SPEAKER WITHEM PRESIDING

SPEAKER WITHEM: (Microphone not activated) ...George W. Norris Legislative Chamber, as we begin our ninth legislative day. This morning we are pleased to have with us Pastor Aaron Black from the First United Methodist Church here in Lincoln, Senator Wesely's district. If you would please give him your attention as he begins the day.

PASTOR BLACK: (Prayer offered.)

SPEAKER WITHEM: Thank you very much, Pastor. Would members please record their presence.

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

SPEAKER WITHEM: Are there any corrections to the Journal?

CLERK: I have no corrections this morning, Mr. President.

SPEAKER WITHEM: The Chair would recognize Senator Jensen.

SENATOR JENSEN: Mr. President, I would move that the rules, as now in our possession, be adopted for today only, Wednesday, January 18, 1995.

SPEAKER WITHEM: You've heard the motion. All in favor signify by saying aye. Opposed. The temporary rules are adopted. Any messages, reports or announcements?

CLERK: Mr. President, no messages, reports and announcements at this point. I do have three new bills, if I may. (Read LB 520-522 for the first time by title. See pages 327-28 of the Legislative Journal.) That's all that I have at this time, Mr. President.

SPEAKER WITHEM: Thank you, Mr. Clerk. We'll be introducing new bills all morning, so we proceed then to the motion to adopt the permanent rules. Mr. Clerk, will you bring us up to date where we are on that?

CLERK: Mr. President, the Legislature adjourned yesterday discussing a proposal offered by Senators Beutler and Bromm with respect to adding a new section to Rule 7 pertaining to motions filed for dilatory purposes. There were amendments offered to

that that have been adopted. That proposal, which is found in the Journal, is now pending, Mr. President.

SPEAKER WITHEM: The Chair would ask Senator Bromm if he would take a couple of minutes just to bring us up to date on where we are, what's pending, get the body back to...back up to speed, please.

SENATOR BROMM: Thank you, Mr. Speaker. As we ended yesterday, we were still debating rule change number 15 which is the matter of dilatory motions. And it was my understanding, upon arrival this morning, that there was at least one amendment to that pending matter. It would be my hope that when we finish that up that perhaps we could go back and pick up number 10 which we have some pending matters on and which is the cloture rule, and from there on I'm not sure what's pending with the Clerk. But I would hope we could proceed along those lines if it's okay with the Speaker.

SPEAKER WITHEM: It certainly is okay with the Speaker. So, Mr. Clerk, what do we have pending at the moment?

CLERK: Mr. President, Senator Maurstad would move to amend the proposal as offered by Senators Beutler and Bromm. (The Maurstad amendment appears on page 328 of the Legislative Journal.)

SPEAKER WITHEM: The Chair recognizes Senator Maurstad.

SENATOR MAURSTAD: Mr. Speaker and members of the Legislature, I rise, obviously, with some measure of trepidation, being a new member of the Legislature, and also getting involved in the rules process where one might take the opinion of what could a new member of the Legislature know about our rules. First of all, what I would like to do is propose to strike the current language in rule or in change 15 and substitute it with the following language, which I will read and then I believe will be handed out to the body. I move to amend proposed rule change number 15 by substituting the following. Amend Rule 7, Sec. 3, by adding subparagraph (b), "A motion is in order when it is presented at an appropriate time, violates no rule and is not clearly dilatory. Any regular parliamentary motion, when improperly used for the purpose of delaying or obstructing business, is a dilatory motion. The Legislature should be protected against dilatory or frivolous motions by the Speaker's

refusal to entertain such motions, or in case of doubt, submitting a question of whether motions are dilatory for decision by the body." What this does is offer an alternative approach to basically addressing the same issues that I believe that the Rules Committee has already addressed. I certainly am appreciative of the efforts of the committee but I think that possibly bring a fresh perspective to this...to this particular situation. I certainly respect rules and I believe it's the responsibility of all of us to be interested in them. I'm so much interested in the rules that I was even here last year in the gallery as you debated some of these very same issues. I was mailed the rule book, after my election. I went to the speaker orientation where Speaker Withem indicated that it would probably be a good idea for new members to begin to become knowledgeable in the rules. I attended the hearing that the Rules Committee held that discussed these issues. I have studied the rules and I've also listened to the debate of last week and of the first couple days of this week. This approach isn't directed at any individual or any groups. I wouldn't know who to direct it towards, either individually or as a group. And I also have no idea how this would affect me, because I have no idea how I might approach legislation in the future at this point. And so I think it is maybe a fresh approach with no baggage. I think it is appropriate that we indicate clearly in our rules that we state that dilatory motions are not condoned as an appropriate legislative procedure. I certainly trust the wisdom of the body in the election of the Speaker and expect that the Speaker will conduct business in a fair and impartial manner. Finally, to conclude, I believe that this amendment is a more...is a more direct approach to the issues that have been raised during debate and would urge the body to adopt this amendment.

SPEAKER WITHEM: Thank you, Senator Maurstad. Senator Bromm, followed by Senators Beutler and Chambers.

