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Floor Debate  
January 10, 2018

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[LB17 LB44 LB93 LB177 LB181 LB321 LB368 LB384 LB469A LB611 LB747 LB823 LB874  
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LB968 LB969 LB970 LB971 LB972 LB973 LB974 LB975 LB976 LB977 LB978 LB979  
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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the sixth day of the One Hundred Fifth Legislature, Second Session. Our chaplain for today is Father Ryan Lewis, who's chaplain of the Daniel Gross Catholic High School in Bellevue, Nebraska, a guest today of Senator Krist, Senator McDonnell, and friend of the presiding officer. Welcome, Father Ryan Lewis. Please rise.

FATHER LEWIS: (Prayer offered.)

PRESIDENT FOLEY: Thank you, Father Ryan Lewis. I call to order the sixth day of the One Hundred Fifth Legislature, Second Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

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

CLERK: Mr. President, hearing notices from the Banking, Commerce and Insurance Committee and the Judiciary Committee, signed by the respective Chairs. That's all that I have. (Legislative Journal pages 243-244.)

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---

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

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Colleagues, just real quickly on today's agenda you'll see LB349. That bill actually was incorporated into a bill that was passed last year so we will be passing over it, so I just want to make everybody aware that it will be passed over. Nothing ominous, it just was already enacted in a different legislation last year. And I believe if we get to LB177, Senator Friesen will be handling that for Senator Bostelman today. Thank you.

PRESIDENT FOLEY: Thank you, Mr. Speaker. We'll now proceed to the first item on the agenda. Mr. Clerk.

CLERK: Mr. President. LB181, by Senator Quick. (Read title.) The bill was discussed last year in March. There was a motion to bracket the bill at that time. I have nothing pending on the bill at this time, Mr. President. [LB181]

PRESIDENT FOLEY: Senator Quick, you're recognized to open on LB181. [LB181]

SENATOR QUICK: Thank you, Mr. President. LB181 is a bill amending the Workers' Compensation Act. The bill would allow an employee who disagrees with the medical findings of an employer-appointed physician to be reimbursed by the employer or its insurer for a similar examination by a physician selected by the employee. Now, as it was said, this was my priority bill from last year. I decided to bracket it until this year. During the interim I wanted the chance to meet with all the interested parties to discuss issues and differences we might have to see if we could improve the bill so that it benefited everyone. What I found was a way to accomplish my goal without creating new legislation. I want to tell you that this was a great experience for me because every person I met with was willing to listen to my concerns, and I was open to hear theirs as well. After meeting with everyone on an individual basis we set up a group meeting and we began working together. Everyone had input and came up with ideas on how we could address the issues related to LB181. At this meeting there were two individuals from the Nebraska Workers' Compensation Court that not only had great insight into the issues, but also

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---

are willing to look at possible changes to forms and information that are provided to employers and employees. The changes would not only simplify the information, but would also make more clear to the injured worker his or her rights under the law. We discussed time-sensitive material that is provided to an injured employee and how it could be improved. It was agreed upon that more education for employers and physicians on workers' compensation rules and regulations would be beneficial to all. We already are working together to follow through on making contacts to initiate education and how and what that might look like. I want to thank everyone who worked with me on this, including the Speaker. I also want to thank the Business and Labor Committee and Senator Albrecht for bringing it out of committee so we could at least talk about it on the floor and I could work on it to make it a better...something better for everyone. As we continue to work together we find that there is need for legislation to resolve an issue with work comp, but until then I would ask that we pass over LB181 for the remainder of this session. I will be bringing a resolution for an interim study on workman's compensation. I have already had a conversation with Senator Albrecht about introducing this study and will keep her informed on what the study would encompass. Thank you, Mr. President. [LB181]

PRESIDENT FOLEY: Thank you, Senator Quick. Without objection, Senator Quick's motion to pass over the bill has been granted. We'll move on. Mr. Clerk, you're recognized. [LB181]

CLERK: Senator Hughes, if you're of a mind, Senator. Senator Hughes would move to withdraw LB823. [LB823]

PRESIDENT FOLEY: Senator Hughes, you're recognized to open on your motion. [LB823]

SENATOR HUGHES: Thank you, Mr. President. Good morning, colleagues. This is a rookie mistake and I realize I'm in my fourth year, so I ask your indulgence that I brought a bill that I did not do enough research on before I had it drafted and dropped in the hopper. So I...this is a bill dealing with the amount of unemployment insurance agricultural producers have to pay, and I should have gotten to a couple of more accountants before I...so I fully understood what the implications of this was with the federal tax code and how it affects my producers. So with that I do...would ask your affirmative vote that we remove that bill. Thank you. [LB823]

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---

PRESIDENT FOLEY: There's been a motion to withdraw LB823. Seeing no members wishing to speak, the question before the body is the adoption of the motion to withdraw the bill. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk. [LB823]

CLERK: 34 ayes, 0 nays, Mr. President, to withdraw LB823. [LB823]

PRESIDENT FOLEY: LB823 has been withdrawn. Members, we'll stand at ease for a few moments in anticipation of the 10:00 agenda item. The Legislature will stand at ease. [LB823]

EASE

PRESIDENT FOLEY: (Visitors introduced.) Senator Halloran, you're recognized for a motion.

SENATOR HALLORAN: Thank you, Mr. President. I move that a committee of five be appointed to escort the Governor of the state of Nebraska to the Legislative Chamber to deliver his State of the State Address.

PRESIDENT FOLEY: Thank you, Senator Halloran. Members, you've heard the motion. All those in favor say aye. Those opposed say nay. The motion is adopted. I would now appoint the following members to serve as the Escort Committee: Senator Clements, Senator Kolowski, Senator Lowe, Senator Watermeier and Senator Wishart. Would those five senators' Escort Committee please retire to the rear of the Chamber to escort the Governor. The Chair recognizes the Sergeant at Arms.

SERGEANT AT ARMS: Mr. President, your committee now escorting the Governor of the great state of Nebraska, Governor Pete Ricketts and First Lady Susanne Shore.

PRESIDENT FOLEY: Members of the One Hundred Fifth Legislature and distinguished guests, I present to you the Governor of the great state of Nebraska, the Honorable Pete Ricketts.

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---

GOVERNOR RICKETTS: Thank you. Thank you. President Foley, Speaker Scheer...oh, please, everybody sit down. Members of the Legislature, tribal chairmen, distinguished guests, fellow Nebraskans, friends, and of course our First Lady, my lovely wife--oh, she's on this side-- Susanne. She always gets better applause than I do. Before I begin, I want to recognize the newest member, Senator Theresa Thibodeau from Omaha. She is a small business owner and involved in early childhood education and her background and experience will make a great contribution to this body. Welcome, Senator Thibodeau, I look forward to working with you. And to all of our senators, congratulations on the commencement of the Second Session of the One Hundred Fifth Nebraska Legislature. Working together is in our DNA and the hallmark of Nebraska's nonpartisan Unicameral Legislature. In fact, leadership and working together is what has helped build this great state. We know this from our history. This year marks the 100th anniversary of the end of World War I. During World War I, Nebraskans came together to raise private dollars to form a field hospital to take care of wounded soldiers returning from the front. Many gravely injured were treated at the little Nebraska hospital. That spirit is alive and well today. When Hurricanes Harvey and Irma battered our coast from Florida to Texas, Nebraska National Guard members answered the call and came to the aid of families and communities in need. Nebraska National Guard members not only serve their fellow citizens, but also on the front line in the war on terror. Last month I visited 54 of our National Guard soldiers at Guantanamo Bay, Cuba, who were helping to detain enemy combatants. Twenty-five years ago new enlistees did not expect to be deployed overseas. Today the men and women who join the Nebraska National Guard not only expect to be deployed, but want to take the fight to the enemy. I am incredibly proud of them and we salute them for their service and their sacrifice. Nebraskans have a long tradition of pulling together to help each other out in good times and in bad. And we built those stories right here into our State Capitol Building as a source of inspiration. In the spirit of cooperation we come together each year to accomplish the priorities that matter most to Nebraskans. Our work is helping to grow our state and keep Nebraska the best place in the world to live, work, and raise a family. It's not always easy, but it is important. Working together last year, we accomplished many great things. Under Speaker Scheer's leadership, you passed a bill that protects the ability of our teachers to exercise religious freedom. With Chairman Stinner's help, we worked on and enacted an unprecedented two budgets so that the state could live within its means. Senator Watermeier delivered to my desk the first pro-life legislation in several years with the "Choose Life License Plate." Senator

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---

Friesen and Senator Murante worked with us to streamline state government and merge state agencies. Senators Riepe, Blood, Erdman, Lowe, and Lindstrom led successful efforts to reform occupational licenses. Senator Walz successfully championed a bill protecting injured first responders from losing their healthcare insurance. Senator Hilgers, Senator Geist, passed legislation which allows the Department of Transportation to assume responsibility for environmental reviews. Senator Kuehn helped end the practice of allowing people to quit their jobs and turn around and claim unemployment insurance. Nebraska was one of the last states to make this change. And Senator Wishart had a common sense bill, which I signed, which allows counties to protect the personal information of law enforcement officers. Those accomplishments were not always easy, but through leadership and hard work, working together we got the job done. This is my fourth State of the State Address and our fourth year of working together on the priorities Nebraskans care about. And I am happy to report that the state of the state is strong and growing. Last year Nebraska won the Governor's Cup for the most economic development projects per capita of any state in the country. In fact, Nebraska had more qualified projects than North Dakota, South Dakota, and Kansas combined. Forbes ranks Nebraska the fourth best state overall for business. We moved up seven spots in Chief Executive magazine's ranking of the best states for business. Folks, this matters because when companies move here and invest they create job opportunities for our people. This past year we continue to achieve record levels of employment with over 1 million nonfarm jobs and the lowest unemployment rate in our state since 1999 at 2.7 percent. And our population hit a record 1.92 million people for the first time ever. These achievements are no coincidence. Senators in this Chamber and the teammates in my administration work each and every day to grow Nebraska. Working with you, we will continue to bring new opportunities to Nebraska. International partnerships are helping us to create these great paying job opportunities right here in our state. For example, we went to Canada in August to help recruit Agri-Plastics which has created 20 new jobs in Sidney. A new investment from Novozymes follows our 2015 visit to Denmark. Japan is Nebraska's largest direct foreign investor, and there's no better example of that than Kawasaki which just opened their first U.S. Aerospace Division right here in Lincoln. Our trade mission in 2015 supported this expanded investment. When we foster more investment by multinational businesses, we help Nebraskans like Eric Jones. Eric is a longtime production worker for Kawasaki and he's a great teammate who gets paid a good wage to support his wife and three kids. When Kawasaki announced the Aerospace expansion he volunteered and he earned a spot as a supervisor. The company flew

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---

him to Japan for three months of training. Eric told me, Kawasaki is great for Lincoln. Besides the good paying jobs and investment, Kawasaki also supports local charities like the Nebraska 150 and uses local vendors. Eric and his wife Miranda are here with us today. Let's give them a warm welcome and thanks. I should have mentioned Eric's mom, Deb, is here as well and she's very proud of him, though she missed him a lot when he was in Japan. In Nebraska we export over \$8 billion of goods annually. Our work in China over the last three years has helped open the door for Nebraska beef for the first time in 14 years. Beef from a Nebraska company was the first to arrive in China last summer, and I'm excited to report that over half the American beef in China right now comes from Nebraska. Over the past 12 months we have also seen Argentina reopen their market to American pork. Bulgaria signed new soybean deals with Nebraska. Vietnam opened their doors to dried distillers grains. And Japan is set to open their marketplace to American ethanol. These successes wouldn't be possible without the great international teams in the Department of Agriculture and the Department of Economic Development. Our teams are working together to grow market access and develop new partnerships. They are with us here today. Please help me thank them for their great work. We also work hard to recruit U.S.-based businesses. The Silicon Prairie has continued to thrive. In 2016 my team and I traveled to Menlo Park, California, to sell Facebook on Nebraska. Last year Facebook broke ground on a 970,000 square foot campus in Papillion, which will create hundreds of jobs and hundreds of millions of dollars in investment. Costco selected Fremont as the home for their first ever chicken processing operation. A team effort closed that deal with the help of state agencies, business leaders, and local elected officials. Other major investments have come from companies such as Hudl, Becton Dickinson, Cargill, Evonik, and our ethanol producers. These are just a few of the over 200 projects that state, regional, and local economic developers worked on in our efforts to grow Nebraska last year. These investments in Nebraska help Eric Jones, his family, and so many other families to have the opportunity to work hard and invest in their communities. We can recruit businesses because we have a great story to tell here in Nebraska. Throughout the year, our team works each and every day to make government run at the speed of business. By making it more effective, more efficient, and more customer focused. Our Center of Operational Excellence is working with state agencies to eliminate waste and speed up service. With this philosophy, we are turning around environmental permits in a single day, reducing the backlog for tax credit applications and more. We are also delivering licenses faster so we can connect medical professionals to great job opportunities here in our state. For example, we reduced the nurse

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January 10, 2018

---

licensing processing time from 96 days in November of 2015 to an average of just 30 days in December of 2017. Changes like this are helping Nebraska put people to work more quickly. Shala Shannon moved here to Bellevue with her husband who's in the Air Force. She applied for a nurse license in December and received it in just 15 days. This is just one of the many great examples that we have of how we're improving our services. Running an operationally excellent organization is a team effort. Please help me recognize the Center of Operational Excellence team for all their great work. They're with us here today. To complement the work that we are doing in the area of process improvement, my agencies are also cutting red tape. In July, we launched a review aimed at cutting unnecessary regulation to streamline state government. In November, state agencies came back with their initial recommendations. Today Senator Murante is introducing legislation at my request, which will help eliminate unnecessary red tape. Thank you, Senator Murante. All of this great work we've done together sets the tone that Nebraska is open for business, from manufacturing to technology to agriculture. But we also have challenges, the first of which is working on the budget. This is our top priority. In October the Nebraska Economic Forecasting Advisory Board reduced the revenue forecast. While our state's economy once again has the wind at its back our revenues continue to fall short of the board's expectations. We've been preparing for this. We've reduced our state work force by 500 or about 4 percent; we've eliminated 1,500 open positions; in preparation for budget cuts we reduced agency allotments by about 2 percent over the last two quarters of the year. Last year, working together we balanced the budget without raising taxes. This year we need to do the same again. I am proposing across the board reductions of 2 percent in this fiscal year and 4 percent in the next. Consistent with our work, I have designated priorities for funding in the budget like K-12 education, Corrections, and services to help the developmentally disabled. I am also asking you to make new, targeted investments. We have seen a significant increase in the number of children coming to the state's child welfare system. Annually, we're up about 9 percent or about 485 kids. Folks, that's heartbreaking. In this budget I am recommending an additional \$35 million for child welfare and public assistance for this year and next. We must take care of our kids. DHHS reports that through the first seven months of 2017, one out of every three children who were removed from their home were removed because methamphetamine was a factor. We have to get to the bottom of this disturbing trend and all the other contributing factors. And that's why I will be forming a new child welfare task force to determine the root cause causes. We must also continue to invest in Nebraska's Department of Corrections. I am recommending expanding the



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Rough Draft

Floor Debate  
January 10, 2018

---

number of correctional officers as well as investing or reinvesting \$6 million in funds that were unspent and investing those back into our prisons. This will help us expand our capacity. Additionally, thanks to actions taken by Congress, my budget recommends new steps to protect unborn life by ensuring that Title X--wait till I get to the finish of it--ensuring that federal Title X dollars are not used to fund abortion. Nebraska is a pro-life state and our budget should reflect our values. I look forward to working with Chairman Stinner and the entire Appropriations Committee on balancing the budget. Our next challenge has to do with taxes. Cutting and reforming taxes is key to growing Nebraska. Over the years, together, we have done the hard work needed to hold the line on taxes, but Nebraskans need and expect more. If we are going to remain competitive and grow into the future, we must continue our efforts no matter how hard. The Tax Foundation ranks Nebraska's property taxes as the 11th highest in the nation, which is the worst among our surrounding states. While we have provided over \$840 million in property tax relief over four years, we've all heard the stories about how high property taxes are hurting Nebraskans. This fall a farmer came up to me at one of my events and he let me know that his high property taxes had driven him to sell his farm, leave Nebraska, and move to Missouri. That's terrible. It's stories like this that have inspired me to continue making property tax relief a top priority. It's an urgent need. We must help our farmers and ranchers with crushing property tax bills. We must help all Nebraskans keep more of their hard earned money and attract more people to come to our state. Our neighboring states are making themselves more competitive. The only surrounding state with a higher income tax than ours is Iowa. And right now Governor Kim Reynolds and their legislature is working to lower their taxes. Missouri just lowered their tax rates this month. My team has been working tirelessly with you and with a variety of groups throughout the state this summer and fall and we have to show our taxpayers that we get the message. They want tax relief. That's why today Senator Smith is introducing the Nebraska Property Tax Cuts and Opportunity Act. This legislation will serve as a framework for delivering tax relief this session. Our proposal has three major components. First, it restructures existing property tax credits as a new, refundable credit on state taxes, which ensures that Nebraskans, not absentee landowners, receive the credits. It also provides for additional relief in future years when our revenue is growing. Over the next ten years, we expect this would provide over \$4 billion in property tax relief for ag producers and homeowners, and it focuses the relief on the average Nebraska homeowner. Second, in today's mobile economy, young people graduating from our colleges, skilled workers, and even longtime residents can up and move to lower tax

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Rough Draft

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---

states. We have the jobs and the great communities. Let's also work towards an income tax system that is just as welcoming. Our proposal uses existing tax credits to achieve a permanent reduction in the state's uncompetitive individual and corporate income tax rate. This will provide relief for our families and small businesses. Right now 90 percent of the individual income taxes paid by Nebraskans are paid at that top individual rate, and 90 percent of Nebraska businesses pay at the top individual rate. Finally, our proposal calls for an additional \$10 million over two years for workforce development. Folks, we can bring relief to Nebraska's families and businesses and help continue to grow our state. It is critical--bless you--it is critical to get the job done on tax relief this session. Senator Smith and I will continue to work with senators and other groups seeking tax relief, but we all need to be open to compromise. Tax relief will need to be a bipartisan effort. And it will be something that we all do together for the good of our entire state. Let's roll up our sleeves and get the job done. We have our work cut out for us. But I have no doubt that we're up to the challenge. When we are here in the State Capitol, let's do what's right for the hardworking people of Nebraska like Eric and Miranda Jones. To make that happen, we have to remain laser focused on growing Nebraska. This session that means cutting red tape, balancing the budget, and delivering tax relief. Nebraskans expect results. As demonstrated during time of war, in the midst of natural disasters, and on the walls of our State Capitol, the character of our people is to work together. In doing so, we will continue to make Nebraska the best place in the world to live, work, and raise a family. It's hard to believe that this will be the last session for several of our most experienced members who are term limited or retiring. They have collectively made significant contributions to the state. Please join me in recognizing Senators Baker, Brasch, Harr, Krist, Larson, Schumacher, and Smith for all their work over the last several years. When the University of Nebraska named Scott Frost the next head football coach--okay, you knew I had to go there, right, you knew I had to mention Scott Frost--he offered a formula for winning that applies here. A lot of good people that care about this place working really hard. It's toughness. It's dedication. It's work ethic. And that's what Nebraska is. That's what the people of Nebraska are. Those words are valuable to our service here in the Capitol. As we turn the page and open the next chapter in our work, there will almost certainly be principled disagreements and heated debates, but for over 150 years Nebraskans have always come together for a cause bigger than themselves. We will draw upon their strength this year to address the priorities of the people of our great state. God bless you all in your work. God bless America. And God bless the great state of Nebraska.

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January 10, 2018

---

PRESIDENT FOLEY: Thank you, Governor Ricketts. Would the Escort Committee please assist the Governor and First Lady as they depart the Legislative Chamber. If the Legislature would please come to order, we're going to resume the session. Mr. Clerk, do you have items for the record?

CLERK: I do. Mr. President, new bills. (Read LB944-956 by title for the first time.) In addition to those items, Mr. President, I have hearing notices from the retirement systems committee, the revenue committee, the government military and veterans affairs committee, natural resources committee, and the executive board and health and human services all signed by the respective chairpersons. In addition to those items, Mr. President, I have hearing notices from the Retirement Systems Committee, the Revenue Committee, the Government, Military and Veterans Affairs Committee, Natural Resources Committee, and the Executive Board and Health and Human Services, those all signed by their respective Chairpersons. In addition, Mr. President, an amendment to be printed. It's an amendment to LB44 by Senator Watermeier. That's all that I have, Mr. President. (Legislative Journal pages 252-260.) [LB944 LB945 LB946 LB947 LB948 LB949 LB950 LB951 LB952 LB953 LB954 LB955 LB956 LB44]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Members, pursuant to the agenda we will move to General File. Mr. Clerk.

