you all don't do what the Jesus of the "Bible" told you to do. He told you to clothe the naked. He told you to minister to those who are ill. He told you to give shelter to those who are homeless. He told you to feed the hungry. He even told you to visit those who are in prison. And when judgment day would come, Jesus claims that he's going to tell those people, I was hungry and you didn't feed me; thirsty, you gave me not to drink; naked, you did not clothe me; homeless, and you gave me no shelter. And they said, Lord, when did we do this to you? If they knew it

was Jesus, they wouldn't have been that way. Jesus said, if you have done these things to the least of my brethren, to the least, not Buffett, not Trump, but to the least, if you haven't done these things for the least, you have not done it for me. If you knew it was me. I know how you would behave because you're hypocrites, so I have a different way of testing you, and you have been weighed in the balance and found wanting. As they said in the Old Testament: tekel, tekel, upharsin. But they put a "mene, mene" in front of it.

**FOLEY** [02:29:55] One minute.

**CHAMBERS** [02:29:55] Mene, mene, tekel, upharsin: You've been weighed in the balance and found wanting. And God was the first graffiti artist because there was a dinner long ago and the hand appeared and wrote on the wall. Graffiti is when you write on the wall. God sent that hand to write on the wall. God was the first graffitist. You didn't know that either, did you? A lot of things you all don't know. It's hard for me to be here and not talk about you and to you like this all the time, but you're lucky that I'm not in this mood all of the time. Mr. President, in the interest of fellowship, I withdraw that motion.

**FOLEY** [02:30:35] The bracket motion is withdrawn. Senator Hilgers.

**HILGERS** [02:30:38] Thank you, Mr. President. Good morning again, colleagues. I know the morning is-- is ending here shortly. I appreciate the conversation and debate on this particular proposed constitutional amendment. I think it's been a great discussion this morning. I'll be brief with my time. I am going to vote green and the reason is, is because this is a narrow question. It's whether or not we should ask for the authority to maybe at some point in the future have some additional increase in senators in this body. It's a reasonable proposed increase in our authority, just 10 percent, and I think that's something that I think ought to go to the voters. Now the counterarguments, I don't think-- I think are good points on their own, but I don't think are persuasive as it relates to this particular question. And I'll just recap them. The one is that this might create logistical issues or cost issues. How do we-- how do we accommodate 55 within this body? And I think that those are good questions and those are-- but those are questions for another day. So I think that first argument is a strong one, but I don't think it's as relevant for this particular issue. If we ever have a bill next year or five years or ten years down the road, those are questions we'll have to deal with if we ever have to. Another is whether or not some other policies as they relate to access to our offices and access to our constituents ought to be considered instead of this, or as part of a broader

package, I think those are things we ought to consider on their merits, but I don't think this should fail because we're not also doing something else at the same time. So I think that's the second argument. The third argument is the constitutional argument. This is already in our constitution. We're asking for a 10 percent increase in authority to do something that we've already been granted. We already could go to 50. We're asking to go to 55. This isn't some striking of significant sections or portions or striking some right or adding some right to our Constitution that otherwise, I think, should give us some pause, but I think this is simply a changing from 50 to 55. And the last one is the redistricting argument, which I think the redistricting conversation we are having in the Exec Board we'll probably have on the floor here of the body at some point this session. That's a good conversation for us to have. I don't see that these are really directly related. There's been some argument of some tie between this bill and redistricting, As the Speaker has mentioned, that-- this is not a redistricting bill, this is not intended for any redistricting reform, and it should be held on its own merits, and I think it should be and that's why I'm voting green on LR279CA. With that, I'd yield the rest of my time to the Speaker.

**FOLEY** [02:32:47] Thank you, Senator Hilgers. Mr. Speaker, 2:50.

**SCHEER** [02:32:50] Thank you very much, Mr. President. And thank you, Senator Hilgers. Colleagues, I've-- I've listened pretty closely this morning and heard a wealth of arguments in opposition to my bill or questioning the ability thereof. Let's go back in history. This building was built in the 1920s, finished in the early 1940s. Anybody have any idea how many people were in the House and the Senate at that time? More than 49. Can this building substantiate and hold up to 55 members? Without a question. We can talk about a lot of things, but unfortunately what I've heard this morning is that some of us are more intent on working on a redistricting program and will only allow this to move forward after and only when we do something in regards to redistricting. Fair enough, but this has nothing to do with redistricting. I tried to make that perfectly clear in the Exec Committee and because it was pulled-- we had a testifier that came and asked specifically that this be held until something came out in redistricting, I made the point then. This has nothing to do with redistricting. This can only take place if and when the constituents and the residents of Nebraska pass this constitutional amendment. Then it would come back, and even then it would still take an act of the Legislature at that point in time--

**FOLEY** [02:34:46] One minute.



**SCHEER** [02:34:47] --to change. Thank you. So as much as I am sympathetic to those that are looking at that, I find it a little bit disheartening that we are playing those roles so early in the body. It is unfortunate. This is-- if it was a tool to try to force myself to do something, doesn't work. I've had far more pressure on myself in the last eight years, in the last four years, than this. I'm not married to this bill. I think it's a good bill. I think it's a good constitutional amendment. And I'm going to move forward with it. I don't know that I have 33, may not. If we do, then we'll come back and we'll see if everybody wants to vote on it and it will pass or fail. But it should pass and fail on its merits, not on a bunch of what-ifs, not on some exaggerated claims how much it may or may not cost. The Unicameral was in-- was a body for almost 50 years, didn't change its body by one. It had the ability for over 50 years. For us to stand on this floor and say, my God, if we change it to 55, we're going to go to 55? A little disingenuous.