SENATOR BROMM: Thank you, Mr. Speaker. I appreciate Senator Maurstad bringing this alternative to the body and I think it sets out as clearly as can be that this is an alternative. If the body wishes to adopt language like this, we are, in effect, placing a good deal of faith and responsibility in the Speaker. It goes considerably further than the pending rule change number 15 we debated yesterday in terms of giving the Speaker some discretion. The rule seems to follow the model rules fairly closely out of Mason's, which is a compilation of

legislative procedures from across the country. If the Speaker isn't sure whether the motion or motions that are in question are frivolous or dilatory, it gives him the option of submitting that question to the body. It doesn't say what vote it would require from the body to affirm or disaffirm the motion, but I assume it would be a majority of the members of the body that would be required. It appears to me that the Speaker can take this up at any time on his own motion. I guess a question I would have with respect to intent, and I would ask Senator Maurstad whether he would entertain a question, please.

SPEAKER WITHEM: Senator Maurstad.

SENATOR BROMM: Senator Maurstad, would it be your intent that this question, whether or not a motion is out of order or dilatory, could be raised by a member or just by the Speaker, under this rule proposal?

SENATOR MAURSTAD: The intent would be that it could be raised by a member also.

SENATOR BROMM: In which case then, if the Speaker could decide, he would decide whether or not it's dilatory, and if he felt it wasn't clear, it would be up to him to decide whether he would submit it to the body. Is that correct?

SENATOR MAURSTAD: That's correct.

SENATOR BROMM: Okay. Well, I encourage the body to take...to take note of this proposal. I will be interested in the debate. It's relatively short, doesn't take long to read it. It probably has much more far-reaching effect than as in the words, than the number of words that are there would indicate. But I will be interested in hearing the body's debate. At this point, I am interested in this proposal if the majority of the body would be. Thank you.

SPEAKER WITHEM: Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, well, well, well, new kid on the block sharpens the focus here a little bit. Interesting. You may recall that the subject of our debate time and again so far on this particular amendment has been does the Rules Committee proposition go far enough or does it go too far? Senator Landis stands up and says, well, you've got to give...you've got to

give some power to the Speaker. You've got to give some power to the Speaker if this is really going to work. Well, folks, you now have before you the alternatives. You can adopt Senator Maurstad's amendment, and I'm not against it. And, in that case, you will probably have done about as much as you can do to clamp down on dilatory amendments, and you will have empowered the Speaker considerably more than the committee's proposition would. That's your first alternative. And now you have the choice. You can do that. Your second alternative is to take the half-way step that will have the effect of dampening filibustering, but probably will not have the effect of ending it altogether. It's principal effect will probably be the message that you give to those who use that method excessively that this Legislature is willing to move towards more Draconian methods for controlling dilatory motions. That would probably be its principal purpose. Or the third thing you can do is nothing at all, and if you do nothing at all, then the gap will not be filled and come springtime when you should be feeling good and you discover that, through methods of intimidation, your bill has been gutted, or worse, that you can't even get your bill to a vote, then once again you're going to be feeling that frustration and feeling in the summertime that winter of discontent which, come January, people will hope to...will hope you will have forgotten. And I'm just hoping that you have not forgotten and that you remember that something needs to be done, and that you will either take one progressive step to do that in the form of the committee amendment or you can take an even more serious step to do it now in the form of Senator Maurstad's amendment. Now is the time, the question is before you and I am sure we're going to have an interesting continuing debate. Thank you.

SPEAKER WITHEM: Thank you, Senator Beutler. Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I'm opposed to this amendment. I have debated the rules changes down through the years and I do feel a lot of them are directed at me and my approaches. But we have spent considerable time these early days of this session wrangling, when I will say again we should follow Senator Schimek's suggestion and leave the rules alone. But since that's not going to be done, I'm not going to continue wasting my time on these debates. You can put any rule in place that you want to. I'm going to say things in the record so that they will be there but I'm going to say this one thing and I mean it. The first time one of these rules is

applied against me in a way that I think is discriminatory and unfair, you can forget the consent calendar.

SPEAKER WITHEM: Thank you, Senator Chambers. Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: Thank you, Mr. President, and members of the body, Senator Maurstad, I had a...I still have a very high regard for your abilities as a new senator coming in, but I will...I have to tell you that when you did mention that you were here last year in the galleries listening to the rules debate, I am beginning to reevaluate some of that. I suspect...I suspect that you're still going to be coming out all right, but not too many people are going to come and listen to the rules debate, even in the Legislature let alone the public. And I would have to say that if your amendment is agreed to, I think we probably should change the tradition in the Legislature as well. Instead of saying, Mr. President, members of the body, I think we would have to say, Your Majesty or His Majesty and members of the body, and change that to kind of show the significance of the amendment. Thank you, Mr. President.

SPEAKER WITHEM: Thank you, Senator Bernard-Stevens. Senator Beutler.

SENATOR BEUTLER: Mr. Speaker, Senator Maurstad, a question, if I may. Your amendment is in terms of motions, a motion is in order, a regular parliamentary motion, dilatory motions. I assume it was your intent, since this is a substitute for the committee's proposed rule 15, to include amendments also. Would that be correct?

SENATOR MAURSTAD: Yes. Yes.

SENATOR BEUTLER: Would you have any objection to amending it to include amendments?

SENATOR MAURSTAD: No, not at all, huh-uh.

SENATOR BEUTLER: Okay, thank you.

SPEAKER WITHEM: Thank you, Senator Beutler. Senator Maurstad, there are no further lights on, would you care to close?

SENATOR MAURSTAD: Well, as I understand it, when you get the

opportunity to talk you should probably use it, but we've talked a lot about this particular issue and so I will waive any further comment and just urge the body to adopt the amendment.