CLERK: Mr. President, LB321 was the bill discussed yesterday. It is originally offered by Senator Lowe. (Read title.) It was introduced in January of last year, referred to the Judiciary Committee, advanced to General File. There was an amendment to the bill, adopted by Senator Schumacher. I do have other amendments pending. [LB321]

PRESIDENT FOLEY: Senator Lowe, would you like to take a couple of minutes just to refresh us on the bill? [LB321]

SENATOR LOWE: Thank you, Mr. President. LB321 is a simple bill. In the beginning, it just took the word "rifle" out of the clause, which read: firearms may be lawfully possessed by a member of a college or university rifle team within the scope of a person's duty as a member of a team. Concerns were brought by other senators: Senator Harr, Senator Schumacher, Senator

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Rough Draft

Floor Debate  
January 10, 2018

---

Chambers, Senator Ebke, Senator Briese, and those concerns were valid, and I'm welcome to them and happy that they were brought. Right now, we're discussing changing the law from a rifle team to being able to have other competitive teams such as shotgun, other competitive shooting, pistol shooting. And I have met with the university rifle team instructor and the university itself, and they are in favor of this. We are going to work together to choose the words carefully so that this is a good law. Senator Chambers brought up that the law, as it is written, is a bad law, and we're going to work to get it to become a very good law, a good law for all the colleges and universities across the state. I would move that we advance the bill as it is, and when it is on Select, we will take time to come up with the amendment that needs to be there so that the concerned parties are happy. Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Senator Lowe. Mr. Clerk. [LB321]

CLERK: Mr. President, Senator Chambers offers a priority motion. He would move to bracket the bill until April 18, 2018. [LB321]

PRESIDENT FOLEY: Senator Chambers, you are recognized to open on your motion. [LB321]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm not going to let this bill go. I'm going to fight it as long as I can. See, you all on this floor don't think about what we're doing. You probably were ridiculing all of the efforts I put forth, and I was trying to save you from your own selves looking stupid. Senator Lowe took it seriously. He talked to some people. I'm taking him at his word. And the bill as offered and with these amendments that are proposed, it's still not a good bill. Suppose I would have allowed it to go, like you all do, because you don't think and you don't care and you have no concern about the integrity of the Legislature as an institution or our processes. But I do. There will be other bills that don't relate to guns that I will do the same thing on because you all get bills given to you, and you don't read them. You don't understand them, and you don't care. You just throw in it there and that's what you feel your duty is, and it ends. Congress, Senator Lowe, will make the same blunder that this idiotic Legislature makes. There was a guy who was to be head of an agency and he was called the drug czar. And there were people who said they were told certain things so they supported a bill that would have let this activity occur. All of them said that they hadn't read the legislation, but they

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---

went by what other people told them--lobbyists and those who supported it. Had I been there, that wouldn't have happened because unfortunately I read this trash that you all bring, and I pay attention to it. I take it seriously, not because what is brought is meritorious, but I'm taking seriously my duty as a legislator. I will not allow anybody to encroach on that or prevent me from doing what I think I ought to do. I'm going to do it day after day after day. In the same way that I've done it year after year after year. In the same way I've done it decade after decade after decade. You all will have a bill or two and you present that, then you feel you have done all you need to do for the session and you go away. I have to stay here and undo the damage that you all have done, and prevent other damage from happening that will occur because you all bring this trash and are unwilling to do the work necessary to turn it into worthwhile legislation. I'm just serving notice on you all. That when I make you a promise, I'm going to keep it. Sometimes I will utter what is not really a promise, but say that I intend to do this or I may do that, but when I say this is a promise, that is elevating it to a level above just ordinary conversation. As an example of that, I promise the members of the Exec Board that I will not come to anymore of their misreferencing sessions, and that's a promise I'll keep. For the rest of this session, I will not attend any referencing sessions by the Exec Board. It's a waste of my time. They had no respect for our system, and I have no respect for what they're doing. And while they're doing what I don't respect, I not only don't have respect for what they're doing, I don't have respect for them. Just as nobody here...or very few, if any, have any respect for me. And you think that makes me any difference? I didn't come here to be friends with anybody. You're not going to go home with me, and I'm not going to go home with you. I don't socialize with you. I don't eat with you. I don't go anywhere with you. I don't intend to and don't even want to. You are not an essential part of my life. You are a part of what I have to do while I'm a member of this Legislature. But I'll tell you this also, regardless of how hard I work, this Legislature is neither my life nor my wife. But when I undertake to do something, I do it the best that I can out of respect for myself, my own self-respect is what counts to me, and it counts to me more than anything anybody here or anywhere else can say. Matters not. You all can't say that. You duck your head; you run and hide. The Governor tells you to do this, and you do it. But not me. Then the Governor gets his little feelings hurt. Sometimes the Lieutenant Governor gets his little feelings hurt, but when he gets involved in legislation, as he has done, then he's the target also. A man ain't nothing but a man. I don't care what kind of label or badge or title he wears. What counts to me is what I think of me, not you, not your mamma, not your daddy, not anybody. But I'll assure you of this, you will

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Floor Debate  
January 10, 2018

---

never be able to treat me better than I will treat you. Those of you all who make these grandiose claims before you get down here of how you're going to put me in my place and control me is just the piffle that silly, ignorant people make because they don't know what's going on or what is talking about, but that plays to the rubes and the empty-headed people who will vote for them. When they come here, that is what they say and will do will make a difference to me. And how they treat me is how I figure they want me to treat them, and I will give it to them. So when a bill like this comes, I'm going to take the time, and maybe some of you all in your committees will say, maybe we ought to look at that a little bit more and have time on the floor. But can I let you in on another little tidbit. There is a side of me that is pleased when these trash bills come up because it gives me something to spend a lot of time on, and by spending time on it, there's less time for the other trash bills. I don't have to read and study all those trash bills, I can familiarize myself with this one. And as I look at it, I see other things that may need modification, so I will have amendments to offer. Will it go to a cloture? You don't know what's going to go to cloture. You don't even know what the cloture rule is now. I started to fight against what the Speaker was talking about doing it, the way he was going to do it, and even make a rules change suggestion if necessary. Then I decided to leave well enough alone. If he behaves in a way that I think is arbitrary, I will object, but I can adapt to anything that occurs here. And if I think there is an undue cutting off of debate on bill A, well, bill B is right behind it. And maybe prior to what had been done on bill A, I didn't even care about bill B. I will then deal with bill B and make that arbitrary rule be imposed on bill B also. Then bill C and bill D. When these trash bills come, my work is very easy. They don't require any expenditure of intellectual capital as far as the concepts that they have, so I don't have to worry about trying to fashion amendments that will make a bad bill better. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: A bill that is bad but nevertheless may have some merit. I can just be an iconoclast. I'm not a iconoclast. I'm not iconoclast stick all of the time, but I know how to be that way. You all don't believe me. You think that when I'm nice that I have become weak. You think that because I'm old I have become tired. Do you all realize that I am carrying the load for all of the old people in this state? That they pull for me. They might be saying, by god, I can't do it, but Chambers do it and show them what we can do. Now how am I going to let people down

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Transcriber's Office  
Rough Draft

Floor Debate  
January 10, 2018

---

who feel that way about me and the work that I am doing here? But even when it comes to people like that, I will work with them... [LB321]

PRESIDENT FOLEY: Time, Senator. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. Debate is now open on LB321 and the pending bracket motion. Senator Krist. [LB321]

SENATOR KRIST: Thank you, Mr. President; good morning, colleagues, and good morning, Nebraska. I'm going to take a little poetic license here and take a springboard off of what Senator Chambers just talked about, which is he is defending and speaking for the elderly or was it the old? I'm not sure. I don't want to take words out of your mouth, but I...old...okay, thank you, Senator, for clarification. I'm going to take a few minutes of your time and, first of all, thank the Governor for his words about being here for ten years and doing everything that I could, but I'm going to tell you that I took on the mantra and mission to take care of our kids years ago, and I want to bring to your attention a handout that I sent out around this morning--Juvenile Justice Institute. Folks, we, you, passed legislators, formed the JJI, the Juvenile Justice Institute at the University of Nebraska. And you should be very proud of that effort because those folks are continually collecting data and trying to give us evidence-based information to make the best decisions we can. As they say, garbage in, garbage out. Well these folks are helping us by giving us good information on the front side so we can make good decisions on the backside. It's pretty detailed and it will tell you what's happening. Those of you who are defenders of unfunded mandates, I want you to pay particular attention to this because this money goes to the counties and to the local communities to do the things that they need to do based upon evidence-based information and taking care of our kids. That money needs to be preserved. So as you make decisions moving forward in the next four, eight years that you are here, make sure that when you talk about those community-aid dollars, that they are protected in the budget. The Governor was very emphatic this morning about taking care of our kids. This is one of those programs that if you unfund it, if you unfund it, you will do serious damage to a structure that has been put in place methodically over the last at least six to seven years by many more people than I, and I'm

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

Floor Debate  
January 10, 2018

---

not taking credit for this effort. This all started years ago in terms of putting things together, and has been a function of juvenile detention alternative initiative, which has been in the state that I helped co-chair and now Senator Vargas has taken those reins over with Mr. Steel. I do want to make sure that people understand that this time on my mike is not a personal time. This is something that I think is very important moving forward, and a piece of information that's critical for you to absorb. The last thing I'll say about this is that the Crime Commission and this administration has done away with Title II. Title II was a program that came into the Crime Commission and we're, again, making sure that we kept that data alive and well, and there was some federal mandates in term of how to do that. They did away with that program, and we are having issues trying to keep that documentation process alive and well in the Crime Commission. So pay attention to those things, and when Senator Vargas, in the future, makes his announcements about important issues or when you hear about a juvenile justice or juvenile issue, if you have any questions, the JJI is the place that you can get the answers to all of your questions. Thank you for your courtesy. Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers. [LB321]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, that was a very good presentation Senator Krist made. It dealt with a very serious, pressing, ongoing issue, which in a so-called pro-life state should not have to be dealt with in this fashion. You hypocrites run around here talking about you care about fetuses, zygotes, and embryos, but you don't care about the children who are here...the children who are here. Politicians and others who negotiate to try to reach a compromise, and when I say others, I mean like the heads of state who might be looking at each other with the possibility of launching a war. They talk and try to see if they can reach what is called an accord. You can call it a compromise where at least for the time being you turn the temperature down. People allow that part of their brain to take over where they reason and think about the facts before them, the actions that might occur, but they then begin to look at the overall consequences and whether or not it wouldn't be wise for everybody to step back and let things cool. As Alexander Hamilton or John Adams or...I could go through the names of some of those on the money...Thomas Jefferson, they take the heated propositions, they say legislation, that will be produced in the House of Representatives and that is poured on to the senatorial saucer to cool. That's why they had saucers in the old days. When you got your tea or



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

Floor Debate  
January 10, 2018

---

your coffee, you'd pour the liquid into the saucer so you wouldn't do like we plebeians do--take a cup of hot liquid and blow on it and make a bit of that surface liquid cool enough for us to drink without burning our lips. And now if we poured it on the coffee...on the saucer, we would be considered boorish. But at any rate, the heated material that came from the House of Representatives where the riffraff were sent, where they put their feet on the desks, where they chewed tobacco, where they carved sticks and carved names and other things into the desks, and some of these things are still there now. Spit for the spittoon, if they missed it, it went on floor. Those are the boorish kind of people who you call the Founding Fathers. One of the Founding Fathers, I guess he would be considered one, named Preston Brooks from South Carolina did not like a northern senator named Charles Sumner who is what would be labelled liberal. He didn't like something that Sumner said about his state. He felt Charles Sumner had insulted his state. Charles Sumner was a large man. Preston Brooks was a coward. And he would not face Charles Sumner man-to-man, to use that expression, so he took this heavy hickory cane and when Sumner was sitting at his desk, Preston Brooks attacked him on the floor of the Senate. You all probably didn't know anything about this because you don't read history. And beat Sumner to a pulp. Sumner tried to stand up, but his knees were under his desk and he couldn't free himself, and the heavy blows rendered him incapable of doing so. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: And he had carry-overs from that beating the rest of his life. Bad things happen in the U.S. Senate where they had only white men, the Founding Fathers. Who talks about the "founding mothers" who had to put up with those Founding Fathers and they could have done a service to everybody if they would have had antifreeze and could have put some of that sweet-tasting fluid in their coffee or their tea. But they didn't do that service. They tried dutifully to do what women were trained and conditioned to feel they were supposed to do. Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Chambers, you may continue. [LB321]

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

Floor Debate  
January 10, 2018

---

SENATOR CHAMBERS: Here's what I was getting to when I digressed. But I'll have plenty of time to talk because I'm going to craft some amendments to this bill that will allow me to go on and on and on. I already have the term "old". I don't want to be called senior; I don't want to be called elderly; I want to be called old. Nothing is wrong with being old. Old is a very worthwhile usable word. There are two testaments: the New Testament, not the senior testament, not the elderly testament, but the Old Testament. They don't talk about the senior ways, the elderly ways, they talk about the old ways. Do they talk about the good senior days, the good elderly days, or the good old days? When it comes to that river, that long, wide river, and they wrote a song, how would that song sound like? (Singing) Senior man river...or (singing) elderly man river...but instead, Old Man River. So I don't mind being referred to as old, and that's the way I address or describe myself. I am going to create opportunities for this old man to take plenty of time today and at least tomorrow and maybe the next day; and depending on how I feel, and old people are subject to moods, and maybe the day after that. This bill should not have been brought out of committee. I'm not condemning the committee, not by a long shot. People don't read these bills in the way that I read them. So on its face, there is nothing ominous about it. But what concerns me is anything that allows the proliferation of guns, where currently that was not the case. The purpose of this bill is to allow a proliferation of guns. I watched how the people who worship guns and the NRA did a bill yesterday that had a lot of merit. And it just happened that guns were the topic, but the underlying issue was much broader than that, much more serious. It had to do with a fee that was designed to hold harmless the counties which had a duty placed on them by the state. That amount had not been changed for decades. The bill was to make a modest change, but since the word "gun" was involved, people went crazy. And they behaved like insane people. Jesus had disciples who were about as smart as the people on the floor of this Legislature. Maybe they were a bit smarter. And they were upset. They said, Jesus, there are these people running around here talking, but they're not with us, they're not going the way you said. Jesus listened to these dumbbells, like some of us have to do, and when they got through fulminating, Jesus said, leave them alone. They are blind. They be blind leaders of the blind. And when the blind lead the blind, they both fall into the ditch. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

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

Floor Debate  
January 10, 2018

---

SENATOR CHAMBERS: The blind were leading the blind on this bill, and you all fell into the ditch. On that bill yesterday, it wasn't the blind, it was the malicious. There was a malevolent spirit set loose on this floor by Senator Larson. And let me tell some of you all something because there are rumors and rumblings around here. I'm not going to apologize to any of you for anything I say on this floor. I can't say I'll never do that. But you're not going to come to me and say you offended somebody who has been offensive to other people and that I shouldn't have offended him. Sitting up at a committee hearing eating his lunch. That's the one y'all selected to be head of a committee. And I'm not saying it behind his back, I'm saying...he's not here now, but I've said things like this to his face. He's the one who has taken over the Executive Board.

[LB321]

PRESIDENT FOLEY: Time, Senator. [LB321]

SENATOR CHAMBERS: He does the dirty work for people out...oh, you said time? [LB321]

PRESIDENT FOLEY: That's time, Senator. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Seeing no other members wishing to speak on the bracket motion, Senator Chambers, you're recognized to close on the motion. [LB321]

SENATOR CHAMBERS: Thank you. Mr. President, we can have motions, emotions, and commotions. This morning, I may have created a commotion, but I'm not going to back away. And if you all's little feelings get hurt, come tell me and let you and I work it out. That grumbling behind people's back is silly, it's childish, and it's cowardly. You will know what my views are because I will tell you. Am I still stung by what happened on that bill yesterday? I certainly am. When I had talked about being perceived as the most anti-law enforcement person on the floor, I was trying to call your attention to something, that I would support that bill not out of a blind acceptance of anything any person in law enforcement would say, but I accept it despite the fact that some people in law enforcement have said it. Farm people, rural people have said on this floor; I think Loran Schmit used to say it--even a blind hog will find an acorn every

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

Floor Debate  
January 10, 2018

---

now and then. Everybody has said that a clock that has stopped gives the correct time at least twice a day. So if a stopped clock can give the correct time twice a day, a blind hog can find an acorn every now and then, law enforcement people are not going to be off the beam on everything that they say. And while, whereas you all herald them when I'm criticizing them and you make them almost like gods who can walk on water, when time comes and they bring you something which is valid, you just give them the back of the hand and disregard what they've said because you have something other than what the issue is before us on your mind. That bill ought not to have been killed yesterday. But it didn't surprise anybody. It certainly didn't hurt me. I'm not going to buy one of those certificates, so it doesn't help me. I'm not a county employee, and if I were, it wouldn't hurt me because they would just pay me more money to do the work that has to be done to process those certificates. It won't hurt me because I'm not on the county board that has to ante up money to pay the cost of carrying out a duty that you all as members of the Legislature put on the county. And at the time you set a fee which was designed to hold the county harmless in terms of not being put into a financial bind by carrying out what the state said they should do. But then in came the NRA. It says guns. Up pops Senator Hilgers. Up pops Senator Larson. He's got other things that bother him beside that. This was just a way for him to use a stick to try to hit somebody with. You know a funny thing? When all of that noise was being made about me not living where I live, I had utility bills decades old. I had registered from the same place for decades. I had mail coming to me, legal, official at the same place. I had house insurance for decades. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: I never lived in a basement someplace way out in the country. No letter had ever been sent to me, postcard, checking whether I live where I vote. And I don't respond to it and it goes back and goes back, then they send a letter and that's not responded to either. And I'm living all kind of places: basements, huts, lean-tos, and he's white, and white people don't say anything about it. But we're going to have a chance to discuss that...and a number of other things. So if, with all the documentation I had, the Legislature would take seriously and waste time and tens of thousands of dollars on the silliness of...I think Senator Lowe was one of those silly people, too, who made some comments... [LB321]

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

Floor Debate  
January 10, 2018

---

PRESIDENT FOLEY: Time, Senator. [LB321]

SENATOR CHAMBERS: You said time? [LB321]

PRESIDENT FOLEY: That's time, Senator. [LB321]

SENATOR CHAMBERS: I want a call of the house and a roll call vote. [LB321]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is shall the house go under call? All those in favor vote aye; those opposed vote nay. Record please, Mr. Clerk. [LB321]

CLERK: 11 ayes, 4 nays to place the house under call. [LB321]

PRESIDENT FOLEY: The house is under call. Senators please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Members please check in, the house is under call. Senator Morfeld, you can check in. Senators Hughes, Bolz, Krist, Hilkemann, Stinner, Riepe, Harr, Senator Pansing Brooks, Senator Brewer, Senator Albrecht, please return to the floor, check in. Waiting on Senator Stinner--if you could please return to the floor and check in. All unexcused members are now present. The question before the body is the adoption of Senator Chambers' bracket motion. Senator Chambers has requested a roll call vote. Mr. Clerk. [LB321]

CLERK: (Roll call vote taken, Legislative Journal page 260.) 0 ayes, 44 nays on the motion to bracket. [LB321]

PRESIDENT FOLEY: The bracket motion is not adopted. I raise the call. Mr. Clerk. [LB321]

CLERK: Mr. President, Senator Chambers would move to reconsider the vote just taken. [LB321]

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

Floor Debate  
January 10, 2018

---

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your reconsideration motion. [LB321]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I like to create teaching moments. Poor Senator Brasch, poor "Repelican" Party, try to figure a way to make people vote publicly. Look what I've done. I have made everybody publicly go on record without a change to the rules. I did in this Legislature what Bismarck and Hitler had done in Europe. Each united the rest of Europe against Germany. Unlike what your President said, bringing people together, I have brought this Legislature together. You're acting as one. You're behaving on one accord with one mind, like a group of lemmings. But nevertheless, I have welded and melded you into one entity. You now behave like ants, which have been thought by scientists to take on a collective identity and the entire group behaves as one. The entire group, they're no longer individuals behaving as individuals, in the same way that the cells in your body unite to produce a body. There should be some worthwhile things said during this time that we're spending together. And I think it's worthwhile to discuss some of the issues that are facing this country. One of them is a shyster, a liar, a hate monger, a racist. He's not knowledgeable enough to be neo-Nazi, but he's in line with them. I'm talking about Donald Trump. Now suppose when that liar whose lies have been documented, and before he will finish a statement, he will lie at the end of the statement about what he said in the first part of the statement. And yet, you all follow him. The "Repelican" Party follows him, even the Governor. Trump. When he gives his address to a joint session of Congress, suppose somebody, as they did with President Obama, would stand up and say, liar! You lie! That's what a white man said against the President. And nothing was said about it. White people went along with it. I watch the racism in this country. You talk about what's being said about Ivanka Trump. Some people call her "Ivanka Tramp." And that shouldn't surprise you. People know that...when Trump, before he decided to run for President, was talking to that guy who has the radio show, they call him the "Shock Jock." He was making statements about his daughter and her physical attributes. That's what Trump was doing. And white people didn't say, hey, man, you're treading on dangerous ground when you're talking about your daughter's breasts and her shape. They didn't say it. He bragged about grabbing women by the genitals. And you all don't...that doesn't bother you. Then you've got the nerve to get mad at somebody who may have said something inappropriate to an employee, which you should. But how are you going to get so upset about the little thing and then swallow the big