**FOLEY** [02:36:17] That's time.

**SCHEER** [02:36:20] This is a tool. That's it. Thank you, Mr. President.

**FOLEY** [02:36:24] Thank you, Mr. Speaker. Senator Hunt.

**HUNT** [02:36:27] Thank you, Mr. President. It sounds like a lot of us in here don't want more senators; we just want more money. That's a theme that I'm hearing from a lot of people. And to talk about the language in this constitutional amendment, is it really realistic that we would jump from 49 senators to 51 when we haven't even used the authority that we have to expand to the maximum amount of senators we can already have? Why are we asking for a 10 percent increase in our authority to go to 55 senators when we aren't even using the full authority that we have? I don't know that this is unfortunate. I just think that we haven't been convinced that we need to expand the authority that much. I'm also curious about why there's no fiscal note on this and why we're debating this on the floor when we don't know what the cost could be. I know that this is just putting something on the ballot, but surely there is some kind of administrative cost to that. There's also historically been concern when this has been raised other times about-- about that tie and the tiebreaker. And when I asked the Legislative Research Office to give me information about that, they also gave me, interestingly, a transcript from a bill that would have reduced the Legislature from 49 to 45 that was introduced by Senator Krist in 2011. So that was another interesting idea that I think is-- is-- was interesting in learning about in the history of this. I also share the priority that a lot of people spoke about that there is a problem in western Nebraska and rural Nebraska with lower populations, and I also want to solve that. I want to increase

the population across all of Nebraska. So I would ask, why don't we as a body commit to policies that can help solve those things, like Medicaid expansion and access to food assistance and SNAP, which we know disproportionately affects people in rural Nebraska, or the various bills that we've had in this body to support public schools through resources for schools? What about marijuana legalization, which we know can bring revenue to rural Nebraska and to those farmers? What if we stopped shutting down women's healthcare centers in rural Nebraska, which drives a lot of people to move out of those neighborhoods and those-- those districts? What about raising the tip minimum wage? What about vote by mail for people in rural districts? That was killed last year. What about the complete count commission to make sure that everybody in rural Nebraska is getting counted and getting access to the resources that they're entitled to? So I think, unfortunately, the case just hasn't been made that this is a solution to a problem when we are not taking seriously many other solutions to this problem of rural representation and support for senators and good governance. I think the \$12,000-a-year salary is a big barrier to good governance. I wanted to make a couple of those points. And with that, Mr. Speaker-- or Mr. President, I'd like to yield the rest of my time to the Speaker.

**FOLEY** [02:39:33] Thank you, Senator Hunt. Mr. Speaker, 1:50.

**SCHEER** [02:39:37] Thank you, Mr. President. And thank you, Senator Hunt. Yes, I-- I-- I don't disagree. What I heard from a number of you folks had to do with the covering of expenses and the cost of the-- of your wages. Unfortunately, those are not entailed in this at all. This is a pretty straightforward building-- bill that would just simply move the body to 55 if and when those choices were made over a period of time, not necessarily exclusively at one time. It is unfortunate. It is a fairly simple bill, and that's fine if people would like to vote against it. It would just be nice to have at least an idea, and I'll get an idea as we talk, but it should-- your decision should be made based on the topic of the bill, not the what-ifs, not exaggerations of what could and couldn't happen. It is just unfortunate that we have gone that direction rather than the merits of the bill itself. And with that, it is disheartening to me that the body has taken that spin this morning. But the body has its own life and it moves in its own direction. So I fully can accept that and we will move forward from that point. But again, I want to thank Senator Hunt for the time. And whatever is re-- is left, I would return to the Chair. Thank you, Mr. President.

**FOLEY** [02:41:14] Thank you, Mr. Speaker. Items for the record, please.

**ASSISTANT CLERK** [02:41:17] Thank you, Mr. President. Amendments to be printed: Senator Pansing Brooks to LB848; Senator Lindstrom to LB242; Senator Hilkemann to LB827, and Senator Chambers to LR279CA. Additionally, notice of committee hearings from the Revenue Committee, the Agriculture Committee, the Education Committee, the Transportation and Telecommunications Committee. Your Committee on Revenue reports LB923, LB1074, and LB1070 to General File, some having committee amendments. Finally, Mr. President, Senator Walz would move to adjourn the body until Wednesday, February 5, 2020, at 9:00 a.m.

**FOLEY** [02:41:59] Members, you heard the most to adjourn. Those in favor say aye. Those opposed say nay. We are adjourned.