SPEAKER WITHEM: The question then is the adoption of the Maurstad amendment to the Bromm amendment. All those in favor vote aye, opposed vote nay. Senator Maurstad.

SENATOR MAURSTAD: I would request a call of the house, please, Mr. Speaker.

SPEAKER WITHEM: Question is, shall the house go under call? All in favor...all in favor vote aye, opposed vote nay. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays to go under call, Mr. President.

SPEAKER WITHEM: The house is under call. All members return to the Chamber. All members present take your seats and record your presence. All unauthorized individuals please leave the floor. The house is under call. Senator Beutler has requested that we have a roll call vote on this measure, so when all members not excused have checked in we will proceed with a roll call vote. Looking for Senator Wehrbein; found Senator Wehrbein. We're looking for Senator Schellpeper. We're not looking for Senator Wesely but we found him anyway. All members who we are looking for are present. The question then is the adoption of the Maurstad amendment. Proceed to call the roll, please, Mr. Clerk.

CLERK: (Roll call vote taken. See pages 328-29 of the Legislative Journal.) 17 ayes, 24 nays, Mr. President.

SPEAKER WITHEM: The Maurstad amendment is not adopted. Mr. Clerk, anything further on the Bromm amendment? I raise the call.

CLERK: I have nothing further pending to the Beutler-Bromm amendment, Mr. President.

SPEAKER WITHEM: We are back now considering the Beutler-Bromm amendment. I see no lights on. Senator Bromm, you are recognized to close.

SENATOR BROMM: Thank you, Mr. Speaker. I think, as was just

pointed out, we have a clear choice and this proposal that now is before you, the number 15, version two rule change that you should have at your desks that has one or two CBs up in the right corner is the one we're voting on. And this particular version, just to remind the body, says that if two or more amendments or motions are offered to a bill that the principal introducer may raise the question of whether or not the amendments or motions are for dilatory purposes. If the Speaker feels that they are not dilatory, debate simply continues. If the Speaker believes they are, he is required to consult at least for a temporary period of time with the introducer of the bill and also the amendments in an effort to reach an accord and he can, although he doesn't have to, remove the matter from the agenda temporarily for that consultation. After the consultation, the Speaker makes the decision on whether or not those amendments or motions are out of order. A motion to overrule the Chair may be made by the introducer of the amendments and that question can be decided on the ruling as a whole, not on each individual amendment or motion. In no case can the...in no case can the bill or resolution be removed from the agenda for more than the current legislative day. What we have here, I think, is an effort to provide a balanced alternative to the Legislature. This is going to give the Speaker some ..something in writing to back him up if he wants to try to move the process along. If he wants to try to work something out with the introducer of the amendments and the bill, he has an opportunity to do that. It gives him some clout, if you will, to try to keep people focused on the business. If the body wants to overrule him and the introducer of the amendments wants to raise that point, they have the opportunity to do that. I guess this is a chance, I think, for the body to make a decision whether we want to do something about this type of rule change or whether we don't. It doesn't go nearly as far as a lot of states do in terms of dealing with this situation. However, in Nebraska where we are one body, one Unicameral, where we don't want the process to be greased too much, I think it's a reasonable compromise. I think it's something we should give a try. These rules are for this two-year session. If the body feels it doesn't work properly or they don't like the way it works, we'll have an opportunity to change it. But if we do nothing, if we do nothing, I suggest to you that I think we're being dilatory in our responsibility to try to do business down here. I think our memories surely can go back to last session, those of us who were here, we surely can remember how many days we said, why can't we talk about

substantive issues. We don't mind talking we don't mind debating, that's what it's all about. We want to do that. Why can't we get to it? Well, hopefully, this will provide an opportunity to get to the substantive debate that all of us would like to participate in. Whatever...Mr. Speaker, how much time do I have left?

SPEAKER WITHEM: You have approximately one minute.

SENATOR BROMM: I would offer that to Senator Beutler if he would like to make any final closing comments.

SPEAKER WITHEM: Senator Beutler.

SENATOR BEUTLER: Senator Bromm, thank you. I really have no significant closing comments, but I did want to remind you if you think about the debate that we've had on this particular amendment, you will see that there has been very little discussion of any technical glitches. It's a good amendment for the purpose for which it is intended. A lot of the discussion, on the one hand, was, well, this is too heavy-handed, this is too heavy-handed. On the other hand, people were arguing, well, this will have no effect, this will have no effect. Well, wherein is the truth of the matter? And the truth of the matter is that it's probably somewhere in between, that it will have a very significant effect, that it won't end things completely, that it gives a very important message to everybody in the body about filibustering and what can and what should and should not be done. So, remember, I think we are at an historic period right now, an historic time when it's possible for us to seize the moment and to put into effect something that fills the gap,...

SPEAKER WITHEM: Time.

SENATOR BEUTLER: ...to work with it for two years, to see how we like it, to see if it's not an improvement on the system. And I would submit to you that history will not repeat itself with regard to the way the system has been, in my opinion,...

SPEAKER WITHEM: Time, Senator Beutler.

SENATOR BEUTLER: ...somewhat abused and that we will have a better procedure altogether. Thank you.

SPEAKER WITHEM: Thank you, Senator Beutler. You've heard the closing. The question now is the adoption of the Bromm-Beutler amendment. All those in favor vote aye, opposed vote nay. Have you all voted? Senator Bromm.