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

Floor Debate  
January 10, 2018

---

thing? Because Trump represents what white people are in this country, racists. And he says what white people want to have said, but now they're suffering from it. He went to those ignorant farmers and said the tax bill did you all a lot of good. And by the way, I'm going to get rid of NAFTA. Now the farmers are worried about NAFTA. That's the North America Free Trade Agreement which farmers need as a lifeline to other countries and to sell the products that they grow. And some farmers are so dumb they spend more for production than they can sell what they produce for. Then they want everybody to feel sorry for them and pick them up because they chose to get into a line of work that is not profitable. But those are white people looking out for white people. Some of the greatest comments that some people thought were great were captured in a cartoon that appeared this morning in the Lincoln Journal Star. There is a rendering of George Washington; over his head--"the constitution is the guide, which I never will abandon." Next to him, Abraham Lincoln--"with malice toward none, with charity for all." Next to him, a rendering of Franklin Delano Roosevelt. Their names are not given. I recognize them though. "The only thing we have to fear is fear itself." "Ask not what your country can do for you." And you all know who that is without me telling you. "America is, and always will be, a shining city on a hill." That's what old man Reagan said. I'm like really smart; I'm a stable genius. Does he belong in that pantheon? I'm really...I'm more careful with grammar...I have to read when people are so ungrammatical. I'm like, really smart; I'm a stable genius. A president defending himself in that way. Your president. That man who stood up here and talked to y'all today. I heard some clapping. I keep that little gadget on, the monitor, so I can come up here and participate in the activities that I agree to participate in when I became a member of the Legislature. And I heard the clapping, so I figured that he was probably leaving and everybody was relieved. And so I came up here. And that man is not much of a man when you judge him by the standards of ordinary men. Street people--people with street smarts who are not going to let you diss them or diss their parents. Trump dissed the whole Ricketts family. Dissed Ricketts' mama. And I was waiting for this man who can take bread out of the mouths of the hungry, deny medical care to all these white people in the rural areas. I'm waiting for him to show the same backbone and get up to this orange fellow who dissed his mama and his daddy. And he didn't. I was waiting for daddy Ricketts to say something. That's my wife and you're talking about me and I run Ameritrade. I'm not as rich as you are, but I'm rich. You're not going to say that and get away with it. You know what he had said? Because mama Trump...I mean mama Ricketts had taken a public position against Donald Trump. He wasn't President then. Then here's all Trump

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

Floor Debate  
January 10, 2018

---

said: those Ricketts better be careful because they've got a lot to hide...words to that effect. All of a sudden, all went quiet on the western front. All of them were struck dumb, couldn't talk, couldn't utter a word. And more than that, they donated tens of thousands of dollars to Donald Trump. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: He made them all swallow spit and take low and become like the dog who returned to his vomit. And now, Ricketts praises Trump and says what an honor it is to work for him. Excuse me, I used the wrong word. Work "with" him...honor to work with his administration. Well, birds of a feather flock together, huh. Evil companions corrupt good manners. You know a man by the company he keeps. If you walk with those who are lame, you yourself will learn to limp. You all have heard those things. If you lie down with dogs, you get up with fleas. Huh. Well, my light is on, I will honor the rules and stop talking now. My time is up this time. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. Speaker Scheer. [LB321]

SPEAKER SCHEER: Thank you, Lieutenant Governor. As long as we're going down memory lane this morning, I thought I might as well get to the mike and correct Senator Chambers to one extent from a comment yesterday in talking about the university athletic program that the football program was the only money maker and it took care of all the rest. And it's also my opportunity to plug the women's volleyball team that did win a national championship this year. And I think the rest of the state, as we have signed a resolution, should be very proud of those young women and their accomplishments, as well as to mention that the women's volleyball team, indeed, does turn a profit, I think about a million dollars a year. So I just would like to give credit to those other programs. And there may be others. I'm only going to speak to the volleyball because that's the only one I pulled up. And indeed, it was profitable. They should be congratulated on their accomplishments. They are probably in the same stead as the Alabama football team. Certainly when you talk about dynasties in the volleyball world, Nebraska would be at the top of the list. So I would just like to congratulate the volleyball team publicly on behalf



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

Floor Debate  
January 10, 2018

---

of our body. We have a resolution going to them that the entire body has signed. And more to the point, they were profitable. So thank you very much, Lieutenant Governor. [LB321]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Senator Chambers. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. I would like to engage the Speaker of the Legislature in a colloquy, if he would agree. But for you to all understand, if he would answer a question or two. [LB321]

PRESIDENT FOLEY: Speaker Scheer, would you... [LB321]

SPEAKER SCHEER: I would be happy to, Senator Chambers. [LB321]

SENATOR CHAMBERS: Senator, what I had said yesterday is that the football players are the only ones, the only category of people at that university who bring in large amounts of money. But without quibbling on that, how much money is Scott Frost going to be paid for his seven-year contract? [LB321]

SPEAKER SCHEER: I believe that is \$35 million. [LB321]

SENATOR CHAMBERS: How much is the volleyball coach paid a year? [LB321]

SPEAKER SCHEER: You know, I think it's around, uh... [LB321]

SENATOR CHAMBERS: Not around. Tell me the exact amount. [LB321]

SPEAKER SCHEER: I don't know the exact amount because it hasn't been in the paper, otherwise I probably would, but I would tell you that I believe it's in the neighborhood of a million dollars. [LB321]

SENATOR CHAMBERS: Makes what? [LB321]

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

Floor Debate  
January 10, 2018

---

SPEAKER SCHEER: A million dollars. [LB321]

SENATOR CHAMBERS: Are you sure? [LB321]

SPEAKER SCHEER: I think that's in the real close vicinity, yeah. [LB321]

SENATOR CHAMBERS: Not think, are you sure? [LB321]

SPEAKER SCHEER: I'm sure that I am in the neighborhood, yes, Senator. [LB321]

SENATOR CHAMBERS: My point is made. Thank you. Members of the Legislature, anybody who understands reality of the athletic world knows that football is the driving engine when it comes to generating revenue for a university. That football program is making so much money, and part of it because they've joined the Big Ten and get additional money, that they're laying money aside for scholarships to non-athlete students. I don't know how many people knew that. I don't know how deep the Speaker's research went. But if people pay enough attention and it gives them satisfaction to catch me in my words, I think that's a good thing. I should be called to task just like I call others to task. And you should hope that the biggest thing somebody can find that they may disagree with that you said...or didn't say was that volleyball players bring money to the university. Volleyball has never, never been a major sport anywhere. It can take on the proportion of having a lot of significance when a volleyball team wins a national championship. And especially for the people who live in the state where that occurs. The Legislature passed a resolution complimenting the team, and 49 people who are in the Legislature signed it, which means I signed it too. But I'm the one on this floor who has been more concerned about women than anybody else if you look at my record. I was the one who got the legislation and intervened to make sure that the university, which had taken two scholarships from two female gymnasts because they were hurt, and gave them to other students, I was the one who got those scholarships back. Not anybody on the floor of this Legislature. Not any other public official said anything. And the family didn't even acknowledge it. But I didn't do it for that reason. That's one of the things. When they had a female basketball coach who was not being adequately paid, I intervened on her behalf. And they were talking about when the program brought in more money, then maybe the salary would increase. And I said that reduces her to the level of

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

Floor Debate  
January 10, 2018

---

somebody who earns a living on the street. The more customers she brings, the more money she makes. And that's insulting, demeaning, degrading, and not another member of the Legislature or anywhere else in the state said anything. When some guy left a lot of money to build...I shouldn't call it a lunch room, but a dining facility for the football players, and they were entitled to it.

[LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: The female athletes were going to get a remodeled room in one of the dorms, and I took issue with that. And not a puppy whimpered in this Legislature or anywhere else in this state for the women's team. But the women didn't count. When the Legislature had a law that allowed female state employees to get a lesser payout when their pensions came due, I was the one who took issue with that and said they pay in the same amount, they're entitled to the same payout. And the rationale for doing differently was given by then Senator Beutler who said women live longer. That has nothing to do with anything. They should have gotten an equal pension payout. And to make a long story short, the law was changed... [LB321]

PRESIDENT FOLEY: Time, Senator. [LB321]

SENATOR CHAMBERS: ...because of me, not the people here. [LB321]

PRESIDENT FOLEY: Time, Senator. You may continue, Senator, on the next round. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. All those involve white women. You white women, that's what your white men think of you or don't think of you. You know what else I did? This was before a black woman had ever been in the Legislature. Female senators were referred to as Miss, Mrs. And I objected. I said when they are referred to in terms of their membership in this Legislature, it should be Senator because that's what they are here doing, being senators, not being somebody's wife. So then the senators were referred to...the female senators as Senator. You all didn't know that, did you? Didn't even occur to you. None of these white men certainly. I'm glad that one white man thought to say something about the volleyball team to try to catch me in my words. But he still cannot deal with the real issue that I raised. The huge amounts of

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Rough Draft

Floor Debate  
January 10, 2018

---

money that the athletes who play football bring in as opposed to what anybody else at the university does. They do generate huge amounts of money. They have all kinds of equipment that football players can wear so that if they have sprains, they can play. If they have strains, they can play. If they have sore ribs, they can put on semi-flak jackets. If they have bad knees, they can put on braces. They play when they're hurt. They play when they shouldn't play. And they've gotten what are called concussions that people are now familiar with; to make money for people who have no respect for them. Except me. And then this Frost person is so cold, he says he wants to go to an 18-playoff situation, which means more time out of the classroom, more time given to practicing, more time on the field running the risk of injury because they don't care about these players as human beings. They're expendable. And you let one get hurt badly enough, and he's off the team. Do you know that coaches can leave a school in the middle of a contract period? Did you know that? Did you know that if an athlete wants to transfer from a school, the school where he was attending can put the kibosh on it so he can transfer, but he cannot play or participate at the school he went to. Did you know that? That's how you keep the stallions in the barn. Who on this floor cares about it? The Speaker doesn't care. He probably didn't even know it. But see what I provoked him into doing. In trying to show how much they know, they show how little they know and how little they really care. Let me see if there's anything else I can think of. Let me go into a little more detail about this pension. Here's how I argued. First of all, not every woman lives longer than every man. Secondly, if she goes to the grocery store and says, I want a quart of milk, the grocer, if the grocer does the work, or the clerk if it's a larger store, doesn't say, are you receiving a pension? In which case, we will charge you less because you get less in your pension payout than these white men get, so you pay less for milk, you pay less for bread. Everything that they purchase costs as much as what these white men purchase. But they got less. That was the way this unfair Christian state was doing. White governors, white legislators, white attorney generals, white judges, everything white. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: White nationalism. But they didn't care about the white women. And you know who brought to my attention what was happening to them? A black woman named Cynthia Grandberry. She became aware of it. And two black people led the way. And now white women who retire as state employees are treated the same way the men are. You all didn't know

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Transcriber's Office  
Rough Draft

Floor Debate  
January 10, 2018

---

that, did you? Because you don't know anything. You don't know anything about me. You're not in a class with me. And I'll tell you why, because you don't care the way that I care. I'm not looking for a handout from anybody. And I don't want to see anybody mistreated. And I see it all around me. How much time do I have, Mr. President? [LB321]

PRESIDENT FOLEY: Three seconds. Time. You may speak again, Senator Chambers. [LB321]

SENATOR CHAMBERS: Let me tell you all something else. Right over there where they've got that camera, they used to have a lady or a gentleman who would operate a camera for ETV. One of them had on some garments, and she had on very dark underwear, and you could see the outline of it. And one of the senators came over to me...a guilty conscience needs no accuser. He said, Ernie, now I want to tell you, when I said something to her, I didn't mean anything at all. She hadn't said anything to me. But he knew that women around here complained to me when something inappropriate was said. So he told on himself. They knew how to protect them. These senators in those days would make inappropriate comments to the pages. And one told me this. He was supposed to be a strong Christian. He wanted some coffee. She brought it. And you know what he asked her? Do you lick? And when she looked shocked, he added stamps. And she came to me, and she was very, very distressed. And I talked about it on the floor of the Legislature. And I said these young girls don't come here, sent by their parents to work here, to be treated in that fashion. They give them the impression that these are leaders of society, that they set the standard. But that's not all. Some of them put their hands on these young girls. So I stood up and talked about that. And a senator who sat where Senator Erdman sits now, that's on the end of the line so people can locate him, I don't remember his name, but he was way back in the dark ages. I mentioned how these senators are putting their hands on these young girls and they ought to keep their hands to themselves. And he stood up and he said, Senator Chambers, I don't think you ought to make statements like that which reflect on every member of this Legislature. And after he made his indignant statement, like they did when they were attacking me about something I said about ISIS, he sat down. And not one to take a slight and let it go, I stood up and said, well, Senator, and I looked at him, like I look at you all sometime, I said--do you want me to give the names of the senators right here that I'm talking about? He said--no, no, no, no. He knew. He didn't want me to call him out. And he knew that I would. So here's what I said. I'm going to spare you. I'm not going to make you fall out with your partners because I

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Transcriber's Office  
Rough Draft

Floor Debate  
January 10, 2018

---

would have called their names because of what they heard you say. They were probably shaking like a leaf on a tree thinking I'll do it anyway. But I'm not going to get you. I'm going to give them a chance. Here's what we're going to do. We're going to have a process where we dust these young women with a powder. Then at the end of the day, we're going to dust them for fingerprints. And any senators' fingerprints who are on any of these young ladies' clothes we'll notify his wife. And there was no more in the way of complaints that were brought to me. Why would these young white women come to me complaining about what these white men were doing? Men white and old like their fathers, like their grandfathers, and a black man whom they probably spoke about in terms of the "n" word at home, who was more man in his little finger than all of them put together. And you think I'm going to run around here scared of these people? Not saying what I have on my mind? Governor Exon was here some years ago. I had an office up on the third floor. And this white woman came in the door, she was dishevel, face red, she was busty, and her blouse was askew. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: And she came in, I said, what's...Cindy was there too,...I said what's the matter? What's the matter? When she composed herself, she mentioned this man who works for the Governor and said he had tried to take her blouse off. I said did you tell the Governor? She said I'd lose my job. I said not for that. She said I'm afraid. I said I tell you what, I will take you to the Governor. And I put my jacket around her...or Cindy's, whatever it was. I called Jim Exon first and he said don't bring her in the first door, bring her into my office at that back part of the door. So that's what I did. She told him what happened. She wanted me to stay there as her protector. And all he did was transfer the man to an office in western Nebraska. He's probably dead now just like Jim Exon. Those are the things that I was doing in this Legislature. [LB321]

PRESIDENT FOLEY: Time, Senator. Senator Chambers, you're... [LB321]

SENATOR CHAMBERS: Is that my third time? [LB321]

PRESIDENT FOLEY: You're recognized to close now on your motion. [LB321]

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Transcriber's Office  
Rough Draft

Floor Debate  
January 10, 2018

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SENATOR CHAMBERS: Thank you. And I've got additional amendments that I'm going to put up there. I'm going to teach you white people something today. And you know what I've had somebody call me about? Why do you say "you white people"? I said, are you white? He said, well, yeah. I said, what did I say that offended you. He said, you said, you white people. I said well you're probably one of those who get upset when we say to white people...don't refer to us as you people. You all think nothings wrong with that. But then when I put you in front of what you are, you get offended. And you know what they're offended about? My tone of voice. I'm not respectful enough. I'm not humble enough. I don't show fear, I don't back down, I don't take low, I don't swallow spit, and I don't hide what it is that I think and what I believe. There have been some senators who...I think Lautenbaugh probably thought...because he was as big as a house...that I was going to come in here and be afraid of him. Me! And I talked about maybe I'm no bigger than a minute, but no man is going to intimidate me because he's big. He used to sit in that seat too. And then I didn't want to threaten him because cowards get fearful. In fact, Lautenbaugh used to call my good Italian compatriot, Senator Murante, used to call him "pizza face." And I objected to it. I said that's not right. These terms have something. It would be like you calling a Latino "taco face." And I know what you'd call me if you weren't afraid. I'm preparing a motion. But I'm doing it on my own time because I'm enjoying what I'm doing so much. We're like the Bible. On the day of Pentecost, they were all together assembled in one place and tongues of fire set upon each one and they spoke in other tongues. I'm going to speak English. I've heard some people say that Latinos and others don't speak English very well. I said, well, people on this floor don't speak it very well either. And then if one of them asked me, do you understand English? I said, yeah, when I hear it spoken. I don't take low on these people...as far as these people are concerned. But there are many, many issues that need to be brought to the surface. Now, even the Speaker, who in a yeoman fashion, wanted to attack me and put me in my place. Didn't do a very good job, but at least he tried to do it and he tried to do it where I am. And I'm sure there are people who will scoff when he tried to compare what he calls revenue brought in by the volleyball team to the revenue brought in by the football program. Intercollegiate football is a multi-billion dollar now entertainment business. And all of the people who make the money from it don't want the players to get anything. And I think they should get a part of the money that they produce. But that would be another topic I'll speak about from time to time. And I think this afternoon when we come back on this bill, if this is the one...oh, we're

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Rough Draft

Floor Debate  
January 10, 2018

---

going to talk on another bill of Senator Lowe. Hmm. I've got to prepare something for that bill.  
[LB321]

SPEAKER SCHEER PRESIDING [LB321]

SPEAKER SCHEER: One minute. [LB321]

SENATOR CHAMBERS: I think it has to do with motorcycle helmets. I have voted in favor of that bill from time to time. Do away with the helmets. I can't say now that I'm going to vote for it because I've seen some vindictive things done on this floor. And I've seen in the paper where you said you got enough votes so you don't need mine anyway, but I won't throw a rock and hide my hand. I have made up my mind. What I'm saying now, I will not say categorically I will vote for the bill. I will not say categorically I'm going to vote against the bill. But that now is in play as far as I'm concerned. I think it's time for me to start connecting up things that happen in this Legislature and attaching them to bills... [LB321]

SPEAKER SCHEER: Time, Senator. [LB321]

SENATOR CHAMBERS: ...other things and turn this into a specific... [LB321]

SPEAKER SCHEER: Time, Senator. [LB321]

SENATOR CHAMBERS: ...type of session. Thank you, Mr. President. [LB321]

SPEAKER SCHEER: Thank you, Senator Chambers. You've heard the closing on the reconsideration motion. All those in favor, please vote...there has been a request to place the house under call. The question is, shall the house go under call? All those in favor please vote aye; all those opposed vote nay. Senators Bolz, Krist, Hilkemann, Lindstrom, Larson, Harr, Pansing Brooks, Howard, Hilgers, Vargas, McCollister, Morfeld, Wishart, the house is under call, please return to the floor. Senator Linehan, could you check in, please. Senator Krist, could you check in, please. Senator Bolz, Senator Morfeld, the house is under call, please return to the floor. Been a request for a roll call vote. Mr. Clerk. [LB321]



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Transcriber's Office  
Rough Draft

Floor Debate  
January 10, 2018

---

CLERK: (Roll call vote taken, Legislative Journal page 261.) 3 ayes, 36 nays on the motion to reconsider. [LB321]

SPEAKER SCHEER: The motion fails. Mr. Clerk. I raise the call. [LB321]

CLERK: Some items, Mr. President. New bills. (Read LB957-LB960 by title for the first time.) New resolution: Senator Quick offers LR278. That resolution will be laid over. Prints: Senator Chambers, a motion to LB321; Senator Larson to LB469A. Senator Watermeier would like to add his name to LB747 as co-introducer. Reminder: Reference will meet upon in recess. (Legislative Journal pages 261-263.) [LB957 LB958 LB959 LB960 LB321 LB469A LB747 LR278]

Mr. President, Senator Walz would move to recess the body until 1:30 p.m.

SPEAKER SCHEER: Thank you, Mr. Clerk. You've heard the motion to recess. All those in favor please say aye. All those opposed say nay. The ayes have it. We are in recess.

RECESS

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good afternoon, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber. The afternoon session is about to reconvene. Senators, would you please record your presence. Roll call.

PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Mr. Clerk, please record.

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

PRESIDENT FOLEY: Do you have any items for the record, Mr. Clerk?

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Transcriber's Office  
Rough Draft

Floor Debate  
January 10, 2018

---

CLERK: Very quickly, Mr. President, a Reference Report referring LB914 through LB943. New bills: (Read LB961-LB964 by title for the first time.) A series of hearing notices from the Judiciary Committee, Mr. President, and that's all that I have. (Legislative Journal pages 264-266.) [LB961 LB962 LB963 LB964]

PRESIDENT FOLEY: Speaker Scheer.

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. Two things. We will be having session tomorrow. So those of you that are concerned about the travel, please make arrangements to stay here in Lincoln. No slumber parties. And those that would be thinking of that know exactly who I'm talking about. (Laughter) But I will say, those of you that are heading home and if it is bad tomorrow, please do not put yourself at risk. It is a legislative day, but I do not want anyone to take undue risk for themselves and their family by trying to travel here. The world will go on. We would like to have everyone here, but I certainly understand that the conditions might be present that it may be hazardous to do so. So from that vantage point, use your own discretion, but please do not put yourself in harms way. This afternoon I've had a request by Senator Hilkemann and Senator Lowe, as I have done earlier. They have requested a shortened second three-hour period. Both will be receiving a ten-minute introduction on the helmet bill. We will have some debate on it and then Senator Lowe will request a cloture motion. And this was at the request of both individuals. I have done that previously last session on several occasions per the request of both the introducer and the opponents, and so I will continue to do that if requested by those people. Thank you for the time, Mr. Lieutenant Governor.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Pursuant to the 1:30 agenda, General File, 2018 Senator priority bill. Mr. Clerk.