SENATOR BROMM: Mr. Speaker, I'm going to ask for a call of the house, please.

SPEAKER WITHEM: Are you sure?

SENATOR BROMM: No. I withdraw that request.

SPEAKER WITHEM: Record, Mr. Clerk. Record vote has been requested.

CLERK: (Read the record vote. See pages 329-30 of the Legislative Journal.) 25 ayes, 7 nays, Mr. President, on the adoption of the proposed rules change.

SPEAKER WITHEM: The amendment is adopted. Mr. Clerk, it's my understanding that the Vice Chair of the Rules Committee would like to finish with the Rules Committee recommendations before going to other amendments and we've skipped over two of those items, I believe, and, Senator Bromm, it's your desire we go to item 10, dealing with the cloture rule.

SENATOR BROMM: That's correct, Mr. Speaker, and I think there's a pending amendment on that.

SPEAKER WITHEM: Okay. If you would, maybe, because it's been some time since we've been on that, bring us up to date on what the Rules Committee recommendation on Rule 10 contemplates and where we are with that amendment.

SENATOR BROMM: Thank you, Mr. Speaker. The original proposal of the Rules Committee, which is in the packet which I hope you all still have, proposed Rule 10 was a change whereby it clarified if we were going to a cloture vote, if we're going to a cloture vote and if the original amendment that had been discussed had been divided, then the proposal of the committee was that the vote at that time be only on the divided portion of the amendment being considered. In other words, when you would vote to go to cloture, when that motion was filed, that petition was filed, if we were discussing an amendment, we would take a vote on the pending amendment, if it's an amendment to the

amendment, we would take a vote on that and then on the original amendment. Now bear with me, if that original amendment had been divided, then the vote would be only on the divided portion of the amendment being considered. Okay, now there then was, before we really decided that question, there was a proposed amendment from, I believe, Senator Bernard-Stevens which changed the order in which we vote when we go to cloture. Instead of voting on the pending amendment or amendment to the amendment, under Senator Bernard-Stevens' proposal, we would first vote on cloture, and if cloture was adopted, then we would vote on the pending matters, which reverses the order of things from what it's been historically and what the rule now contemplates. And the primary reason for that was if the cloture vote would fail and we've already...we've already voted on the pending amendments and so forth without much discussion, perhaps, that doesn't seem to be as logical as voting on cloture first and then going to the amendments. Now, having said that, I think that we're ready to go ahead with a more or less cleaned-up and clarified version of the Senator Bernard-Stevens amendment on the rule. And I believe that's where we are, Mr. Speaker.

SENATOR BEUTLER PRESIDING

SENATOR BEUTLER: Mr. Clerk, you have an amendment? Senator Bromm.

SENATOR BROMM: The Clerk just informed me that ahead of the Bernard-Stevens' cleaned-up version of the amendment is an amendment from Senator Withem which would be the first item, I believe, to be taken up.

SENATOR BEUTLER: Mr. Clerk.

CLERK: Mr. President, Senator Withem would move to amend amendment number 10. His proposed amendment to the amendment is on page 254 of the Journal.

SENATOR BEUTLER: Senator Withem.

SPEAKER WITHEM: Yes, members of the body, this is a little complicated because there are two types of changes that are being proposed relative to the cloture motion. Senator Bernard-Stevens has suggested that we alter the order in which we vote on motions when cloture is imposed, and that's one item that needs to be debated and discussed shortly. What mine does

is it...what the Rules Committee is recommending is a clarification on what we do when we go through the order of amendments that are being discussed and debated and we get to an amendment that has been divided. It's somewhat complicated but it did come up a couple of times last session and the session before that. It happened on the crime bill last year. It happened on the welfare bill last year. The committee amendments were very complicated. The committee amendments had numerous parts to them. The committee amendments were divided into numerous parts. We completed discussion of only a couple of those divided points before cloture was imposed. The Chair, at that time, ruled, and I believe it was the Lieutenant Governor, that the motion...that the vote would be on the undivided original amendment. So what we did is we, in effect, voted to adopt the full committee amendment, even though it had been divided out. What the Rules Committee recommendation would do, would be it would...would reverse that precedent. If we had a committee amendment or an amendment that had been divided into five different pieces, what the Rules Committee recommendation would say would be if we are still on that first division, the only thing we would vote on would be that first division and the other four portions of it would carry on with the bill to the next round of debate but they would not be adopted. The precedent that was established last session is the reverse of that. What my rule change would do would be...it was similar to the one I did the other day where there are two different interpretations, this one puts before you the possibility of putting into the rule book the precedent as it was established last session. That would be that the vote that is taken is on the original undivided amendment so that the entire amendment would be voted on and not just the divided portion that was before the body when cloture was invoked. Would respond to any questions that you might have; be interested in hearing your observations.

SENATOR BEUTLER: Senator Witek.

SENATOR WITEK: Mr. Chairman, members of the body, Senator Withem, if you would respond to a question. I just want to make really sure on this one because I do remember what happened and the ruling of the Chair. If...if at the time of cloture we go ahead with Senator Bernard-Stevens' amendment and we vote for cloture, we cease debate, the first vote that will be taken after the cloture vote is taken and a successful cloture vote is taken is a vote on the amendment that we are working on. The

second vote that will be taken is a vote on the amendment...if we are working on an amendment to the amendment, it will...the second vote that we are taking will be on the amendment that the amendment was to. And then we will take a third vote to advance the bill, as amended, in its entirety. Correct?

SPEAKER WITHEM: That is the procedure. The question is if that intervening amendment had been divided, is the vote just on the divided question,...

SENATOR WITEK: Right.

SPEAKER WITHEM: ...and that's what the Rules Committee is recommending. What I'm saying is we stick with the precedent we made last year and that vote will be on the entire undivided amendment.

SENATOR WITEK: And that is what your amendment will accomplish? It will be on the entire ..see, I guess I'm thinking of, okay, otherwise a bill would come out committee, the first thing an individual would do would be divide.. divide the whole bill...

SPEAKER WITHEM: Well, they couldn't divide the bill, they divide the committee amendments.

SENATOR WITEK: Divide the committee amendment, which is essentially, in some cases, the entire bill.

SPEAKER WITHEM: It could be a rewrite of the bill, yes.

SENATOR WITEK: Okay, so they divide the amendment or the entire bill and then we work for eight hours on the first division and at the point of cloture we just happen to be on an amendment to that first...

SPEAKER WITHEM: Right.

SENATOR WITEK: ...division of the amendment. So our first vote will be on the amendment to the amendment.

SPEAKER WITHEM: Correct.

SENATOR WITEK: Our second vote will be on the divided portion of the amendment as a whole.

SPEAKER WITHEM: That is what is at issue here. If you adopt the Rule Committee's recommendation, it will only be on that divided portion.

SENATOR WITEK: And I don't want to do that, so what do I do if I want the bill, as it ..in its entirety...

SPEAKER WITHEM: Then...

SENATOR WITEK: ...to advance.

SPEAKER WITHEM: Then you vote for my amendment.

SENATOR WITEK: You're sure about that? I just want to make sure some late night...

SPEAKER WITHEM: I know it's tough but I'm afraid you're going to have to...

SENATOR WITEK: I'm not used to this.

SPEAKER WITHEM: I'm afraid you're going to have to.

SENATOR WITEK: It is tough. It's one of those trusting things. I don't want to end up on my back out here...

SPEAKER WITHEM: Okay.

SENATOR WITEK: ...at twelve o'clock some night. If I vote for your amendment, I will get the bill as it comes out of committee to advance to the next...

SPEAKER WITHEM: You will get the committee amendment in its original undivided state.

SENATOR WITEK: Okay.

SPEAKER WITHEM: Okay.

SENATOR WITEK: Thank you.

SENATOR BEUTLER: In my incompetence up here. I cleared the names of those wishing to speak and I believe the order was Wesely and Chambers. If there was anybody else, please press your button. Senator Wesely.

SENATOR WESELY: Thank you. Mr. President, and members, I rise in support of the Withem amendment, as I understand it, although I'm not sure that I totally understand it. But, going back to the welfare bill issue, using that as an example again, Senator Withem, we had the committee amendments which were rather lengthy, they were divided, we were on the first several divided parts of that, and we had reached cloture. And then, as you said, the precedent was we went ahead and voted to the pending amendment, then we vote on the...I think we just voted on the whole committee amendments, if I'm not mistaken, and then...no, but...can you explain it again then. I guess I'm...

SPEAKER WITHEM: Yeah, I think you're adding one more step than what we did.

SENATOR WESELY: Okay.

SPEAKER WITHEM: Step number one is if it is an amendment to the amendment, you vote on that; then you vote on the amendment. And our question is, how do we define the amendment? Then after you vote on the amendment, then you vote on advancement of the bill.

SENATOR WESELY: Okay.

SPEAKER WITHEM: Now, the amendment by the Rules Committee, it's a question and the Rules Committee is doing the proper thing by bringing a clarification to the body, and it's one of those where I'm not that concerned which way it goes, I'm just putting the alternative before the body so it can make a decision. But do you define that amendment as...

SENATOR WESELY: The divided amendment.

SPEAKER WITHEM: ...the divided portion only, in which case then you vote on the divided portion and then on advancement of the bill, and then the undivided...then the remainder of the divided amendment is just hanging out there someplace? Or does cloture, in effect, pull the full amendment back together and do you divide on...then do you vote on the full amendment?

SENATOR WESELY: Right.

SPEAKER WITHEM: And that's the issue before the body.

SENATOR WESELY: And you are trying to get the full amendment voted on?

SPEAKER WITHEM: That would be the effect of my rules change.

SENATOR WESELY: I rise in support of that because, having worked through this with the welfare bill last year, we had an extensive amount of work done in committee on the welfare bill, had a long list of amendments that I thought made the bill better and, had we in place the amendment as being proposed, without the Withem amendment we would never have gotten to getting the bill in the shape that I think the committee wanted and I think the majority of the Legislature wanted. So I support the Withem amendment. I think that's the proper way to go, although I understand why the Rules Committee took a different route. But I would encourage you to vote for the Withem amendment as well.

SENATOR BEUTLER: Senator Chambers.