CLERK: Mr. President, LB368 is a bill introduced by Senator Lowe relating to helmet provisions of passenger age limits. It was introduced in January of last year, referred to Transportation, advanced to General File, discussed last year, and again this year, Mr. President. When the Legislature left the issue, Senator Hilkemann had pending AM503 as an amendment to the bill. (Legislative Journal page 661, First Session, 2017.) [LB368]

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Transcriber's Office  
Rough Draft

Floor Debate  
January 10, 2018

---

PRESIDENT FOLEY: Pursuant to the Speaker's instruction, Senator Lowe, ten minutes.  
[LB368]

SENATOR LOWE: Thank you, Mr. President. We have had some great conversation about this bill this year and last year and the years prior. Thank you, Senator Bloomfield, for championing those. Thank you, Senator Krist, for doing the same. And we've had great discussion. At the end of the day, the fundamental question needs to be decided, is what extent we're looking for for government to regulate people's decision. Should government tell people, no, you cannot do that because it is risky? Or should government sit back and allow individuals to make their own choices, even if that choice is to lead to bad outcomes? Government has certain responsibilities but on occasion people will get into a pattern thinking that government should protect people from everything. That we need government because people cannot care for themselves or that people are not wise enough to make up their own minds, or that societal cost that supersedes all other considerations. And yes, here we will say that there is a societal cost from this bill that, so great government must be involved but there is ample examples of things we do not regulate. Regulated at a much smaller level and even things government actively supports that have a far greater societal cost than this issue. I believe, however, the people have an inherent right to make up their own minds and make up their own choices. I believe that Nebraskans have enough common sense to decide what risks they are willing to take on themselves. I believe this to be a quote by Ronald Reagan: Government exists to protect us from each other. Where government has gone beyond its limits is in deciding to protect us from ourselves. We are talking about freedoms, freedoms of people on this issue, the men and women who have brought this bill. They're not lobbyists, they're not large organizations, they are people. People who wish to do something. They're already allowed to ride a motorcycle, but all they want to do is to be able to ride it without a helmet. Helmets do not protect you from death in all accidents. We've been talking about TBIs and even those wearing the helmets still die from TBIs or still are injured while they're wearing a helmet. (Cell phone sound) I've got to turn that off. The...now where was my...let's see. TBIs, thank you. TBIs are a bad thing for anybody whether you're walking, riding a bike, skateboarding, riding in a car, or getting out of the bathtub. They happen. They happen with people on motorcycles. They happen with people every day. I'm not saying that by doing this there will not be any TBIs. I am saying that there already are a plethora of TBIs and the cost

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Transcriber's Office  
Rough Draft

Floor Debate  
January 10, 2018

---

from this by doing this for these people up in the balcony, is miniscule. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Lowe. Senator Hilkemann, ten minutes, please. [LB368]

SENATOR HILKEMANN: Thank you, Mr. President, and I want to thank Senator Lowe. He and I talked about this earlier and you're getting tired of statistics. We've...it's not that this issue has not been debated many times before on this floor, so we're not going to use three hours of your day to talk about this to give you more statistics. And with that, I'm going to share one final study that I want to talk with you about, and I want to talk about the last state, the last state that I'm aware of that repealed the mandatory helmet bill. And this is a report that occurs in the American Journal of Surgery. Now we're not talking about a little fly-by-night publication here. We're talking about the American Journal of Surgery, a well-respected surgical journal. And I'll read the abstract from it. In fact, if you happen to have your information that was passed out a year ago regarding motorcycle helmet laws, it indeed is there. But I want to talk about a couple of things in it. The abstract of this report is that Michigan repealed a 35-year mandatory helmet law on April 13, 2012. In this study they examined the early clinical impacts at a Level I Trauma Center in western Michigan. Now if you're not familiar with what means, but with a Level I, in Omaha we have two Level I Trauma Centers, University of Nebraska Medical Center and now Bergan Mercy. It used to be St. Joe's Hospital. I shared the story of Dr. Munyon who was at that Level I Trauma Center. This is where the most serious of the injuries that occurred. This is where they...this is where the emergency or the ambulance take the people. This is where people are life flighted to when they have these serious injuries. And what they did, the method of their study was to retrospectively doing this study on the outcomes among motorcycle crash victims and the seven-month period before and after the helmet law was repealed. The first seven months before, the seven months after. Here were the results. One hundred and ninety-two patients were included in this study. After the repeal...after the repeal, nonhelmeted motorcyclists rose from seven to twenty-nine percent. In other words, before the repeal only 7 percent of the people were driving without a helmet. After the repeal, 29 percent were. There was no difference in mortality rate after admissions, after admissions. However, crash scene fatalities increased significantly. Intensive care unit length of stay, mechanical ventilation time, and the cost of stay were also

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

Floor Debate  
January 10, 2018

---

higher in nonhelmeted patients. The conclusions of this report, our studies highlight the negative ramifications of repealing a mandatory helmet law. Motorcyclists not wearing helmets increased significantly when that law went away in a very short period of time. Nonhelmeted motorcyclists more frequently died on the scene, spent more time in the intensive care unit, required longer ventilation support, and had higher medical cost. That's in the American Journal of Surgery. If you've got that, it's an interesting study. I'm not going to bore you with the rest of the information that's there. We've gone through these statistics. It's interesting, I will say one thing. There was an article that appeared on CNN that on September 13, 2016, one of Michigan's representatives represented a Peter Pettalia, a Republican of Presque Isle, Michigan, was one of those senators who voted to repeal the universal helmet law. And on that day, he died in a motorcycle crash in his area. It was a typical type of an injury where a person pulled in front of him and he broadsided the pickup and was killed. Ladies and gentlemen, colleagues, on your desk today you...many of you know Senator Jim Jensen. Jim served in this body for 12 years, many of them as the Chairman of the Health and Human Services Committee. Jim is absolutely passionate about this. He has talked with me several times about this bill. I happened to see him yesterday at that Gambling with the Good Life. Jim said, how are things going? I said, well, we're having our helmet bill. He said, well, how's it doing? I said, well, we're going to go to cloture on it on Wednesday. He said, you know, why I'm so passionate about that? And I said, no. And he shared with me the story of his son, Jag, and last night he brought over to my home pictures of Jag and that's what you see on the front here. You see, that was his son, a 22-year-old student at Creighton University. Jag was a block and a half from his home when he hit a tree. He was not helmeted. He was life flighted to St. Joe's Hospital. He spent three weeks in a coma. He was 70 days in ICU. He was over a year in rehab. Jag had no insurance. Fortunately, he was still able to get covered under Senator Jensen's insurance, but at a cost of hundreds of thousands of dollars. And so Jim said, the question of does this affect anybody but the rider, he said, Woody, he said, are you kidding me? Our family spent 24/7 at Creighton University. Yes, he said, it's freedom for the rider, it's certainly not freedom for the family. It has been 30 years since that accident. Jag still walks with one leg shorter than the other. He cannot rotate or supinate his right arm. Jim said he's developing scar tissue on the frontal lobe of his brain. It's beginning to affect his memory and now recently he's developed problems with his jaw, thirty years later. They had to wire and put screws in his jaw at that time and now he's going to have to have some of those removed. It's an injury...a head injury is one of those injuries that can keep on giving, folks. That's why I'm

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Transcriber's Office  
Rough Draft

Floor Debate  
January 10, 2018

---

passionate about this. This is about public safety, safety for motorcyclists. We're not taking...  
[LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR HILKEMANN: ...motorcyclists off the road. We just know all the data shows that when you ride a motorcycle, you are safer to have that helmet in place. That's why I am...I'm a motorcyclist. I'm a cyclist. I'm a pilot. I enjoy risky sports, but we do know that one of the things that you can do is to wear a helmet. And I would never ride a motorcycle without a helmet, I would never ride my bicycle without a helmet, I would never fly an airplane without my safety belts in place. Folks, it's about safety and if we can save one family, if we can save one Jag Jensen's family from the pain of getting that call... [LB368]

PRESIDENT FOLEY: Time, Senator. [LB368]

SENATOR HILKEMANN: Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Pursuant to the agreement between the parties and the Speaker, we're going to hear from four state senators and then take up Senator Lowe's motion. The four senators are Senators Krist, Holloran, Briese, and Williams. Senator Krist. [LB368]

SENATOR KRIST: Thank you, Mr. President. We do have at least one or two members that still need to come back to the Chamber in order to have a full complement and give a proper vote to this issue so those four speakers, I would hope would take their full time to allow that to happen. There's no reason why this deal should not have been struck. It is up to Senator Lowe and obviously, Senator Hilkemann as the main opposition to come forward with the Speaker and in his own words a few minutes ago, he felt compelled to do that because he's done it in the past. He set that precedent and so I admire all three of those men for staying with their word and I think it makes for a more collegial attitude and process. I applaud Senator Hilkemann again for his opposition believing...telling us what he believes in and what other people believe in. Rest assured that in ten years, I have heard all the horror stories associated with all of the issues that I

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Rough Draft

Floor Debate  
January 10, 2018

---

have been on the other side of starting with motorcycle helmets and the death penalty and I could go on. But that isn't going to change how you view an issue. I'm hoping logic is how you'll view this issue and any other issue that you're presented with on this floor. We all have reasons. They say that we are the experiences that we have had in our lifetime, so you can't change that. It's a moral fiber, it's a fabric. You can take in information though and make a positive change or decision. The decision that you make can be a positive change based upon the information that you have received. It comes time for you to syphon through and figure out in your words or in your mind what is more important. The freedom, civil liberty issue, which I spoke about and many of you pooh-poohed...that's a technical term, by the way, pooh-pooh. But maybe that doesn't override the safety issues, but again that's your decision to make and your logic pattern to follow. I've said just about all I need to say in ten years to tell you how passionate I am about giving people a choice. I'm hoping that future legislators will not somehow say, Mr. Bull Rider, you need to wear a helmet because I don't want to pay for your life expenses when the bull puts you off on your head. I'm hoping that future legislators will not say, Mr. Wave Runner Rider, you need to wear a helmet because when you hit the water at 80 miles an hour, and you're going to splatter your brains, so therefore, you need to protect yourself because I said so. And I'll remind you again that traumatic brain injury and statistics are not limited to just motorcycle riding. That we, in essence, take risks in our life and we measure those risks and we weigh them every day. Do I talk on my phone when I cross the street? Am I clearing myself when I do that? There is only one safe way to live through this life. Stay home and surround yourself with pillows. And by the way, don't turn the TV on because you might get radiated. So when you measure the risks, and I think many folks have talked about that risk, the risk starts when you buy the motorcycle. You prepare yourself and train yourself properly. You equip yourself properly when you go out, and I have said it every year for ten years and I'm going to say it again... [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR KRIST: ...life is tough. It's tougher when your stupid. And there are things you can do to protect yourself, but it's not my job as a state senator to tell you how to live your life in this particular case. And again, it's my judgment. So measure, weigh, and judge those things that you have heard and vote your conscience. Thank you for listening. Thank you, Mr. President.

[LB368]

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Floor Debate  
January 10, 2018

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PRESIDENT FOLEY: Thank you, Senator Krist. Senator Howard. [LB368]

SENATOR HOWARD: Thank you, Mr. President. It's pretty hard to come up with something that hasn't already been said, let alone try to say it more profoundly than it's been said. I would like to compliment Senator Hilkemann, Senator Lowe, for their heartfelt expression of their views on this issue. Clearly, it's something that they believe in from different perspectives, but I admire that the debate has gone on as it has. It's been a very straight-up debate and that's what we are to do here. And Senator Krist said it so very eloquently, we are surrounded by risks. Everything you can imagine in your life all day long carries some element of risk. How much can we as a legislative body protect people from risks? It really should be on a practical note, a very limited amount that we could protect risks. And at some level, life is to be enjoyed and, you know, most of the bikers that I know, I say this without any hesitation, most of the bikers I know are better operators of their bikes than most of us are operators of our cars. They are very much conscientious of the surrounding traffic and their position in that traffic and whether or not they're putting themselves in an inordinate risky position as they're enjoying their bike riding. They do not take...very typically, do not take unusual risks. Now, there are exceptions, there always are. There are people that will stand...and please don't take this wrong, I don't want this to sound anything other than it's a term for a certain bike, but they'll take crotch rockets and put it up on the back wheel and do something stupid. And as John Wayne said, you can't fix stupid, nor can you legislate against stupidity. So, again, I would compliment the two senators and everyone else that is participating in the debate, and with that I would like to relinquish the balance of my time to Senator Groene. [LB368]

PRESIDENT FOLEY: Thank you, Senator Halloran. Senator Groene, 2:35. [LB368]

SENATOR GROENE: Nobody in this Chamber who has lived life do not have a heartrending story of foolishness by a fellow family member, be it the abuse of alcohol, food addictions, sexual addictions. Life is a risk. To enjoy freedom, you must risk. And the thrill of victory as they say to overcome that risk, as Senator Krist has said, do we want a society where we stay in the house and surrounded by pillows. Do we want a society where your neighbors are looking in your window to make sure you have those pillows securely around you because that's what we're doing here. We're telling somebody else how to live their life, what they can enjoy doing, what



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

Floor Debate  
January 10, 2018

---

they wish to do, and if how they may wish to die. It's none of my business. Senator Krist also brought up the fact that trauma to head injuries is common. I had a neighbor who was building a house one time and had a 2x10 over his foundation that he was building and fell off. Fell 8 feet, spent two years in trauma. [LB368]

PRESIDENT FOLEY: One minute. [LB368]

SENATOR GROENE: If anybody in this room thinks that you can be going 30 to 40 miles an hour and a helmet is going to make a difference? Senator Hilkemann didn't say if the motorcycle accidents were any higher in Michigan. Did they transfer from head trauma with a helmet on to transfer a head trauma without a helmet on? There's so many statistics out there and they're all by people well-funded by government funds to prove helmets are needed. Those folks in the balcony, ABATE, the average American, Nebraskan, doesn't have those funds to bring you a bunch of statistics. They just want to live life and they want to live it free. And that's the side I'm on and that's the side I will vote on. Thank you. [LB368]

PRESIDENT FOLEY: Thank you, Senator Groene. Senator Briese. [LB368]

SENATOR BRIESE: Thank you, Mr. President, and good afternoon, colleagues. I rise today to comment on LB368 and I'd like to thank and applaud Senator Lowe for his perseverance and hard work in bringing this bill. I would also like to compliment Senator Hilkemann and others for their eloquence in defending our current helmet law. I consider myself a fiscal conservative and as such for me the issue has always boiled down to what is best for Nebraska taxpayers. And as such, I have always felt, although with no great degree of certainty, that Nebraskans are best served by the current helmet law. I felt that the potential boost to tourism and economic activity in our communities from increased traffic flowing from repeal is probably outweighed by increased taxpayer cost in state funded healthcare. But with that said, I was reviewing some of the information again last night and today relative to healthcare costs associated with helmet law repeal. According to the Nebraska Office of Highway Safety, we average roughly 500 motorcycle injuries per year. I also note that according to information provided to us by Disability Rights Nebraska, studies from Michigan show that medical expenses for injured helmetless riders exceed the cost for riders wearing helmets by about \$11,400. Data also

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

Floor Debate  
January 10, 2018

---

suggests that even if we repeal the helmet law, approximately 50 percent of riders are going to continue to wear a helmet. So putting this all together, this data would suggest that assuming that accident frequency stays constant, that perhaps 250 nonhelmeted riders would be involved in motorcycle crashes going forward in Nebraska per year. Using the cost differential of \$11,400 from the Michigan data, this works out to perhaps an increase in hospitalization costs of about \$2.85 million. But then I note that data from the Bureau of Vital Statistics shows that only 8 to 9 percent of these costs are paid for by Medicaid. Eight to 9 percent of those costs is roughly about \$240,000 per year. I realize there are other fiscal considerations but this alleviates one of my concerns. It's quite likely that with helmet law repeal, the increased tourism activity and the economic benefits flowing from it could easily outweigh the Medicaid cost that I've outlined. So unless I'm missing something here, I'm certainly not as moved by the fiscal arguments in favor of our current helmet law as I once was. And with that said, I do intend to vote for cloture on this matter. Thank you. [LB368]

PRESIDENT FOLEY: Thank you, Senator Briese. And, Senator Williams, you're recognized. [LB368]

SENATOR WILLIAMS: Thank you, Mr. President, and good afternoon, Senators. And again like the other speakers have mentioned, I would like to thank Senator Lowe and Senator Hilkemann both for their involvement in this issue, and it's a difficult issue. And this for me and for many others in here, is the fourth time that I've had the opportunity to listen to this discussion. And I have not chosen to speak on this until now this year, not because I didn't have something to say, but because I was afraid I didn't have anything to add to the discussion. Making public policy is not an easy task. Each one of us comes from different backgrounds, different geographies, and different experiences, and I'm not going to tell you a story that I personally have on this. Although, again, as Senator Groene mentioned, everyone of us would have that story. But it is our job as senators to look at the information, pay attention, and then at the end of the day do what we believe is the best and the best interest of the society that we live in. And here we have the ever-ending conflict of weighing personal liberty, that freedom of choice versus the government giving us some instruction. There's no question a helmet law infringes on personal choice. Whether that's a liberty or not I think is up to debate. There is, as Senator Briese pointed out, and we can argue about the details of the numbers, but there is a

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

Floor Debate  
January 10, 2018

---

public cost here. And I would suggest to those that say society is dangerous that wearing a helmet on a motorcycle doesn't mean you have to stay home. You can still ride that motorcycle with the helmet. So what do you do? What do the senators do today when you weigh these choices versus the public cost? I would never pretend to tell you where that line is. I know the line for me in this case is to support Senator Hilkemann in an attempt to defeat the passage of LB368. As we close out this discussion today, I again would thank all those that participated. I would remind each one of us that at the end of the day it is our responsibility to make public policy for the 1.9 million people in our state, not for just those that choose to ride a motorcycle. Mr. President, I would yield any additional time that I have to Senator Hilkemann. [LB368]

PRESIDENT FOLEY: Thank you, Senator Williams. Senator Hilkemann, one and a half minutes. [LB368]

SENATOR HILKEMANN: Thank you, Mr. President. Thank you, Senator Williams. Well, you've heard us talk. You've heard Senator Lowe, you've heard myself and you've heard other people speak. Now, it's your opportunity to speak. As we move this measure to cloture, let's see where this body feels. Thank you, Mr. President. [LB368]

PRESIDENT FOLEY: Thank you, Senator Hilkemann. Mr. Clerk, you have a motion at the desk? [LB368]

CLERK: Mr. President, I do. Senator Lowe would move to invoke cloture pursuant to Rule 7, Section 10. [LB368]

PRESIDENT FOLEY: It is the ruling of the Chair that there has been a full and fair debate afforded to LB368. Senator Lowe, for what purpose do you rise? [LB368]

SENATOR LOWE: Call for a roll call vote and call of the house. [LB368]

PRESIDENT FOLEY: There has been a request to place the house under call. All those in favor of placing the house under call vote aye; those opposed vote nay. Record, please. [LB368]

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

Floor Debate  
January 10, 2018

---

CLERK: 32 ayes, 0 nays, Mr. President, to place the house under call. [LB368]

PRESIDENT FOLEY: The house is under call. All members please return to the Chamber and record your presence. The house is under call. If all senators could please record their presence. Senators Pansing Brooks, Harr, Riepe, Larson, and Linehan, please return to the floor and record your presence. Waiting on Senators Harr and Pansing Brooks. All unexcused members are now present. There's been a request for a roll call vote in reverse order. [LB368]

CLERK: (Roll call vote taken, Legislative Journal page 266.) 30 ayes, 15 nays on the motion to invoke cloture, Mr. President. [LB368]

PRESIDENT FOLEY: The motion is not adopted. We'll move off this bill. I raise the call. [LB368]

CLERK: Mr. President, returning to LB321 from this morning. When the issue was left, I think we had debated a motion to bracket by Senator Chambers and a reconsideration thereof. Senator Ebke, I have an amendment to the bill, but I understand you wish to withdraw, Senator, at this time. [LB321]

SENATOR EBKE: Yes. [LB321]

CLERK: Mr. President, I have nothing further pending to the bill at this time. [LB321]

PRESIDENT FOLEY: Mr. Clerk. [LB321]

CLERK: Yes, Mr. President, apologize to the body. Senator Chambers would move to indefinitely postpone LB321. Senator Lowe, as the principal introducer of LB321, you have the option to take the kill motion up at this time or lay the bill over. [LB321]

SENATOR LOWE: I think at this time we lay the bill over...or kill it. We'll kill it. All right. We're going to take it up, under counsel. [LB321]

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

Floor Debate  
January 10, 2018

---

PRESIDENT FOLEY: We'll take up the motion. Senator Chambers, you're recognized to open on your motion. [LB321]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, we're going to talk about something this whole session and I'm going to talk about this bill today. It is something that I think Senator Lowe was going to make the right decision on, but he listened to people just like the President listened to Bannon and then Bannon turned on him and then wound up being lost. It's easy for people to come up and whisper in a senator's ear and say, don't do it this way. But I'm going to mention something else about how things are done around here. I have been here a long time and I know how things are done. And if there were a bill that I liked but I was afraid to introduce it, what would I do? I would look around and find a brand new senator and I'd say, you don't have many bills so you take this bill, knowing that it is a bad bill. And then that senator trusting that I've been here a long time, that I would not put that senator in a bind, and then leave that senator out there adrift. That would make me a very dishonorable person. And the fact that I had been in the Legislature such a long time would make it even more dishonorable. So what I would tell the new senators here, when somebody comes to you with a bill and say you ought to offer it because it's good, let that person offer it himself. And when I find out somebody has done that, it lowers that person a tremendous amount in my estimation, for whatever it's worth, and it may come back to haunt that person before the session is over. That's why we get a lot of these bad bills and they are brought by new people because senators who've been here awhile and may have had it brought to them, say, by the gun lobby, but they don't want to be in it but they want to be able to say, well, I got somebody else to do it. And they get somebody to do their dirty work. That is not honorable, and that is what's happened already this session. And by this session, I'm including last year. And it's going to happen more. But whatever you all decide to do, we're going to be talking about something. I am opposed to the proliferation of these guns. And I'm opposed to the university. Let me ask Senator Lowe a question or two if he's available and will respond. [LB321]

PRESIDENT FOLEY: Senator Lowe, would you yield to a question, please, if you're available? I think he's off the floor, Senator. [LB321]

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

Floor Debate  
January 10, 2018

---

SENATOR CHAMBERS: All right. I believe I heard him say, and I didn't want to put words in his mouth, he talked to the university and they...oh, here he is. Senator Lowe is back. [LB321]

PRESIDENT FOLEY: Senator Lowe, would you yield to a question, please? [LB321]

SENATOR LOWE: Yes. [LB321]

SENATOR CHAMBERS: Senator Lowe, did you say you had talked to the university about this bill? [LB321]

SENATOR LOWE: Yes, I did. [LB321]

SENATOR CHAMBERS: Who at the university did you speak with? [LB321]

SENATOR LOWE: I talked to Michelle from the President's Office and also the coach from the rifle team. [LB321]

SENATOR CHAMBERS: And this Michelle person, I don't know her, she was speaking for the president of the university. [LB321]

SENATOR LOWE: She was speaking for herself. I don't know if she was completely speaking for the president of the university, but she was there explaining...telling me what the university does in order to make things safe for the students and the faculty and everybody (inaudible). [LB321]

SENATOR CHAMBERS: I wish you...could you speak to the mike, please? [LB321]

SENATOR LOWE: Yeah. She was there explaining what the university does to keep the weapons safe and to keep the students and the faculty and everybody else safe. [LB321]

SENATOR CHAMBERS: And then she said, the president said that he likes your bill? [LB321]

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

Floor Debate  
January 10, 2018

---

SENATOR LOWE: No. No, she did not say the president said that she likes my bill. [LB321]

SENATOR CHAMBERS: Who did she say likes it, speaking for the university? [LB321]

SENATOR LOWE: Well, the young lady, Ms. MacAllister, who is the coach. [LB321]

SENATOR CHAMBERS: No, I'm asking you. You were talking to Michelle in the president's office. [LB321]

SENATOR LOWE: Yes. [LB321]

SENATOR CHAMBERS: I don't want you to jump away today. We're going to get to the bottom of this. You said you had talked to the university. I thought you meant a university official. You didn't really talk to a university official, did you? [LB321]

SENATOR LOWE: I did not talk to the president of the university, no, I did not. [LB321]

SENATOR CHAMBERS: Then tell me of an official at the university you talked to. Do you deem an office worker to be an official of the university? [LB321]

SENATOR LOWE: I believe in somebody that comes and gives an opinion of the university is who I talked to today. [LB321]

SENATOR CHAMBERS: You didn't talk to an official of the university though, did you? [LB321]

SENATOR LOWE: No, I did not. [LB321]

SENATOR CHAMBERS: Okay. So that's out. [LB321]

SENATOR LOWE: Unless a coach is a... [LB321]

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

Floor Debate  
January 10, 2018

---

SENATOR CHAMBERS: Well, we're going to take it a step at a time. [LB321]

SENATOR LOWE: I did talk to the coach for the rifle team. [LB321]

SENATOR CHAMBERS: But I'm not... [LB321]

SENATOR LOWE: Is that not somebody? [LB321]

SENATOR CHAMBERS: I'm not at that point yet. I want it clear... [LB321]

SENATOR LOWE: No, you asked me if I talked to an official today, and I did talk to an official today, the coach of the rifle team. [LB321]

SENATOR CHAMBERS: And you think the coach is an official of the university? [LB321]

SENATOR LOWE: Yes. [LB321]

SENATOR CHAMBERS: Is the football coach an official of the university? [LB321]

SENATOR LOWE: I believe when he speaks on about the football team is... [LB321]

SENATOR CHAMBERS: Thank you. That's all I'll ask you. You see what they got him into-- Senator Hilgers and these other people are telling him to do this. It makes him look foolish. Who in here thinks that a person who is a receptionist or a secretary is an official of the university? He said this morning he had talked to the university. He left an impression which I've discovered is not correct. He could have stated when he first spoke what he meant, but he left it in limbo and we were to draw a conclusion. But I don't do that. I check things out and there is no university official who has talked to him about this bill. You know who I would consider an official? An individual with an official position. And this person is not an official. If you went to talk to the chief of police and you talked to the receptionist, whatever the receptionist says is not the position of the police department unless the message was given that when somebody comes and speaks on this issue this is where we are. Senator Lowe has made it clear from my questioning of



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

Floor Debate  
January 10, 2018

---

him and listening to his answer that the president in whose office this lady worked for had not told her to say that they had a position of this bill...on this bill. But before I jump to a conclusion, Senator Lowe, don't worry about them not listening. We're speaking for the record and the people who are listening to us. And there are people who take great interest in anything alleged to have been said by the university. Did this lady you talked to say that she had read your bill? [LB321]

SENATOR LOWE: Yes. The assistant to the chancellor is her position. [LB321]

SENATOR CHAMBERS: And she was speaking for the chancellor? [LB321]

SENATOR LOWE: She is the assistant to the chancellor so I would assume so. [LB321]

SENATOR CHAMBERS: Did she say the chancellor had read the bill? [LB321]

SENATOR LOWE: She did not say the chancellor had read the bill. [LB321]

SENATOR CHAMBERS: But she said she had read the bill. [LB321]

SENATOR LOWE: Yes. [LB321]

SENATOR CHAMBERS: And she indicated that what she said to you...I'm making it...let me make it like a question. Did she say that she is expressing the view of the chancellor on this bill? [LB321]

SENATOR LOWE: She did not specifically say she's expressing the view of the chancellor on this bill. [LB321]

SENATOR CHAMBERS: Okay. Now you said you talked to the coach. [LB321]

SENATOR LOWE: Yes. [LB321]

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

Floor Debate  
January 10, 2018

---

SENATOR CHAMBERS: What led you to contact the coach or did the coach contact you?  
[LB321]

SENATOR LOWE: The coach contacted my office. [LB321]

SENATOR CHAMBERS: And what...did you have a direct conversation with the coach?  
[LB321]

SENATOR LOWE: Well, let me say somebody from the university, I believe it was Michelle Waite, the assistant to the chancellor. [LB321]

SENATOR CHAMBERS: Did your office contact that person or did that person contact your office? [LB321]

SENATOR LOWE: That person contacted my office. [LB321]

SENATOR CHAMBERS: And identified herself as the coach of the rifle team. [LB321]

SENATOR LOWE: Or the assistant to the chancellor, yes. [LB321]

SENATOR CHAMBERS: You said you talked to the coach of the rifle team. [LB321]

SENATOR LOWE: I talked to the coach of the rifle team. [LB321]

SENATOR CHAMBERS: Okay. Who is the coach of the rifle team? [LB321]

SENATOR LOWE: Ashley MacAllister. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: I didn't hear you. [LB321]

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

Floor Debate  
January 10, 2018

---

SENATOR LOWE: Ashley MacAllister. [LB321]

SENATOR CHAMBERS: Did you talk to Ashley MacAllister? [LB321]

SENATOR LOWE: Yes, I did. [LB321]

SENATOR CHAMBERS: And she had read your bill, is that true? [LB321]

SENATOR LOWE: That is true. [LB321]

SENATOR CHAMBERS: And what did she say about the bill? [LB321]

SENATOR LOWE: She said it's a good idea because there are shotgun, there are trapshooting, there are skeet shooting teams. [LB321]

SENATOR CHAMBERS: But that is not in the bill. So who explained the bill to her? There's nothing in the bill about shotguns or trapshooting or pistols, is there? [LB321]

SENATOR LOWE: No, but it is changing of the firearm. [LB321]

SENATOR CHAMBERS: So somebody explained that to her. Who explained that to her? [LB321]

SENATOR LOWE: Well, they were watching us on TV yesterday at this argument. The university had no problem when we brought this up before Judiciary because they thought this was a great bill and it was just going to flow through. [LB321]

PRESIDENT FOLEY: Time, Senators. Senator Chambers, you're recognized to continue. [LB321]

SENATOR CHAMBERS: Senator Lowe, on the motorcycle helmet bill, you were not this vague. I'm trying to pin down matters that you introduced to the discussion. Now let's see if you know

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

Floor Debate  
January 10, 2018

---

what's in your bill. First of all, your bill...your amendment deals with subdivision (d). That law as it exists now, making it simple, prohibits the having of these guns on campuses or school functions and so forth with the exception of and (d) is one of the exceptions. The only thing that your amendment to the law does is to strike the word "rifle." And with that having been struck, what would be left is the word "team" unmodified by anything. There is nothing, when you strike that word "rifle," that you inserted. Is that true? You didn't put any underlined language, new language, in that bill, did you? [LB321]

SENATOR LOWE: No, we did not. [LB321]

SENATOR CHAMBERS: So reading your bill, which you said the coach did, there is no mention of shotguns, is there? [LB321]

SENATOR LOWE: No, there's not. [LB321]

SENATOR CHAMBERS: There is no mention of pistols. [LB321]

SENATOR LOWE: There's no mention of rifle. [LB321]

SENATOR CHAMBERS: There is no mention...well, once you struck it, but that's what's in the current law. That would be clear that this is talking about the rifle team. [LB321]

SENATOR LOWE: That is correct. [LB321]

SENATOR CHAMBERS: Okay. Now maybe the people you talked to or the ones in your office are not bright, but I'm bright enough to read the language and know what it says. You're amending the legislation that deals with the university rifle team. [LB321]

SENATOR LOWE: Yes, we are. [LB321]

SENATOR CHAMBERS: Now you said that the rifle coach, rifle team coach called your office. [LB321]

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

Floor Debate  
January 10, 2018

---

SENATOR LOWE: That is correct. [LB321]

SENATOR CHAMBERS: And when did that... [LB321]

SENATOR LOWE: No, I said it was either the assistant to the chancellor or the coach of the rifle team. I do not know without asking my LA or AA which one made the contact to me. [LB321]

SENATOR CHAMBERS: Well, I... [LB321]

SENATOR LOWE: Representative of the university contacted me. [LB321]

SENATOR CHAMBERS: I will speak and you can get that information for us if you will because you brought it up. And I don't want it to be, I may have talked to this person or I may have talked to that one; but I don't know who my office talked to. And then I'd like you to find out who initiated the call, whether the university initiated the call or your office initiated the call. And while he's checking that out and we're doing this for the record, I want to remind people that everything we say is transcribed. Anybody interested in our debate can read what it was we said. Anybody who reads it will see whether the answers to the questions were direct and forthcoming or if they obfuscate, if they muddy the water, and if the answers given seem to have the appearance of trying to confuse the issue. And I want to clarify and now we can do so. Senator Lowe, I will ask you very brief questions without commentary. When...understand I'm asking when, when was your office first contacted? [LB321]

SENATOR LOWE: It was contacted yesterday either during our conversation or shortly thereafter. [LB321]

SENATOR CHAMBERS: And the university initiated the call to your office. [LB321]

SENATOR LOWE: The university initiated the call to my office. [LB321]

SENATOR CHAMBERS: And do you know who the person was who initiated that call?  
[LB321]

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

Floor Debate  
January 10, 2018

---

SENATOR LOWE: It was Michelle Waite, the assistant to the chancellor. [LB321]

SENATOR CHAMBERS: Did the coach ever call your office? [LB321]

SENATOR LOWE: The coach did not call my office, but the coach came to my office today. [LB321]

SENATOR CHAMBERS: Okay. So when you talked to us this morning, the coach had not yet come to your office, isn't that true? [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR LOWE: The coach had been to my office. She came in at 9:00 this morning... [LB321]

SENATOR CHAMBERS: Okay and... [LB321]

SENATOR LOWE: ...along with the assistant to the chancellor. [LB321]

SENATOR CHAMBERS: And at that...let's deal with that meeting because I want to find out if the university itself went on record. I will accept a representative from the chancellor's office as the spokesperson for the chancellor. There was somebody from the chancellor's office in your office this morning. [LB321]

SENATOR LOWE: That is correct. [LB321]

SENATOR CHAMBERS: Did you talk to that person? [LB321]

SENATOR LOWE: I did talk to that person. [LB321]

SENATOR CHAMBERS: You did not? [LB321]

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

Floor Debate  
January 10, 2018

---

SENATOR LOWE: I did. [LB321]

SENATOR CHAMBERS: Oh, you did. And that person told you that the university supports your bill. [LB321]

SENATOR LOWE: The university will work with me if and when this bill gets to Select to amend it so it will be a good bill so that it will take the university into account so that the chess team or the badminton team cannot have... [LB321]

PRESIDENT FOLEY: Senator Chambers, you may proceed on the next round. [LB321]

SENATOR LOWE: ...will not be issued guns basically. [LB321]

SENATOR CHAMBERS: I missed that. You said so that what? [LB321]

SENATOR LOWE: Well, so it will be the specific teams will be allowed to have the weapons, not anybody else. [LB321]

SENATOR CHAMBERS: And that's what the university made clear to you. [LB321]

SENATOR LOWE: Yes, that they will help us put an amendment in. [LB321]

SENATOR CHAMBERS: Now you can tell me if my statement is a misrepresentation of what they had suggested. They are not interested in seeing a proliferation of guns on the campus using this rifle team as a doorway for a proliferation of other guns. [LB321]

SENATOR LOWE: They're open to other teams on campus. [LB321]

SENATOR CHAMBERS: Other teams that use firearms. [LB321]

SENATOR LOWE: Other teams that use firearms. [LB321]

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

Floor Debate  
January 10, 2018

---

SENATOR CHAMBERS: And they said that. Did they say that? [LB321]

SENATOR LOWE: They're open to having other competitive teams with...yeah, that deal with firearms. [LB321]

SENATOR CHAMBERS: They could do that now, couldn't they, with you just striking the word "rifle"? They didn't have these...there wouldn't be anything to have to work on, would there? [LB321]

SENATOR LOWE: Well, you would need to talk about shotguns and pistol shooting. [LB321]

SENATOR CHAMBERS: Well, if you said firearms, they would be included. And that's what Senator Schumacher's amendment said. [LB321]

SENATOR LOWE: Yes. [LB321]

SENATOR CHAMBERS: But they didn't think that that was tight enough for their purposes? [LB321]

SENATOR LOWE: Well, they would just like to make it clear. [LB321]

SENATOR CHAMBERS: What did they want to make more clear than that? [LB321]

SENATOR LOWE: They wanted to make sure it followed the rules of an acronym for the...I'm sorry. I was looking for my LA because he has the acronym. [LB321]

SENATOR CHAMBERS: But it has to do with intercollegiate contests... [LB321]

SENATOR LOWE: Yes. [LB321]

SENATOR CHAMBERS: ...with weapons. [LB321]



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Rough Draft

Floor Debate  
January 10, 2018

---

SENATOR LOWE: With weapons, yes. [LB321]

SENATOR CHAMBERS: Didn't I do a lot of talking about the fact that what we're doing is not in a vacuum, that the University of Nebraska is a part of the Big Ten Conference, that these terms have a definite understood meaning wherever this kind of competition occurs? Didn't I say all of that yesterday? [LB321]

SENATOR LOWE: Yes, you did. [LB321]

SENATOR CHAMBERS: And you and others were not of a mind to be concerned about that. Isn't that true? Maybe we ought to let some of these other people testify on the mike. That's all right. I'm not trying to embarrass you, Senator Lowe. I want the record to be clear and it's not clear. And I'm going to vindicate what I said. I took all that time yesterday beating my head against the wall. Your colleagues sitting here as dumb as you are, not having taken it into the mind to talk to anybody at the university. I was the one who asked the question had that been done. I was the one who talked about how intercollegiate competitions occur, that there's terminology that all of the universities that participate understand. And when they hear those words, they know exactly what is involved. And if you take Nebraska and put it in a different category, then you may be interfering with their participation in some of these activities. I'd even used the example that maybe Nebraskans would understand that if you did away with the term football and call it kickball, to some people that may be soccer or whatever. Here is the point I'm trying to get to, I was trying to get to. That you brought a bill that was not well thought out. So let me ask you this. Who drafted the bill that you presented to the Legislature? [LB321]

SENATOR LOWE: Bill Drafters. [LB321]

SENATOR CHAMBERS: And what did you give them to guide them so they would know what you wanted done? [LB321]

SENATOR LOWE: We looked at it and then we had some help from the Fraternal Order of... [LB321]

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Transcriber's Office  
Rough Draft

Floor Debate  
January 10, 2018

---

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: Police? [LB321]

SENATOR LOWE: No. Or... [LB321]

SENATOR CHAMBERS: A gun group? [LB321]

SENATOR LOWE: A gun group, yes. [LB321]

SENATOR CHAMBERS: I had said gun groups are behind these bills and it's hard for you all to admit it. This was not drafted by somebody who is trying to achieve something worthwhile. It was by somebody who wanted a proliferation of guns. And the Bill Drafter is not going to deal with policy aspect of it. They will put into it what a senator says he or she wants. So we're now getting to what I was trying to get to yesterday. This is a gun bill brought by a gun organization. That gun organization works with the NRA I'm presuming. What is your presumption about that? [LB321]

SENATOR LOWE: My presumption is that they helped me with the bill. It was not brought by them. They helped me. [LB321]

SENATOR CHAMBERS: Well, they don't have to... [LB321]

PRESIDENT FOLEY: Time, Senators. [LB321]

SENATOR CHAMBERS: Thank you. Was that my third time? [LB321]

PRESIDENT FOLEY: No, it is not, Senator. You have one more. You're recognized, Senator Chambers. [LB321]

SENATOR CHAMBERS: Now I'm going to just discourse. What you just heard is why I don't ask people a lot of questions. They come here and present a bill like they know what it is and

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

Floor Debate  
January 10, 2018

---

they're very forceful. But then when you try to pin them down, there's a lot of hemming and hawing and uncertainty. I said these people bring bills that they don't understand. I said they don't know what they're talking about. And I said somebody gives them their marching orders and they bring it in here and you all will swallow it. You all were no more informed on this than was Senator Lowe. Suppose I hadn't said anything. Obviously the university does not like the form that the bill is in now without amendment. They don't like it the way Senator Lowe brought it, but that would have gone right through and the Governor would have signed it. I'm more meticulous than you all are, and I intend to continue being that way. And I'm going to take all of the time that I need and you all are going to have to come back to where I was. And you know why? Not because I know everything from the beginning. I take the time, first of all, to read the legislation. I have told you but you didn't pay attention as you don't pay attention to anything, and I'm saying it for the record and for the Republican Party who is putting stuff on the Web saying that I have to be stopped from criticizing the Republican Party and these people in the way that I'm criticizing them and are they willing to join the effort to put what I'm doing to a stop? That's the Republican Party. That's what they're about--putting something to a stop. And yet we got people in here condemning the university because they don't allow enough free speech and they want to cut off speech in the Legislature. And those people went traipsing over to the university either literally or figuratively because they're worried about what happened to some conservative group, but they're not concerned about what happens in general shows how narrow they are and I think they got their marching orders. But we're going to fight like scorpions in a bottle on that bill, the attitude behind it, and the hypocrisy that it shows. They don't show any concern about the university. When have they talked about the level of education, the quality of instruction, the variety of course offerings? And they were condemning some things that happened in the English department without realizing that those things are already done and they're done at a higher level. Because they are ideologues, I didn't say idiots. I have to make it clear for them, ideologues. They get their marching orders and then they run and say what somebody told them to say. Then they're out there splashing in the water alone because their name is the one on the dotted line. So a bill that is brought to the Legislature and on its face it looks okay so you all are for it, and you find out now it's not okay. Why? Not because some of your side thought it through and thought better of it but because I obstructed and I intend to continue being an obstructionist because that's the way you label it, not only on this bill, Senator Lowe. There are other candidates out there. And I'm going to start grilling people in terms of