SENATOR CHAMBERS: Mr. President and members of the Legislature, when Thomas Jefferson was President of the United States, Alexander Hamilton was very upset and he didn't like Jefferson. He had many friends who were newspaper reporters and editorial writers and they constantly kept up a drumbeat of criticism against Thomas Jefferson. Then Alexander Hamilton started a newspaper and I think it was called the New York Post. It might still exist today. And that newspaper took on certain issues and, behind the editorial shield, Alexander Hamilton was able to get a lot of views, which were negative, expressed against Thomas Jefferson. Now, while this was going on, Spain gave what was known as Louisiana to Napoleon in exchange for Tuscany. Thomas Jefferson and others in this country were fearful because, while still under the control of Spain, the port at New Orleans was closed for usage to the United States So farmers and others, those who had crops and other things they wanted to bring in or take out, had no access to the sea. While this was going on, there was a fellow named Robert Livingston in France who represented the United States. He didn't hear very well and he couldn't speak French. There was an individual who spoke for Napoleon in France named Charles Talleyrand, and when some of Thomas Jefferson's cabinet members were concerned that Livingston would be no match for Talleyrand because Livingston couldn't even speak French and he didn't hear that well, Thomas

Jefferson indicated that Talleyrand speaks English as well as Livingston does not speak French. So they wouldn't have to have an interpreter between the two of them when they were discussing confidential matters. It would be something like Senator Witek ask Senator Withem, are you telling me the truth? Well, Livingston would ask Talleyrand, you're representing France's interest, I'm representing America's, do you promise to tell me the truth? And Talleyrand would tell him, certainly. Well, maybe Thomas Jefferson had wished, at that point, that he could have been the representative of America in France to match wits with Talleyrand because this man was supposed to have a very good, quick, agile mind. I said all that to say this, I'm going to have the opportunity, with the rules changes that are being adopted, to see whether or not I will be able to function in this Legislature in the way that I have in the past and obtain concessions in the way that I have in the past. Senator Maurstad, I have said on occasion that odds of 48 against 1 are about fair when I am the one. And I feel that that is what has developed, that it is me against all of you, all of you against me, and that is the way I propose to conduct myself during this session of the Legislature. I cannot get a bill or any other thing passed without at least 24 of your votes.

SENATOR BEUTLER: One minute, Senator.

SENATOR CHAMBERS: But since you all are against me, that's not likely to happen. And since I'm against all of you, I have got to put the hurt on your and your constituents that you are trying to put on me and mine. And, as we proceed this morning, I'm going to give a foretaste of how I propose to do that. But, by the way, I'm opposed to all this tinkering with the cloture rule because I'm opposed to it, but I think Senator Bernard-Stevens' offering, which will bring logic to whatever you do, is something that the body ought to adopt if it's going to have a cloture rule.

SENATOR BEUTLER: Senator Bromm.

SENATOR BROMM: Thank you, Mr. Chairman. I rise in support of the Withem amendment. The proposal that came out of the Rules Committee, I think, at least on my part, was an effort to get the issue out on the floor and get some clarification because there was a considerable amount of discussion last year and difference of opinion about how the Chair should rule on this and the Chair had to make a ruling and did. And we do have that

precedence, so if we don't change anything, we have that precedent which pretty much....which does follow what the Withem proposal is, but the Withem proposal puts it in the rule, puts it in writing and removes the doubt or the confusion about which way the Chair should rule under these circumstances. It doesn't...it doesn't, in my opinion, make good sense to have the situation of cloture and have a divided amendment which is may very well be a parliamentary tactic on those that divided it and to be able only to reach to the subdivided part for a vote before you move the bill on. That prevents you from getting to the substantive parts that you may want to vote on and that you haven't been able to get to. And so I just rise briefly in support of the Withem amendment. I would like to see that adopted and then the proposed rule change approved. Thank you.

SENATOR BEUTLER: Senator Chambers, I believe your light is on again.

SENATOR CHAMBERS: Mr. President and members of the Legislature, we had a bill before us at one point which had been offered by Senator Landis that was amending something or other and there was an attempt by him to amend his own bill because he needed a certain amendment. Now here's the way I envision the operation of this rule. If a committee amendment comes out and it is a virtual rewrite of a bill and somebody is able to divide the question, and while discussing that division of the question we wind up with additional amendments, and so forth, which would carry the body beyond the eight-hour period and somebody would want to invoke cloture, it would have to be the introducer or the cointroducer with the consent of the introducer or the head of the committee if it was a committee bill, but, nevertheless, you reach that point. If the person who has a great interest in that has an amendment which must be attached, then this is a perfect rule to prevent that because after the proposition moves from the present stage of debate to the next one, whatever amendments had been offered would go right along with it. They haven't been adopted but they wouldn't lose their position, and that person would never be able to offer the amendment they felt was essential to their bill because you would reach the point of requiring cloture again. And cloture is the only means by which this bill, which is bottlenecking everything, logjamming everything, could be gotten out of the way. Now if a cloture motion is made and it fails, then you would have to have at least two additional hours of debate which would burn some time off the clock. So this may not be such a bad amendment for my

purposes should I reach a point where I want to stop a bill altogether, especially when I know there is an amendment which somebody feels is essential to the bill, and usually that somebody will be out in the lobby. And the person in the lobby will be told when you adopt Senator Withem's amendment that the whole rewrite, which the committee amendments will constitute, must be adopted without further amendment. Maybe something is in that committee amendment which the lobby does not want and that's when your new people are going to find out the power of the lobby. They will prevent the cloture vote from being successful. But they will not have the opportunity to get what they want out of the committee amendments because they're blocked. At that point, maybe will come into play all this talk of dilatory tactics. But while we are dilly-dallying now and getting things into the record for future reference, I want to tell you something that seems somewhat peculiar to me and to show the lack of coherence and what causes people in my district to look at this Legislature and wonder if they didn't get the roles reversed in the bell curve in terms of who is genetically inferior. A proposal was offered which was adopted by this Legislature which said that if an amendment is offered and it's ruled germane, that question can be divided and then each component can be subjected to a challenge on the basis of germaneness.