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

Floor Debate  
January 10, 2018

---

who gave them the bill. What did they say that it does? Show me in the bill where it does what you say they told you it does. Even some of these ag bills, there are people out there associated with agriculture who call me about some of the bad bills that they see. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: And they are surprised that none of the people from the ag sector of the state will address these issues so they call me. And I ask them, some of them, where are you on the issues that I'm dealing with? The only time you call me is when it pertains to you and the one representing you is not doing his or her job so you want me to do that person's job and do mine. Then I mention an issue I'm working on. How do you feel about that issue? Well, that's different. I said now suppose I said that about the issue you brought to me. I'm not from your district. You know the people in your district don't like me and my kind. And don't tell me what I'm saying is not true because I know otherwise. The problem we have on this floor is a lack of candor, a lack of honesty, and a lack of an inclination or the will to study these bills, make sure that they are not doing harm. Maybe the slogan of the medical profession... [LB321]

PRESIDENT FOLEY: Time, Senator. [LB321]

SENATOR CHAMBERS: ...should become the slogan here. Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Chambers, you're recognized to close on your IPP motion. [LB321]

SENATOR CHAMBERS: The slogan of the medical profession with your bills, first do no harm. Don't let the situation be worse if you get your bill passed than it was before your bill passed. And here's where the public is unfair. When some of these trash bills get through, they ask me why I let it happen. I'm 1 out of 49. And the ones who call me about it on that bill are among those who condemn everything else that I do. That's why I don't pay attention to what other people say. And I certainly don't take the word of people on the bills that they bring here when on its face the bill does not do what they said it would do. That means they don't know. But you new people, you're going to get your marching orders too, and I don't care what you tell the

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

Floor Debate  
January 10, 2018

---

newspaper. I'm like Jesus' disciples said of him: He needed no man to speak to him of man for he knew what was in man. And I know and I ought to after being on this earth as long as I have been. And there's not that much significant difference between one person and another or among any group because most of them have their opinions formulated by...for them by somebody else. And once I divine the source of that formulation, I know every argument they're going to give. I know every talking point they're going to offer. And I know they can't answer any questions. And when they attempt it, it comes out like it did with Senator Lowe. All he would have had to say is I don't know but I'll find out. It's obvious he didn't know. And there's some of these things that I ask he probably doesn't know now. I'm looking for Senator Hilgers. He's the one up there whispering in Senator Lowe's ear and said take it up. Where is Senator Hilgers? Where is he? Oh, I thought somebody said here he is. I'm not calling for him to come back, but he's the one...see, he's like the guy who throws a rock and hides his hand. He says, you and Ernie go fight. And poor Senator Lowe listens to him and there he splashing around in the water. You got other senators running around. I saw another one up there guiding you, one of the experts whose name ends in a vowel, advising you. All they have to do is tell you and you'll accept it because you trust them. They count on that. Brothers and sisters, friends, enemies, and neutrals, there was an accomplished con man who finally got caught and was brought to justice. He was standing before the judge. The jury had found him guilty. And the judge lectured him as judges do. And the judge said, you are especially contemptible. You trick these old people. You trick these unlettered people. You trick all of these people who trust you. Why will you trick these people who trust you? And in all sincerity like a member of the Legislature he said, well, Judge, Your Honor, if you would teach me how to trick those who don't trust me, then I'll get them. That's supposed to be a joke, isn't it? But that's the way it is and that's the attitude. These older senators send you all up there. They're mad at me so they make you be the attack dog. I know you don't mind. You want to be friends with them. But I think you ought to consider what the word "friend" means. [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: I wouldn't send a boy to do a man's work. I wouldn't send anybody to fight my battle. And although it's of no interest to anybody here, there were many times in my community during the sixties when young people who had a lot of regard for me wanted to go do

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

Floor Debate  
January 10, 2018

---

various things. And I said, I'm not going to tell you to do that. I'm not going to do it. And if you get in trouble, I can't get you out. So I'm not going to put you in trouble when I can't get you out of it. Now use your brains. Leave it alone. I'm not going to do it. You shouldn't do it either. And I could have had them doing everything all over the city, but that's not the way I operate. I think about the welfare of the people I'm dealing with, which is more than I can say for the people in this Legislature who will trick you and will trick other senators. But I'm the one you all will be upset about. But hasn't it always been that way and always will be? Thank you, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. Members, you've heard the debate on the IPP motion. The question before the body is the adoption of the motion. All those in favor vote aye; those opposed vote nay. Roll call vote has been requested by Senator Chambers. [LB321]

CLERK: (Roll call vote taken.) 1 aye, 28 nays, Mr. President. [LB321]

PRESIDENT FOLEY: Thank you, Mr. Clerk. The IPP motion is not adopted. Mr. Clerk. [LB321]

CLERK: Mr. President, Senator Chambers would move to reconsider that vote. [LB321]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your reconsideration motion. [LB321]

SENATOR CHAMBERS: Thank you, Mr. President. And we're going to stay on this bill. I don't know when he'll reach his cloture point, but we're going to stay on this bill the rest of the day. And I'm going to tell you how I'm going to do it. I've been offering motions. There are still motions that I can offer that don't require me to write out anything. I don't have to strike language and replace language. And I'll tell you the next motion I'm going to make, which you all will reject. This bill should be recommitted to the committee, and that's a semipriority motion. So after we get through with this one, this reconsideration motion, I'm going to move to recommit the bill to the Judiciary Committee. You can see that not enough work was done on it. And I use these as teaching moments and I'm talking to the public who listens and I'm glad to

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

Floor Debate  
January 10, 2018

---

know that the "Repelican" party is paying such close attention to what I'm saying. And I'm going to repeat what set them off. When I see conservative, I think of a racist, backward-looking, foolish person. I don't want to low rate the jackass anymore. And I told you all why jack...I shouldn't say that because they're not stupid animals. And I was contacted by a member of the society for the prevention of cruelty to jackasses, and they made a very cogent argument. They said, who would you want if you represented them to have legislators in the Nebraska Legislature compared to? That's the only argument they needed. I apologize to the representative of the society for the prevention of cruelty to jackasses. So I won't use that word so flippantly anymore. I don't know what other creature or object I can compare members of the Legislature to without giving offense to that to which I'm comparing the legislators. But I intend to do just as I'm doing. And I want the "Repelican" party to pay close attention and maybe they'll learn something. And maybe they can teach their minions over here a thing or two. They send you all over here to put me in my place. I'm going to show you all how humor can be injected into any discussion. When they were going to bring Jesus here to run the football team, I mean Jack Frost to chill Nebraskans out and run football team, the mucky-mucks at the university were saying that they had a list of possible people. Well, I pay attention to things other than what happens with the football team. Senator Halloran led a delegation, I don't know if Senator Erdman was a part of that delegation or not. And like a wise man, he's paying attention to his activities. But at any rate, the--I think it may have been the athletics director--he said when they asked him about the coach, who might be a coach, he said he had a short list. Well, I said that's good. That means somebody in the Legislature may be considered, and I immediately thought of Senator Halloran and Senator Erdman. I didn't realize they were talking about a short list in terms of number rather than size. Then somebody said, well, I don't think they mean to be the coach anybody from the Legislature, but rather they have a few people who they're going to consider. So I left it alone because what I was going to do was offer my services to either of those gentlemen to show first of all how to write a contract so that no matter what happened that individual would come out the winner and a wealthy man for the rest of his life. So I pay attention to the university. Now I can say this. There are some people at the university to keep my allusions to what we're talking about who are becoming gun shy about the way the university is being what I consider assaulted and an attempt by certain legislators and certain associations of theirs to intimidate the administration and convert the university into a wing of the right wing white nationalists in this country. They've never spoken up for the right of students in general to speak freely. The other

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

Floor Debate  
January 10, 2018

---

day I was going to talk about the athletes who did have enough courage to take a knee as they call it, would not stand for the National Anthem. I won't stand for it. It's an insult to me and they can't make me stand. If you have a right to sing it, the court says I have a right not to. If you have a right to stand up, I have a right not to stand up. And if you have a right to say the flag salute, I have a right not to say the flag salute. In other words, these so-called rights cut both ways. And Hal Daub, Hal Daub who is considered a racist by black people in Omaha and some white people when he was the mayor, attacked the football players who would not stand up. I didn't see Senator--I won't give their names because they probably don't follow football--none of them said a Regent ought not attack those players. A Regent ought not try to put pressure on the coach to make sure his idiotic ideology should govern the football program. None of them said it because they're all white, all of them. And they look at things through white eyes. Those are the only eyes they have. So whereas I was applauding these young black men, proud of them. I'm looking at all these white men who are too cowardly to speak up one on one on any serious issue. But when they can clump together and attack those who are weak, that's what they will do. When they wanted to get one black man, they always came with a mob, always with a mob, always. A young white guy wrote a book called Broken Kings or Broken Things about the lynching of Will Brown in the city of Omaha in 1919, hanged him, filled his body with lead, dragged him through the streets, set his body afire, and it made Life magazine, the picture. This black man's remains smoking, all these white people standing around, some in military uniform, and some little boys watching, being taught by white people what they're to do, white Christians in Nebraska. And then black people are not supposed to have the right to express opposition to these things happening to us, supposed to stand up for a National Anthem. Do you all realize when you were singing that song when Francis Scott Key wrote it, one of the worst songs ever written, unsingable, o'er the land of the free and the home...do you realize America was a slave-holding operation at that time? Or but not black people, human beings. We certainly were not free. And you want to make black people stand up and honor a song that lied about this country. It's not a land of the free now. I admire those young black people and the white guys, by the way, who stood with them and some sat. But because they had to live with their white community, they would not, most of them, kneel or sit but they'd stand with their hand on the black man's shoulder. I guess that's about as much as you can look for. Some black man who had comported himself in such a way that he should have got what they call a Congressional Medal of Honor finally got one as an old man, they decided to give it to him. Black men should have got



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

Floor Debate  
January 10, 2018

---

Congressional Medals of Honor for serving in the U.S. Army during those days. When they were serving as guards over Italian and Nazi prisoners... [LB321]

PRESIDENT FOLEY: One minute. [LB321]

SENATOR CHAMBERS: ...on trains, the black soldiers were made to ride in the colored segregated cars while the representatives of those countries that wanted to destroy America rode in the white cars. That happened. The black soldiers wearing this country's uniform rode in segregated inferior cars while the enemies of this country who were prisoners of war rode in the white cars. What kind of mess is that? You don't know the history. Black men do. And you want to call them son of a bitches as your President did and said they should be fired. That's what he is and he ought to be fired. And you think somebody like me would respect him? [LB321]

PRESIDENT FOLEY: Time, Senator. [LB321]

SENATOR CHAMBERS: Then he's a coward. Thank you. [LB321]

PRESIDENT FOLEY: Thank you, Senator Chambers. Speaker Scheer, you're recognized. [LB321]

SPEAKER SCHEER: Thank you, Mr. Lieutenant Governor. We've gone past the allotted time for the initial discussion on this bill on General File so we will move forward to the next bill on line. [LB321]

PRESIDENT FOLEY: Thank you, Mr. Speaker. Items for the record, Mr. Clerk.

ASSISTANT CLERK: New bills, Mr. President. (Read LB965-LB977 by title for the first time.) In addition to that, Mr. President, notice of committee hearing from General Affairs, from Education, and from the Transportation Committee. That's all I have at this time. (Legislative Journal pages 267-270.) [LB965 LB966 LB967 LB968 LB969 LB970 LB971 LB972 LB973 LB974 LB975 LB976 LB977]

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

Floor Debate  
January 10, 2018

---

PRESIDENT FOLEY: Thank you, Mr. Clerk. We'll proceed to the next bill, please.

ASSISTANT CLERK: Mr. President, LB177 was introduced by Senator Bostelman. (Read title.) The bill was introduced on January 10 of 2017; referred to the Transportation and Telecommunications Committee. That committee placed the bill on General File with no committee amendments. [LB177]

PRESIDENT FOLEY: Thank you, Mr. Clerk. I understand that Senator Bostelman has authorized Senator Friesen to carry the bill on the floor today. Senator Friesen, you're recognized. [LB177]

SENATOR FRIESEN: Thank you, Mr. Lieutenant Governor. LB177 was introduced by Senator Bostelman and I'll be handling it for him in his absence. It was introduced by him on behalf of the Department of Motor Vehicles and was heard by the committee on January 24th of last year and was advanced on a unanimous vote. The bill makes changes in three areas of law under jurisdiction of the DMV. The first section relates to apportioned vehicles. The current law is that a charter bus at the option of the owner may be registered as an apportioned vehicle. This bill eliminates that option and mandates that charter buses be registered as an apportioned vehicle. The bill would also eliminate the ability for the owner of the vehicle that is part of an apportioned fleet to receive a partial refund of the registration fee when a particular vehicle is disabled. The final provision relating to apportionment relates to unladen weight registration which is a registration status available for an apportioned registered vehicle that allows a vehicle to operate on the highways without a load. This provision is amended so that only vehicles that have been registered to a Nebraska based fleet in the current or previous year can have an unladen weight registration. The second section relates to the International Fuel Tax Agreement. LB177 would separate this act from previous provisions of law setting out that the Compressed Fuel Tax Act. If enacted all sections of law relating to the International Fuel Tax Agreement would be codified into Chapter 66, Article XIV. And the final section of LB177 strikes unnecessary language relating to the appointment by the Director of DMV of the Administrator of the Division of Motor Carriers Services. I urge you to advance LB177 to Select File and I'd be happy to answer any questions that I might be able to. Thank you, Mr. Lieutenant Governor. [LB177]

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

Floor Debate  
January 10, 2018

---

PRESIDENT FOLEY: Thank you, Senator Friesen. Debate is now open on LB177. Seeing no members wishing to speak, Senator Friesen you're recognized to close on LB177. He waives closing. The question for the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record, please, Mr. Clerk.  
[LB177]

ASSISTANT CLERK: 32 ayes, 0 nays on the advancement of the bill, Mr. President. [LB177]

PRESIDENT FOLEY: LB177 advances. Next bill, Mr. Clerk. [LB177]

ASSISTANT CLERK: Mr. President, LB93 introduced by Senator Hansen. (Read title.) The bill was introduced on January 5 of last year; referred to the Judiciary Committee. That committee placed the bill on General File with committee amendments. (AM121, Legislative Journal page 423, First Session, 2017.) [LB93]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Hansen, you're recognized to open on LB93. [LB93]

SENATOR HANSEN: Thank you, Mr. President, and good afternoon, colleagues. LB93 would adopt the Automatic License Plate Reader Privacy Act. Automatic license plate readers or ALPRs are high-speed cameras that utilize computer technology to automatically convert license plate data into computer-readable data. They could vary between a hand-held mobile version to those more permanently mounted to a car's dashboard or a fixture such as a street light. Naturally this technology provides potential benefit for law enforcement with the obvious examples being to scan high amounts of traffic against the license plates connected to stolen cars, missing persons, amber alerts and other, etcetera. However, as with any technology that enables government to collect data on its citizen, there are concerns. For example, ALPRs could be used to compile an extensive list of where citizens go and it could be used to recreate their day to day habits. Things such as what time people get home from work and to what doctor's office they visit could be contained inside the information in such an ALPR database. Thus, it makes sense to implement a policy of best practices of who can access that data and how long that data should be retained. For example, of a concern, a journal was discovered in 2015 that the Boston

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

Floor Debate  
January 10, 2018

---

Massachusetts Police Department had an ALPR database. It was actually searchable by the public through an unsecured Web site. Naturally, when we think of situations such as stalking and harassment, such an open database of tracking peoples movements is a concern. Other states have also recently addressed this issue. According to the National Conference of State Legislatures, 14 states have enacted laws to restrict and regulate the use of ALPR technology by government, including Colorado, Minnesota, and Oklahoma recently. I believe the time is right to adept and codify a set of best practices such as those proposed by this bill. A previous survey of Nebraska law enforcement agencies done by the ACLU showed that the Omaha Police Department had used ALPR technology in the past, but has stopped since using them and erased the database. The Lincoln Police Department has already adopted written policies similar to the provisions of this bill and the Nebraska State Patrol is only using this technology in a limited fashion as they possess at most one working camera, that I believe they no longer use. Seeing the limited use here in Nebraska, it would seem prudent for the Legislature to take proactive action before the technology expands further so that all law enforcement agencies and citizens can share an understanding of how this technology can and will be used. Protecting the privacy rights of our citizens should be one of the governments highest concerns, especially in today's world of large-scale personal data and personal data breaches such as those that occurred with Equifax and Target. I would like to thank stakeholders that have spent multiple years working with me on this bill. The Nebraska State Patrol and the Lincoln Police Department come to mind and they provided significant insight and perspective that led to the committee amendment, which will be a white copy amendment which includes technical changes based on their suggestion. The bill had no opposition at the hearing and has no fiscal note and came out without opposition from the Judiciary Committee. With that, I would ask the body to advance LB93 and adopt the committee amendments. Thank you, Mr. President. [LB93]

PRESIDENT FOLEY: Thank you, Senator Hansen. As the Clerk indicated, there are amendments from the Judiciary Committee. Senator Ebke, as chair of the committee, you're recognized to open on those committee amendments. [LB93]

SENATOR EBKE: Thank you, Mr. President. After input from the ACLU and law enforcement agencies, the committee amendment changes provisions in the original bill relating to retention and sharing of license plate data as well as technical and harmonizing changes. This is AM121.

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

Floor Debate  
January 10, 2018

---

After a hearing with no opposition testimony, LB93 advanced with AM121 from the Judiciary Committee on a vote of 7 yeases and one absent. I would ask that you vote green on the committee amendment, AM121, and would be happy to address any questions you have about the particular sections of the amendment. Thank you, Mr. President. [LB93]

PRESIDENT FOLEY: Thank you, Senator Ebke. Debate is now open on LB93 and the pending Judiciary committee amendments. Senator Schumacher. [LB93]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. I'll be honest with you, I have not parsed through this piece of legislation, so Senator Hansen I might ask you some questions here. But let me echo my concerns here. This is a brave new age that we're in and it appears just from the early reading of this that this deals with devices that can look at your license plates and record where you're at and what intersections you go through and snoop on you and that the police or the government should not do that. I don't think...at least it strikes me that this doesn't solve the problems that we see with it. On your phone, if you look at your iPhone or whatever, chances are you've got any number of apps which are tracing your position everywhere you are, not only where your car is, where you are. And chances are, some of them automatically implement. Now, we're telling, I think in here, the police if they can't take your picture of your plate and maintain it in some database, but those databases are accumulated in a whole lot of other ways than taking the picture of your license plate, and I would assume that the police or law enforcement can buy or have access, maybe even through a search warrant of those databases that who knows who wrote the app has got a record of. So it becomes in my mind a little bit familiar like a bill I introduced a few years ago on drones saying the police couldn't misuse a drone and there was regulations on what they can do. But then that bill kind of became mute because everybody else and his dog could use a drone to watch you and they could sell the chip or the memory to the police. So I'm wondering whether or not this has all been thoroughly thought through as part of some electronic privacy thing or whether or not we're just picking it apart. Senator Hansen, would you yield to a question. [LB93]

PRESIDENT FOLEY: Senator Hansen, would you yield, please? [LB93]

SENATOR HANSEN: Yes. [LB93]

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

Floor Debate  
January 10, 2018

---

SENATOR SCHUMACHER: Senator Hansen, tell me where my interpretation of this law is where I'm misreading it, in the short time I've had to think about it. [LB93]

SENATOR HANSEN: I don't think you're misreading it or anything. I will say this does allow police to collect data for a certain period, but it just established limits on how long they can retain so the database does not continue to build and build and build. As well as different treating the use between law enforcement and apps you might have on the phone. You know, an app you choose on the phone is a choice you make as well, but a law enforcement say mounted camera at an intersection is one you might not even be necessarily aware of. [LB93]

SENATOR SCHUMACHER: But at the same time as a practical matter, you don't make a choice to sell the apps...self-app institute and you pretty much know that anybody including somebody who has a dash camera in the car next to you could be recording you and that you're probably recorded everywhere you go in far worse a situation than 1984. Now, we know where both of us are because that picture identifies where you're at when you transmit it. You didn't take a picture...well, geez. Good. I didn't comb my hair either. So...but at any rate, I'm just wondering what the purpose of putting these restrictions on law enforcement is when there are so many other ways of getting the same data and so many other ways of selling and transmitting that data, and it's certainly a complex issue. But whether or not acting on this, in fact, is...gives unrealistic expectations. I figure when I'm driving down the street somebody is probably...I'm running into somebody who probably has a dash cam going. And going through an intersection probably going past any number of garage door cameras who are looking as to... [LB93]

PRESIDENT FOLEY: One minute. [LB93]

SENATOR SCHUMACHER: ...who is going past me. So I'm not quite sure why we are doing this and whether or not we're costing these law enforcement agencies a revenue or cost in order to...and mandating on a local mandate thing, all kinds of expenses in trying to figure out when they got to delete these records and things of that nature. I'd like to hear a little more discussion on this today. Thank you. [LB93]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Ebke. [LB93]

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

Floor Debate  
January 10, 2018

---

SENATOR EBKE: Thank you, Mr. President. I might just add a few words to all of this. You're certainly right, Senator Schumacher, we are in a brave new world and we can be followed around wherever we go with out cell phones and it's kind of scary sometimes when you walk into a particular store and all of a sudden the app pops up, all sorts of coupons for the store that you're walking into. So that's certainly a concern. I think the question...the question here is one of what...not what private entities have on us, but rather what the state and law enforcement is able to maintain on us. That was the concern. I think it was brought to us in the committee hearing and how long some of that data should be allowed to accrue, and what kind of evidentiary requirements were required, you know, in terms of, you know, self-incrimination if you might self-incriminate yourself at some point because you drove through some place eight months before. And so, Section 4 was amended. I might just add a few points here. Section 4 was amended in AM121 to provide that the plate data can't be retained by law enforcement for longer than 60 days unless it is subject to a court authorized preservation request or unless there's a legitimate evidentiary purpose outlined in Section 3, or unless it's subject to a warrant, subpoena, or court order. So it's sort of a basic civil liberties idea that there has to be...that there has to be a legitimate reason for holding it. And then Section 5 is changed to explicitly authorize sharing of plate data to parties related to a criminal or civil action, for administrative purposes, to alert the public of an emergency situation and so on. So I mean there are some exceptions to the sharing of plate data and to the retention of records, but we wanted to put a little tighter...a little tighter restrictions on the state's ability to maintain that over time. Thank you, Mr. President. [LB93]

PRESIDENT FOLEY: Thank you, Senator Ebke. Senator Hansen. [LB93]

SENATOR HANSEN: Thank you, Mr. President. I wanted to just pop up and continue to add to the discussion. One thing I want to clarify is there is no prohibition on law enforcement using this. It's more if they're going to use it, they should make it clear that they're using it, protect the data, and keep the data for a limited amount of time so it does not become this accumulated database that is open to the public and that...you know, when a strange family member, maybe someone subject to protection order, has access to through a Web portal as we've seen in other situations. I've met with the State Patrol and the Lincoln Police Department. Those were the two stakeholders that were most interested and engaged in it. We talked about every possible use they might have for it. Honestly, the State Patrol was most interested in using it at highway weigh

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

Floor Debate  
January 10, 2018

---

stations and that's expressly allowed. We wanted to make that clear. And the city of Lincoln, the department was more interested in using it for parking enforcement. That's expressly allowed and that's in the clear. So it's not an issue of saying they can't do it. It's saying if you are going to do, just make it clear it's happening and don't have the database become a weapon for somebody else. It's just kind of a protection tool of that aspect. In terms of impact and unfunded mandates, we've worked with stakeholders. I had originally introduced this bill my second session, I believe it was LB831. It didn't get a priority and we renewed this LB93. We've met through stakeholders throughout and there's not a fiscal impact to any organization. As of now, in part because the technology isn't used, but in part because we worked really hard and with multiple rounds of meetings with both the State Patrol and interested Police departments in this. So hopefully that clears a little bit...clarifies the bill a little bit more. Thank you, Mr. President. [LB93]

PRESIDENT FOLEY: Thank you, Senator Hansen. Senator Groene. [LB93]

SENATOR GROENE: Thank you, Mr. President. Senator Hansen, would you take a question? [LB93]

PRESIDENT FOLEY: Senator Hansen, would you yield, please? [LB93]

SENATOR HANSEN: Yes. [LB93]

SENATOR GROENE: I haven't had time to study it, but let...are you trying to stop somebody, let's say a company gets a license plate reader and they go to an athletic event or a concert and they read all the vehicles that go into the parking lot. And then they have a database then that these people have this interest, and all of a sudden I'm going to get e-mails that said, advertising certain events, certain products. Would that stop that? [LB93]

SENATOR HANSEN: No, this bill is limited to government entities. So we know private entities might use this, but we don't attempt to control them with this bill. [LB93]

SENATOR GROENE: Well, you add that and I'll vote for it. (Laughter) Thank you. [LB93]



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

Floor Debate  
January 10, 2018

---

SENATOR HANSEN: Okay. Thank you. [LB93]

PRESIDENT FOLEY: Thank you, Senator Groene and Senator Hansen. Seeing no other members wishing to speak, Senator Ebke, you're recognized to close on Judiciary Committee amendments. She waives closing. The question for the body is the adoption of AM121, Judiciary Committee amendments. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB93]

CLERK: 32 ayes, 0 nays on adoption of committee amendments. [LB93]

PRESIDENT FOLEY: The committee amendments are adopted. Is there any further debate on LB93 as amended? Senator Hansen, you're recognized to close on the advance of LB93. [LB93]

SENATOR HANSEN: Thank you, Mr. President, and thank you, colleagues, for that last vote on the committee amendment. That represented a lot of work between myself and Judiciary Committee members, Judiciary staff and various stakeholders. I would appreciate your green vote on LB93. Just as we've talked about, it's a kind of set of best practices just for data storage and privacy protection in kind of admittedly limited area. And if there's interest in expanding or changing in future rounds, I'm more than happy to continue working and talk with my colleagues. Thank you, Mr. President. [LB93]

PRESIDENT FOLEY: Thank you, Senator Hansen. Members, you've heard the debate on LB93. The question for the body is the advance of the bill to E&R Initial. Those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record please, Mr. Clerk. [LB93]

CLERK: 35 ayes, 0 nays, Mr. President, on the advancement of LB93. [LB93]

PRESIDENT FOLEY: LB93 advances. Next bill, Mr. Clerk. [LB93]

CLERK: Mr. President, LB384. It's a bill by Senator Lindstrom. (Read title.) Introduced on January 13, referred to the Banking, Commerce and Insurance Committee, advanced to General File. I have no amendments to the bill, Mr. President. [LB384]

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

Floor Debate  
January 10, 2018

---

PRESIDENT FOLEY: Thank you, Mr. Clerk. Senator Lindstrom, you're recognized to open on LB384. [LB384]

SENATOR LINDSTROM: Thank you, Mr. President. LB384 comes to us from a member of the small loans industry in Nebraska. The bill would amend the Nebraskan Installment Loan Act. That act caps the amount of interest a lender may charge a borrower. Our act now says that the rate may not exceed 24 percent per annum on the first \$1,000 of unpaid balance and 21 percent per annum on the remainder of the unpaid balance. The bill simply would change the cap to a single rate of 29 percent per annum. Why should we raise the ceiling on the amount on the interest that can be charged on an installment loan? The answer is that we should do this to address real concerns about shrinkage within the installment loan industry. The problem is that some parts of the industry are growing at the expense of other parts of the industry. State licensed and examined installment loan lenders with brick and mortar locations are disappearing in the face of growth in on-line, out-of-state unlicensed installment loan lenders. I was approached by the district manager of OneMain Financial which has eight locations across Nebraska. At the Banking Committee hearing on LB384, OneMain told us that according to figures compiled by our Department of Banking, there were 39 Nebraska licensed installment loan company locations in 2005. In 2016 there were only ten and eight of those were the OneMain locations. We were told that OneMain has an annual payroll of about \$1.5 million and serves about 8,800 Nebraska residents. On-line, out-of-state lenders charge higher interest rates that can be charged by Nebraska licensed installment lenders. Those on-line lenders can seek out business in Nebraska without having to cover overhead cost, which must be borne by the state licensed brick and mortar installment lenders. Our installment loan interest caps have not been amended by the Legislature since 1984. Someone may tell us that the interest rates were generally quite a bit higher in 1984 than they are now, and that is true. What is also true is the Internet was not around in 1984. The challenge is created by on-line installment lenders are what the Legislature should be focused on. This bill would help our state licensed installment loan lenders better compete. They are the sources of credit we should want our citizens to go through first for their installment loan needs. The bill came out of committee 7-1. There was no opposition in the testimony within the hearing, and I urge the advancement of LB384. Thank you, Mr. President. [LB384]

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

Floor Debate  
January 10, 2018

---

PRESIDENT FOLEY: Thank you, Senator Lindstrom. Debate is now open on LB384. Senator Schumacher. [LB384]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. It may be too close to the Christmas season and the blood of Scrooge is still rushing through my veins, but I cannot play Santa Claus like this. Twenty-nine percent interest blessed by this body? Give me a break. I voted against this in committee. I don't care what economic excuse is out there, 29 percent interest is usury. This industry, if it can't make it, it can't make it, but I think it can. Let's go back to 1985 when that change was made. Prime interest rate was 13 percent. They talked the Legislature into putting in a 21 percent number for things over \$1,000, 24 for under. But that's an 8 percent spread between the prime rate and 21 percent. They made it on it. 1994 the Internet already was percolating. Prime was at 8.7 percent, 21 percent statutory rate, 12.25 percent spread. Okay. So we went from 8 to 12.25 percent. 2005 we already had cable Internet, we already had broadband and wireless and all of that stuff in most of the areas. Prime was 6.75 percent, 21 percent in the statute, a spread of 14.25 percent. So in those 20 years the spread almost doubled. Today, prime is up 4.5 percent, the rate 21 percent, the spread 16.5 percent. Over double what it was in the 1980s and now this bill that had one organization behind it, one, wants to take it to 29 percent, still 4.5 percent interest, at prime 29 percent, a rate 24.5 percent spread. Three times what they needed in 1980. I can't go along with 29 percent interest blessed by this body. Maybe some of you can, that's fine. But I've got to speak my piece, that's too much. And the old rule applies here, pigs get fat, hogs get slaughtered. We should be looking at reducing this interest rate down to the 8 percent spread of the 1985 era and instead of 29 percent, talking about a maximum rate of about 13 percent. This is wrong. There's been no demonstrable need for it demonstrated. The bill came out of committee late in the session. I don't think anyone ever thought it would hit the floor because it wouldn't get a priority, a Speaker's priority, and it wouldn't be consent. But it's here today because of the fluky situation we have and we're going through these bills who have no priority. This is a bad bill. It's a wrong bill. I've spoken my piece. Thank you. [LB384]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Mr. Clerk. [LB384]

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

Floor Debate  
January 10, 2018

---

CLERK: Mr. President, Senator Chambers would move to indefinitely postpone the bill. Senator Lindstrom, you have the option to take it up later, Senator. (MO166, Legislative Journal page 270.) [LB384]

SENATOR LINDSTROM: Yep. I'll take it up. [LB384]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your motion. [LB384]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, "Professor" Schumacher spoke in much more measured tones than I was prepared to use, but he made the argument. And I'm going to hit you Christians again. You know where I first heard the word usury? When I used to go to church and I was a small child and God forbade the collecting of usury, it was a sin. You all are Christians. Your Jesus said, don't charge usury. You all pray every morning and you all bring a piece of material like this? When Senator Lindstrom was speaking so well for these cutthroat gougers, he talked about the shrinkage, meaning there are fewer of these barracudas around. In order for me to not misstate by offering my opinion, the point he was making, I'd like to ask Senator Lindstrom a question or two. [LB384]

PRESIDENT FOLEY: Senator Lindstrom, would you yield, please? [LB384]

SENATOR LINDSTROM: Yes, I will. [LB384]

SENATOR CHAMBERS: Senator Lindstrom, you mentioned these on-line lenders. Do these on-line lenders charge a higher rate of interest than what we're talking about here? [LB384]

SENATOR LINDSTROM: Yes, they can. [LB384]

SENATOR CHAMBERS: Then why would somebody go for a higher rate of interest on-line than they can get right here at home? [LB384]

SENATOR LINDSTROM: Well, this doesn't necessarily change what a person would get charged. There's a range. This would only change the cap in which they could be charged. So the

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

Floor Debate  
January 10, 2018

---

lender could potentially charge less of a percentage if they so choose if the person had a better credit score. [LB384]

SENATOR CHAMBERS: So then the on-line lender would get customers because the on-line lender is offering a more reasonable product. That's the way I would interpret what you're saying so that ordinary people who would get caught in this would understand it. You're saying that the on-line lenders would use a lower rate in reality than what these in-state lenders would use? Is that what you're saying? [LB384]

SENATOR LINDSTROM: They could compete in that regard, but again, we are...it would cap at 29 percent. It wouldn't mean that necessarily that person would be paying 29 percent. It would be a range. You know on the Web site of the company, the APR can range between 17.5 percent and they're up in other states. Surrounding states charge 36 percent. All the states around us charge 36 percent. We'd be at 29 percent so it would be far lower than anything around us. [LB384]

SENATOR CHAMBERS: That doesn't make economic sense to me as a justification for this bill, but I'm going to ask a couple more questions. You want to make these in-state cutthroats able to compete better with the on-line cutthroats, is that what you're talking about? Although the way you explained it, that's not what's happening at all. [LB384]

SENATOR LINDSTROM: Is that the question? [LB384]

SENATOR CHAMBERS: Yes. [LB384]

SENATOR LINDSTROM: I don't quite classify them as cutthroats, but yes, they would be able to compete. They are brick and mortar. They have overhead cost. On-line providers don't have near the overhead cost that these brick and mortar company, OneMain Financial and others have. [LB384]

SENATOR CHAMBERS: Who gets these loans? Who are the category of persons who get these high-interest loans? [LB384]

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

Floor Debate  
January 10, 2018

---

SENATOR LINDSTROM: It could be anybody. It's an unsecured loan so you're dealing with the credit worthiness of the person, personal loan for...could be weddings, vacation, medical, auto, RV. It's a list of things that people would get loans for. [LB384]

SENATOR CHAMBERS: But since we both are men of the world, although I'm considerably older than you, we both know that there would be various categories of what might be called low-wage people who are financially stressed would be the ones likely to go to your clients, correct? I meant, those you're representing here today, because you're not representing the people, you're representing one individual, aren't you? [LB384]

SENATOR LINDSTROM: Well, no, this isn't payday lenders. These are...this is an institution that somebody would have to have a decent credit score to get the loan. So it isn't like somebody is walking in just asking for \$500. This is somebody that has credit worthiness and the loans are bigger. It would be a range between \$1,500 up to \$25,000, so these aren't low level loans or low dollar amounts. These are mid to high range loans. [LB384]

SENATOR CHAMBERS: If they were going to get a loan from a bank, how much would...what's the maximum interest a bank would charge? [LB384]

SENATOR LINDSTROM: It depends. Everything is negotiable when it comes to that. [LB384]

SENATOR CHAMBERS: Is there a statutory maximum? [LB384]

SENATOR LINDSTROM: I'm not aware of a statutory maximum on a bank loan. I'm not aware of one. [LB384]

SENATOR CHAMBERS: Well, it was probably felt that it wouldn't be as necessary as it is in this case. Would you agree with that? [LB384]

SENATOR LINDSTROM: Different loan, I don't know. Could you ask that question again? [LB384]

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

Floor Debate  
January 10, 2018

---

SENATOR CHAMBERS: Never mind, because I think my questions might be going far afield. I agree with Senator Schumacher. I don't see how this Legislature could accept a bill like this. I don't know what a...what opinion my colleagues have on something like this. So I'm not going to make any charges against the Legislature as a whole as I've done the last couple of days on bills where the Legislature's view was clear and where it was skewed, in my opinion. This is an indefinite postponement motion. These cutthroats can make it. They just want to make it better and there are categories of people they aim at. And there might be some who will discuss that during the course of consideration of this bill, and I don't want to have to say everything that can be said on this bill if there are others who are going to join in the discussion. But I could not, in good conscience, agree to a bill like this. And it makes me think that this is James Jesse's committee. Do you know who James Jesse is? Reverse those names and what do you get? See this is the bank robbing the people, not a bank as such. But it would be like Robinhood robbing from the poor to give to the rich. Senator Lindstrom pointed out that there was no opposition. Who would come to speak against a bill like this? Who even knows that a bill like this is before the Legislature if they're going to wind up being victimized by it? We all know and the ones who had him bring this bill knew that there would be no opposition. These people are not organized. They don't have a lobbyist. I'm talking about the ones who will be victimized by this bill should it become law. I'd like to ask Senator Lindstrom a question. [LB384]

PRESIDENT FOLEY: Senator Lindstrom, would you yield, please? [LB384]

SENATOR LINDSTROM: Yes, I will. [LB384]

SENATOR CHAMBERS: Senator Lindstrom, are you personally acquainted with the person who asked you to bring this bill? [LB384]

SENATOR LINDSTROM: Acquainted, yes. Yeah. [LB384]

SENATOR CHAMBERS: Would you say that you all are friends? [LB384]

SENATOR LINDSTROM: No. [LB384]

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

Floor Debate  
January 10, 2018

---

SENATOR CHAMBERS: Are you enemies? [LB384]

SENATOR LINDSTROM: No. [LB384]

SENATOR CHAMBERS: Do you ever socialize? [LB384]

SENATOR LINDSTROM: No. [LB384]

SENATOR CHAMBERS: How do you know this person? [LB384]

SENATOR LINDSTROM: When this bill was presented, they testified on behalf of the bill when it came before our committee. [LB384]

SENATOR CHAMBERS: So you didn't know the person before then? [LB384]

SENATOR LINDSTROM: Well, I had to know the person, just meeting them, discussing the issue before I brought the bill. [LB384]

SENATOR CHAMBERS: Okay. And I'm not trying to suggest that there's anything inappropriate between you and that person, but it seems like the kind of bill that a person might bring as a favor to somebody else. And this goes beyond just being a favor and I think it is not a bill that is in the best interest of the public at large. If these...see this kind of water can be analogized to the open sea. There's some fish that live in fresh water, some in salt water. So if I mix them up, you have to understand that it's for a purpose. There are sharks, there are barracudas, there are piranhas. And that's what that industry comprises. Where do you think the term loan shark came from? How does sharks operate? What are they known for? And some of the people I look at whose names are on this piece of paper supporting this, shocked me, because they had mislead me. I thought they were something different from what they obviously are here. But sometimes what people really are, will come out inadvertently and then you see that you were dealing with people who were flying a false flag. Oh, I meant they know how to speak as though they're sympathetic, that they are compassionate, they understand, and then they pull out the daggers, and they're what a song called, the Back Stabbers. [LB384]



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

Floor Debate  
January 10, 2018

---

PRESIDENT FOLEY: Time, Senator. [LB384]

SENATOR CHAMBERS: Thank you, Mr. President. [LB384]

PRESIDENT FOLEY: Thank you, Senator Chambers. Continuing discussion. Senator Krist. [LB384]

SENATOR KRIST: Thank you, Mr. President. Good afternoon, colleagues, and again, good afternoon, Nebraska. I'd like to ask a question to Senator Lindstrom if he would yield. [LB384]

PRESIDENT FOLEY: Senator Lindstrom, would yield, please? [LB384]

SENATOR LINDSTROM: Yes, I will. [LB384]

SENATOR KRIST: Was the intent of this bill simply to raise the interest rate or to make one industry in brick and mortar more competitive with on-line loaning? [LB384]

SENATOR LINDSTROM: It's to make it more competitive with the on-line providers. [LB384]

SENATOR KRIST: I hope the Governor and Senator Watermeier are listening because those brick and mortar folks that are out there that have to pay taxes, and the Internet sales folks that are out there that don't have to pay tax in the state of Nebraska, need to stand up and take warning, because if that's what we're doing here, then we need to make sure that that Internet sales tax is put in place as soon as possible to level that playing field between mom and pop whose Ace hardware store is closing because they're ordering things on-line. Editorial comment. Thank you, Senator Lindstrom. Now, for the benefit of our newest senators, is Senator Thibodeau still in the Chamber someplace? She is, good. Well, I want to make sure because I've been told that I lecture to people and I can't lecture these guys anymore because they've got at least one session under their belt, so I'll address my comments towards you. Senator, one of the things I look for on a bill on a committee statement when things come up, usually is how many people actually testify and whether they testified in opposition or in support of a bill. And anytime I see a single focus as in an organization who has come in to testify for a particular

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

Floor Debate  
January 10, 2018

---

purpose, I have to ask myself, was this a bill intended for one industry and in one purpose? And so to that, I will continue to ask members of the committee a couple of questions. I wonder if Senator McCollister would yield. [LB384]

PRESIDENT FOLEY: Senator McCollister, would you yield, please? [LB384]

SENATOR McCOLLISTER: Yes, I will. [LB384]

SENATOR KRIST: Senator McCollister, you are on the committee and you did vote this bill out by the committee statement. Would you do it again, and why did you do it the first time? [LB384]

SENATOR McCOLLISTER: I'm going to listen to the debate and take that in and I'll vote accordingly. [LB384]

SENATOR KRIST: Okay. I don't mean to put you on the spot, but every time I've been in a committee hearing, I hear things that I think need to be relayed to maybe the body in a way. So was there something that you heard that compelled you to vote the way that you did? [LB384]

SENATOR McCOLLISTER: Yeah, I think the on-line producers were a concern to me and I understand that competition is part of what we do in this state and everywhere else, so I'm anxious to make those folks that compete in the state competitive. [LB384]

SENATOR KRIST: And I understand that. Thank you. And Senator Kolterman, would you yield to a question? [LB384]

SENATOR KOLTERMAN: Yeah, I will. [LB384]

PRESIDENT FOLEY: Senator Kolterman, will you please yield? [LB384]

SENATOR KRIST: It takes a while to hit that button. [LB384]

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

Floor Debate  
January 10, 2018

---

SENATOR KOLTERMAN: Yeah. [LB384]