SENATOR BEUTLER: One minute, Senator.

SENATOR CHAMBERS: That was adopted, which allows for dilatory tactics. Then the Legislature, in its "peculiarness", adopted this rule about not being dilatory. So you create the occasion for it, then you have to come back with the eraser and say, but we have to be able to wipe that out. There are a lot of things to be learned by watching the Legislature and I have said that no matter what rules you enact you can't stop me. You're putting forth a yeoperson...that's y-e-o person attempt, and I think I'm going to be up to the challenge. On this particular offering of Senator Withem, it gives me an opportunity to cast a no vote on the cloture thing to balance the yea vote I'm going to cast for Senator Bernard-Stevens' proposition, then I will vote no when they attempt to add the entire thing to the rules.

SENATOR BEUTLER: There being no further lights, Senator Withem, do you wish to close on the amendment?

SPEAKER WITHEM: Just a very quick reminder because this is

somewhat complex. The question that was before the Chair last year when cloture was invoked and there was an amendment pending that had been divided, is the vote contemplated in the rules on the original question, as it was undivided? Or is it on the...only the divided portion? The current rule before you from the Rules Committee would have made it only on the single undivided portion. My change would clarify it in the direction of saying it's on the original undivided question. If you vote yes on this, then that will clarify it. If you vote no on this, then I would urge you to support the original Rules Committee recommendation. But I think that this is a better direction to go.

SENATOR BEUTLER: Members of the Legislature, we are voting on the Withem amendment to the proposed amendment 10. All those in favor vote aye, opposed nay. Record vote has been requested, Mr. Clerk. Have you all voted? Have you all voted? Record, Mr. Clerk.

CLERK: (Read the record vote. See page 330 of the Legislative Journal.) 31 ayes, 2 nays, Mr. President, on the adoption of the amendment to the amendment.

SENATOR BEUTLER: The amendment to the amendment is adopted. Mr. Clerk, are there further amendments?

CLERK: Yes, sir, Mr. President, Senator Bernard-Stevens would move to amend.

SENATOR BEUTLER: Senator.

SENATOR BERNARD-STEVENS: Mr. Clerk, which amendment do we have before us, because I wanted to substitute the second one if I may.

CLERK: Senator, I have, because yours is the only one, I've got the corrected form in front of me, if you will, the one you just filed with me a moment ago. (The Bernard-Stevens amendment appears on page 331 of the Legislative Journal.)

SENATOR BERNARD-STEVENS: Thank you. Members of the body, when the other day we cleaned up the process where we vote on cloture first, parts of the existing rule stated that advancement of the bill should be taken without debate, which was in conflict. This amendment simply, which has been handed out to the body

earlier today, cleans that up so the process, if this amendment is agreed to, the process would be that we vote on...once cloture is filed, you vote on cloture in the beginning. And if cloture fails, then you basically pick up right where you left off. If cloture is successful, then you do the sequence that we have talked about already in the past. Senator Withem's amendment was just recently agreed to so the motion...the amendment before you includes the Withem amendment. So this would also include the Withem amendment that we just agreed upon, which would, obviously, say that a vote will be take. on the original amendment if that had been di...if that had previously been divided. I urge adoption of the amendment.

SENATOR BEUTLER: I have no lights on. Is the body satisfied to vote without further debate? Okay, there being no lights on, Senator Bernard-Stevens, do you wish to close? Closing has been waived. The question then is the adoption of the Bernard-Stevens amendment to amendment 10. All those in favor vote aye, opposed nay. Have all voted who care to vote? Record, Mr. Clerk.

CLERK: 30 ayes, 2 nays, Mr. President, on the adoption of Senator Bernard-Stevens' amendment to the Rules Committee amendment.

SENATOR BEUTLER: The amendment to the amendment passes. Are there further amendments, Mr. Clerk?

CLERK: Nothing further pending to this proposal, Mr. President.

SENATOR BEUTLER: Okay, we're back to the main body of amendment 10, as amended. Senator Chambers.

SENATOR CHAMBERS: Mr. President and members of the Legislature, I will never vote yes for a cloture rule. This that is before you now does present a logical statement of how the cloture rule should work if you intend to have one. But I cannot vote in favor of it because I'm not in favor of cloture, just as I never vote in favor of ceasing debate on individual issues. So I'm going to vote against it. But if you're intent on having a cloture rule, this one would bring more respect to the Legislature, if somebody took the time to read it, than what is currently in the rules. I want to add another little bit to what I was saying about Thomas Jefferson and those people because I couldn't tell the rest of the story. Thomas Jefferson