SENATOR KRIST: Yeah, I ask you the same question. You voted yes out of committee. You're on the committee, you voted it yes. Is there something that compelled you to vote the way that you did in committee? Something that you heard? [LB384]

SENATOR KOLTERMAN: You know I've worked on payday lending and those types of things. I've looked at that. It does serve a purpose in this state. Many of the retail banks, small community banks can't do this. This does keep them competitive. It keeps them from closing their doors and that's why I supported the bill. [LB384]

SENATOR KRIST: Okay. Thank you. So just like everybody has a motorcycle story, I have a story. And this particular lender, when we were building a house four years ago, I got to a point where all that I could do was not what I needed to do, and I went to a particular business in the Omaha area and they deferred... [LB384]

PRESIDENT FOLEY: One minute. [LB384]

SENATOR KRIST: ...and set up a loan with this particular industry. And I'm paying...I paid and am paying an incredibly high interest rate even with my reasonably good credit rating. So I'm not in favor of bumping up the interest rate across the board for all the reasons that Senator Schumacher and some of the reasons Senator Chambers said. But I do want to emphasize to this body that if we want to level the playing field and create a revenue stream and help our situation out, we'd better be talking about Senator Watermeier's bill, and we'd better be making sure that we are at least accessing those funds for the Internet sales that are coming into the state. Thank you, Mr. President, and thanks for listening, colleagues. [LB384]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Thank you, Senator Krist and Senator Kolterman. Waiting in the queue: Senators Wayne, Chambers, and Williams. Senator Wayne, you're recognized. [LB384]

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

Floor Debate  
January 10, 2018

---

SENATOR WAYNE: Thank you, Mr. President. I am against this bill. I think as we talk about students in general, me being one who took out a lot of loans to get through school, to go to...and law school, anything dealing with interest rates for student loans, we as a body have to think carefully about...think how that will impact people and think about whether that would actually hurt them from getting loans. And to my conservative colleagues, this is a special legislation in my opinion for a group of individuals who can't survive in the free market according to why this bill is introduced. And by raising their interest rates is not going to change whether I'm going to go to a brick and mortar, or if I'm still going to access on-line. So I'm going to continue to access on-line primarily because you can probably get better interest rates. I wish it wasn't the case, but raising this is going to actually deter and hurt people who need it the most. And when we talk about installment loans, we're typically talking about students who need it the most and raising interest rates on those students, I think, is unfair and I think it's interesting that in most industries there's not carve-outs on how much we can charge. So I am adamantly opposed to this bill and with that, I'll yield the rest of my time to Senator Chambers if he would like it. [LB384]

SPEAKER SCHEER: Thank you, Senator Wayne. Senator Chambers, you have 3:25. You are next in the queue, so I'll just let you have the eight in continuation. [LB384]

SENATOR CHAMBERS: Thank you. And members of the Legislature...and thank you, Senator Wayne. The fact that others have spoken to this issue makes it possible for me to exercise more restraint. But I grew up in a community where I still live now where people work and are poor. That doesn't mean everybody is dirt poor. It doesn't mean that everybody goes to bed hungry at night. It doesn't mean nobody can afford to take a child or children to a doctor or a dentist, but it means that taking over all, they constitute a stratum. You talk about lower class, middle class, upper class. No one of those classifications will be like a narrow film and everybody within that film is on the same level. It is a range. People from this at the lower end to the upper end comprise that class. The people that I have spent time around during my life have not been those who are considered well off. They are the people who are like, I guess, the way they described Jesus, scorned, rejected of men, friendless. Somebody needs to speak for them because they're not in a position to speak for themselves and it's not because they are ignorant and don't understand what's happening to them. The fear, and it's a real one, is that if they say anything, their condition could be made worse by those against whom they're complaining. First of all, the

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

Floor Debate  
January 10, 2018

---

one against whom they are complaining will have contact with people like those in the Legislature, who will do what Senator Lindstrom and his henchmen on the committee are doing with this bill. They'll be looked after. You won't see Senator Lindstrom or any of the people on his committee talking about the people who are gouged by loan sharks. They won't talk about that. Those are not the kind of people they associate with. Oh, you said time. [LB384]

SPEAKER SCHEER: No, Senator, you have 53 seconds plus your five, so. [LB384]

SENATOR CHAMBERS: Oh, okay. I thought I heard you say time, maybe I'm so used to hearing that. And if it sounds like I'm speaking disparagingly of that committee, I am. I am. They are not in a position to say they're unaware of the people in this society who are not well off. They are discussed all the time. They see sometimes people of that ilk come to this Legislature, sometimes they will come to hearings. And it's a degrading performance that I hate to see, but I won't walk out. They have to show their wounds. They have to talk about how bad off they are, how their little children cannot be properly fed, cannot be properly clothed. Nobody ever had to do that with Jesus. They didn't have to come to him like that. They didn't have to debase themselves and say, Lord, I've got plenty of nothing and nothing is plenty for me. Jesus told you all that your Father knows what you need before you even ask. And you are supposed to partake to some extent of that attitude. You will never be a God. None of us will. Those are aspirational standards. The standard is set there and you are told that this is what you should strive to reach. And yet when we have the opportunity to do it, all you all will do is come here and pray in the morning. I said you pray to God in the morning, then the rest of the day you do the devil's work harming the widows and orphans. Is this comporting with the prayers that you all offer every morning? So we can now charge 29 percent instead of 24, that's Christianity? That is your religion and that is your Jesus Christ in action because I know Jesus through you. I've never seen a Jesus. I've never seen anybody walk on water that was liquid, that was deep enough for them to sink into. I've never seen then turn wine into water, but everybody...every wino can't turn water into wine, but they can turn wine into water. Anybody can do that. So I judge you all by what you do. Not a standard that I set. The one that you all set. I bet everyone on that committee professes to be a Christian or some kind of religion or other, some kind of raggedy religion, and can stand on this floor so sanctimoniously and talk about the disadvantaged and whatever the special group is that they're going to talk about for that day. Then when time comes for us to do

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

Floor Debate  
January 10, 2018

---

something, it's no. You get words and that's all. So I'm not going to call Senator Lindstrom by name and say he is a bad person, because Senator Lindstrom didn't do this alone. He had co-conspirators. So I will say that collectively, they're not what I would call virtuous people. They're not what I would call sensitive people. But what do they care about what I think? Nothing. But I want it clear where I stand. Some guy named Martin Luther got tired of indulgences being sold. If I remember in my history correctly, there's a guy named Tetzel who may have been selling these indulgences. But at any rate, he tapped some thesis on the door of a church and that started, as they say, a split, and the rest is history. People who profess religion have to be watched very, very closely. They hide behind that facade and do every manner of wrongfulness. How can they grind the people down and gouge them and not be bothered. Because there are people who are desperate with no sense of values, they're conscienceless. That is my view. I will bet, and I'm a man of means by no means, but because I've saved all my life I have a... [LB384]

SPEAKER SCHEER: One minute. [LB384]

SENATOR CHAMBERS: ...few nickles, I would venture to say that when it comes to out-of-pocket giving, I give more based on my circumstances than anybody in this Legislature. And it's not for the purpose of saying that, but I don't need anybody to beg me. I don't give where...what I give is going to be known. It's where I think the need is. Senator Lindstrom doesn't have to do this. Senator Kolterman doesn't have to be a part of it. Senator McCollister is better than this. All of them, in a different setting would be better. If they went to a gathering other than a vultures and buzzards and various other birds of prey, metaphorically speaking, they wouldn't speak with great pride about this bill. I bet not one of them, if they're not among those who would benefit from it. [LB384]

SPEAKER SCHEER: Time, Senator. [LB384]

SENATOR CHAMBERS: Thank you, Mr. President. [LB384]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Williams, you're recognized.  
[LB384]

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

Floor Debate  
January 10, 2018

---

SENATOR WILLIAMS: Thank you, Mr. President. And every vow you make, every step you take, every breath you take, He will be watching you. And if you come early tomorrow morning, you will get to hear me pray, Senator Chambers. So I expect you to be here early. Wow! You know we spent our day today talking about personal choices and protecting those personal choices. And we talked about protecting people, and that's what Senator Chambers and Senator Schumacher are talking about and then we talk about government overreach, overregulation, and earlier today I talked about where you draw that line. I serve on the Banking Committee. I'm proud to serve on that Banking Committee. If you look at the transcript on this, I asked a number of questions of the person that testified from OneMain. In those questions determined why I support this legislation. And Senator Krist was asking a couple of the other senators that are on the Banking Committee why they supported it, and I supported it because even though I think that is an extremely high interest rate, it's a little bit like the payday lender issue that if we do not do certain things, we eliminate a service, we take that away from a person. We take that personal choice away that they would have if this is where they chose to borrow money. Make it clear, this is for installment loan companies. It's a separate license. They are not a bank. They are not a payday lender. In 2005, we had 39 licensed installment loan companies in our state, licensed, and regulated by the Department of Banking. In 2016, we have ten. And what we found out by the questions that were asked, which I asked during the testimony, was this company was planning to close at least three more of those companies across the state if this legislation did not give them a different opportunity and created the ability for them to compete. I'm not sure the Legislature should be involved with this at all. Why do we set a rate at all? You know, you're worried about what this should be, why isn't it set just by the competition? There's other places. Senator Krist made a comment about a loan that he got. He could have gone somewhere else, but he chose to do that. He signed that contract. Where's the personal responsibility, the personal choice? Where should government be? Am I proud to support an industry that could charge up to 29 percent? Not necessarily, but I'm pleased to support something that doesn't take away a choice of an individual of where they would choose to borrow money. So that's why I support this. And I know I will be criticized by Senator Chambers, but I will be watching him as that extra breath he takes. Thank you, Mr. President. [LB384]

SPEAKER SCHEER: Thank you, Senator Williams. Senator Schumacher, you're recognized.  
[LB384]

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

Floor Debate  
January 10, 2018

---

SENATOR SCHUMACHER: Thank you, Mr. Speaker, and members of the body. What do you suppose the first thing that's going to happen if this bill passes? The sign on the door that says 21 percent will disappear and it will be 29 percent. Does anybody doubt that? I mean, they're before the Legislature this one business and within an industry comes before the Legislature, says we can't make it on 21/24 percent, we got to go to 29 percent. Can't make it. So the rate is certainly not going to go down. And if you don't let us take it up to 29 percent, well, you know, the line we hear over and over, we're just going to leave the state. They aren't going to leave the state. Having three times the spread they did in 1985, they didn't leave the state. Twenty-nine percent is usury. If we took the limit off, it probably would be 50 percent because they got a narrow captive market. And this idea of they're being persecuted by the Internet, well, if they're allowed to raise their rate and if the Internet is cheaper, well, then they're going to be persecuted all that more. This is something you've just got to vote what you think is right on. There's been no demonstrable evidence that this extra ability to extract the market position that these people have, is needed. They're in a position to get what they charge. Kind of like the farmer is in a position have to take what he gets. It's the market. In this case we have historically done something about it. We've had usury laws as long as this state has been in existence. When I started practising law, usury was 16 percent. Couldn't charge more than that and we gave credit cards a little wiggle room, a little wiggle room here and there. And now we're blessing 29 percent. Why not just take it off altogether? Let the market decide. Let them ride their motorcycles. Twenty-nine percent interest, up from 21 percent, three times the spread the profit...the operating profit revenue that there was in the 1980s. The case has not been made for the change in these interest rates. The minute this passes, it will cost the people who have to take out these loans because they don't have the bank credit, and don't have relatives they can borrow from, they got to use these shops, their cost of borrowing is going to go up by roughly 50 percent, from 21 to 29 percent. Just because we said it can. If you doubt that, then you doubt it, but I don't think anybody with thinking ahead will doubt it. We're going to increase the cost of these loans for our citizens, and this Internet argument makes no sense at all. If we're going to allow them to rise their price, they're going to price themselves right out of the Internet market. [LB384]

SPEAKER SCHEER: One minute. [LB384]



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

Floor Debate  
January 10, 2018

---

SENATOR SCHUMACHER: I raise this issue because it is one of those things that gets started and happens just because in this body and unless somebody says something that calls to the conscience of the body what is going on, it just rum-dums right on through. So you guys make your decision on it, but this thing should be indefinitely postponed. There is no reason for doing it unless you say, just get rid of the law altogether, let the market do whatever it is. And I don't think we're that yet, there on the issue of banking. Why can't everybody just be a banker? Just declare themselves to be a banker. Start making loans. I support Senator Chambers' motion. Thank you. [LB384]

SPEAKER SCHEER: Thank you, Senator Schumacher. Senator Chambers, you're recognized. [LB384]

SENATOR CHAMBERS: Is there anybody following me? [LB384]

SPEAKER SCHEER: Yes, there is, Senator. [LB384]

SENATOR CHAMBERS: Well, I'm going to speak briefly. And I would advise Senator Williams, don't wait to exhale in terms of me coming to hear you pray tomorrow. (Laughter) Members of the Legislature, Senator Williams meant well when he talked about a choice, but look at this. Are you all aware that there have been some people stranded with no water and they drank their own urine? Are you aware that that has happened? Are you aware that there was a family called Donner and they ate members of their family? Well, they had a choice. They could starve or eat members of their family. Some...I don't know if it's called a Hobson's choice, or what it is, but it's, you get two alternatives, neither of which is good, so you don't really have a choice and the sense of being free, uncoerced. You weighed the situation and you take the one that is in your best interest. Would you rather be boiled in water or oil? Would you rather be baked in the oven or fried in a skillet? Are those choices? You're given two alternatives. This kind of a bill squeezes the people who need protection. And before they say, these people ought to know something about it, they need to study the law and understand the meaning of a word "adhesion". Adhesion. It's applied to businesses, not poor people like those I'm talking about. But when one party to the alleged or purported contract has such an advantage over the other party, and the other party signs the contract, the court will void the contract on the basis of it's

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

Floor Debate  
January 10, 2018

---

being an adhesion contract. There was such a disparity between the two parties, there could not be a possible meeting of the minds. That's in your law for your big business people and you are going to throw the poor people to the dogs and say they got a choice. You all have never been hungry. And I'm not talking about you go a full day without eating. You miss breakfast, lunch, but you're going to eat dinner. And then you say, there's no such thing as hunger because you're not hungry. You can take care of your children so everybody can take care of their children. You don't have eyes to see. That's why I say all this talk of Jesus makes me sick. It disgusts me. And sometimes I feel like coming up here and just turning my back on whoever is standing up there, regardless of what he or she is saying because it is piffle. It is poppycock. It means nothing. You cannot feed a hungry person with prayer. They need food. Organizations like ISIS, the Taliban, and almost every so-called terrorist organization, one person's terrorist is another person's liberator. They have sense enough to reach the hearts and the minds of the people. They deal with the people where they are and don't have this pie in the sky and the sweet by and by, it's something right now that we'll put on the plate this evening for you and your family. [LB384]

SPEAKER SCHEER: One minute. [LB384]

SENATOR CHAMBERS: And we are willing to do whatever is necessary to the point of risking our lives so that you and your children can eat. And then the Americans come over there with the mother of all bombs and weaponry and wonder why the people they're supposed to be liberating, hate them. Because the people, when they use that term, are the ones who have children who are suffering from the bombs falling, from the indiscriminate firing of heavy weaponry, the fires that result, the contaminated water, the cholera, the dysentery. And you all say that these people have a choice and they ought to choose the way you would choose when you got a loaf of bread under each arm, and each side, each slice is buttered on both sides. It's difficult for me, but I'm going to do the best I can. Thank you, Mr. President. [LB384]

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Walz, you're recognized. [LB384]

SENATOR WALZ: Thank you, Mr. President. I stand in opposition, first of all of LB384. First of all, I don't agree, I kind of feel like we're lowering our standards and our morals and our ethics if we are competing with on-line bankers for a 29 percent interest rate. You know, I understand

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

Floor Debate  
January 10, 2018

---

these may be small loans and there's not a lot of them, but a \$1,500 loan can take years to pay off for some people. And I just have a question I was going to try to get to you, Senator Lindstrom, but I didn't have time, so. For the most part, people try to shop for lower interest rates and just from my own information, why would you not want to market a lower interest rate as opposed to trying to compete with on-line banks for a higher interest rate. I mean, why would you not want to market to the people that you have a lower interest rate as opposed to on-line bankers? I'm just curious. [LB384]

SPEAKER SCHEER: Senator Walz, are you asking Senator Lindstrom to yield? [LB384]

SENATOR WALZ: Oh, I'm sorry, yes. [LB384]

SPEAKER SCHEER: Senator Lindstrom, would you yield, please? [LB384]

SENATOR LINDSTROM: Yes, I will. And yeah, they would compete in that way. I don't think anybody is going to advertise the highest rate they possibly can because they are competing with those on-line providers. So it's...you know, this is competition and this is what this comes down to. It is the brick and mortar versus the on-line and their overhead cost with brick and mortar when it comes to just everyday processing of things, your overhead with the people that work there, the tools they use to do the job, and if this was a free market, we would eliminate the capital altogether, right? If this was just strictly a free market, we would get rid of the 29 percent and then the market would dictate it, but in statute we have a cap and it's been there since 1984 when Internet wasn't around and so we're just trying to allow these installment loan, the brick and mortar installment loan providers in the state of Nebraska that are regulated by the state of Nebraska to compete with the unregulated installment loan providers that are on-line. It's as simple as that. [LB384]

SENATOR WALZ: Okay. That's all I have. Thank you. [LB384]

SPEAKER SCHEER: Thank you, Senator Walz and Senator Lindstrom. Seeing no one else in the queue, Senator Chambers, you're welcome to close on your motion. [LB384]

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

Floor Debate  
January 10, 2018

---

SENATOR CHAMBERS: And I will be brief, Mr. President. I can't think of anything else to say, but I wanted some things in the record to make it clear that when the opportunity on the floor of this Legislature presents itself, for me to speak in behalf of those who need to have a spokesperson, I will speak. I don't care how late it is in the day. I'm not going to ever be too tired on this floor to do what it is I ought to do and say what I ought to say. When Senator Lindstrom makes the kind of remarks he makes, then it shows that he's not as savvy as I thought he was. I supported him for his chairmanship. In fact, when he was, first came here, I may be one of those who told him, go ahead and run for it, you're as much a senator as anybody else. You don't have to wait until you've been here a long time, or something along those lines. But the point I'm trying to make is this. You're...you talk about the three major religions, Judaism, Islam, and Christianity. Why is there something against usury in all of them? Why? You can't let people who have everything not be regulated. Let's say that there are eight who are doing this, then we all get together and we set one rate for everybody and there is no real market enterprise. There is no real market competition. It's been shown and demonstrated that you have to regulate these kind of activities. And I will tell you again, think of that concept of the adhesion contracts which protects big shots, big businesses from the bigger businesses. It protects the barracuda from the great white. I'm going to ask for a call of the house and then I'll just take my vote and see where we wind up. Thank you, Mr. President. [LB384]

SPEAKER SCHEER: Thank you, Senator Chambers. There's been a request to place the house under call. The question is, shall the house go under call? All those in favor please vote aye; all opposed vote nay. Record, Mr. Clerk. [LB384]

CLERK: 17 ayes, 0 nays, Mr. President, to place the house under call. [LB384]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. And I'm sorry, Senator Chambers, did you ask for what type of vote? [LB384]

SENATOR CHAMBERS: Vote in all right. [LB384]

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

Floor Debate  
January 10, 2018

---

SPEAKER SCHEER: Machine vote is fine. Thank you. Senator Howard, Hilgers, Morfeld, Vargas, Wishart, Brasch, Wayne, Groene, and Halloran, we are under call. Please return to the floor. Senator Morfeld, Senator Wayne, the house is under call. Please return to the floor. Senator Wishart, could you check in, please? Senator Wayne, the house is under call. Please return to the floor. We are all here and accounted for. The question for us is the IPP motion by Senator Chambers on LB384. A machine vote was requested. All those in favor please vote aye; all those opposed vote nay. Have all voted that wish to? Request for a roll call vote. Mr. Clerk. In regular order, Senator Lindstrom? Senator Lindstrom, regular order? [LB384]

SENATOR LINDSTROM: Regular order. [LB384]

CLERK: (Roll call vote taken, Legislative Journal page 271.) 19 ayes, 17 nays, Mr. President, on the motion to indefinitely postpone. [LB384]

SPEAKER SCHEER: Thank you, Mr. Clerk. This is a General File, simple majority is necessary. The motion to IPP is approved. LB384 is IPPed. I raise the call. Mr. Clerk. [LB384]

CLERK: I have items, Mr. President. New bills. (Read LB978-LB981 by title for the first time.) Hearing notices from the Health and Human Services Committee, the Natural Resources Committee, and the Education Committee. Mr. President, your Committee on Enrollment and Review reports it has examined and reviewed LB611 and recommended it be placed on Select File. LB17 placed on Select File. Series of name adds: Senator Quick to LB747; Hilkemann to LB747; Groene to LB874. (Legislative Journal pages 271-173.) [LB978 LB979 LB980 LB981 LB611 LB17 LB747 LB874]

Mr. President, Senator Harr would move to adjourn the body until Thursday, January 11, at 10:00 a.m.

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