wanted to get Napoleon off the North American continent. Napoleon had brought some of his fleet into the Caribbean because he was going to try to take back Haiti. That's what he said his purpose was because some former slaves had overthrown the white slave owners, they had burned up the towns and things like that and Napoleon sent his soldiers there and they were going to put these former slaves in their place but, instead, Napoleon's army got its pants pressed. And since they were unable to whip these former slaves on this little island, Napoleon knew that there was no way he could have a presence in this hemisphere because he could only do it by force of arms and his arms had lost their force in dealing with those people whom the bell curves say are inferior to those who were trying to reimpose slavery. So, as a result of the activities of these inferior black people in Haiti, Napoleon, the superior one, was whipped. It was that defeat that encouraged Napoleon to sell the Louisiana Territory to the United States. When you read American History as it was taught to me, you don't hear about Toussaint L'Ouverture, you don't hear about Christophe, you don't hear about Dessalines, none of the trio who were responsible for the Louisiana Purchase being made available to this country. When those kind of things are advocated as items that ought to be taught in history, there are people who say, no, no, that should not be taught, American History has to be taught the way it always has been taught. The only ones who ever did anything were white men. They were the only ones. But when we talk about the way a white man named Thomas Jefferson had illegitimate children on his slave woman, Sally Hemmings, those same people said, but we don't want that taught. And, by the way, that was written about in the newspapers of the day and Thomas Jefferson never denied it because he couldn't. The children of Sally Hemmings looked just like the children by his white wife. And people who visited Thomas Jefferson's plantation remarked about the tremendous similarity in the appearance of these children. Now they didn't give this analogy, but I will give it to you. It's like white bread and wheat bread, the only difference is in the color of the slices. They look exactly the same. So they were all baked by the same baker but they were baked in a different oven.

SPEAKER WITHEM PRESIDING

SPEAKER WITHEM: One minute, Senator Chambers.

SENATOR CHAMBERS: That's what it was, and President Jefferson

didn't do anything different from what President Kennedy and these other white guys have done, but that's not to be taught. Why do I say all of that? Because I think this session I'm going to spend time telling some of the things about history that have not been taught but which need to be taught, which have been documented but kept out of the history books and, therefore, are unknown probably to the people on the floor of the Legislature. So, as I fight against some of your rules, part of the time will be spent improving all of our minds because, as I make my presentations, I'm sure Senator Landis, Senator Matzke, Senator Warner might feel like getting into some of the discussions, will add some additional historical sidelights that we all ought to be familiar with but which we probably are not. And my mind is open. I learn from everybody. I really do, Senator Landis, and I'm at an advantage because when I'm talking to people they think I'm not paying attention so, in order to be forceful enough to make sure that I pay attention, they tell me their inner thoughts and that's why I learn more about them than they learn about me. But, at any rate, back to the business at hand, and, Senator Maurstad, I think what I've just talked about was more interesting than this cloture rule and you're going to vote for it anyway. But I do want to make it clear that I'm going to vote against this proposal but I do have to acknowledge that it is a definite marked improvement over what presently...

SPEAKER WITHEM: Time, Senator Chambers.

SENATOR CHAMBERS: ...masquerades as a cloture rule.

SPEAKER WITHEM: There are no further lights on. The Chair would recognize Senator Bromm for closing, if you have any. Closing has been waived. The question then is the adoption of the amended of rule...of amendment 10. All those in favor vote aye, opposed vote nay. Have you all voted? Record, Mr. Clerk.

CLERK: (Read the record vote. See page 332 of the Legislative Journal.) 26 ayes, 2 nays on the adoption of amendment number 10, as amended, Mr. President.

SPEAKER WITHEM: The amendment was adopted. The next item, Mr. Clerk.

CLERK: Mr. President, I believe that completes the Rules Committee package, if you will. Is that right, Senator? In

that case, Mr. President, I have a series of amendments offered by individual members. Senator Witek would move to amend with the proposal found on page 224 of the Journal.

SPEAKER WITHEM: Just one second, Mr. Clerk, for clarification for the body, there was one section of the Rules Committee report that we did not deal with. Senator Bromm, it's your desire to have...what is that, Section 8 withdrawn. Is that the case?

SENATOR BROMM: Yes, Mr. Speaker, when Senator Will was still here I think we had discussed and, at least some of the members of the Rules Committee had, we would like to work on that and pass over that and not take any further action. There may have been an amendment pending to that from Senator Maurstad but he said he would like to withdraw that amendment.

SPEAKER WITHEM: The Chair would recognize Senator Witek.

SENATOR WITEK: Mr. Speaker and members of the body, if you will remember when Senator Will started with some of the rule changes here, he mentioned that he had put them in order of not...from least controversial to the most controversial, so I took that as an indication that he thought that this was a controversial amendment to the rules. I don't think so. I'm not trying to be controversial. I'm not trying to give anybody a hard time with this amendment. I'm simply doing what I think is right. And the first year that I came here when we voted by secret ballot, first of all, I was astonished that we wrote it on a piece of paper, and, secondly, I was surprised that we did it at all. I didn't understand why it had to be by a secret ballot. It's not the way I've done things in my life. Some of the...when I asked some of the members of the body why we voted for our leadership on a secret ballot, some of the members told me that the reasons for doing so was that they didn't want to hurt the feelings of friends by voting for someone else and having the opportunity, I guess, to tell the person that they didn't want to hurt their feelings that they were voting for them and then having that person wonder forever who it was that had voted for them and who it was that hadn't voted for them. When I talk about friends, I guess the first thing that comes to my mind is honesty. I would much rather have a friend come to me, in all honesty, and tell me they weren't voting for me and...than to lie to my face. I wouldn't consider that something a friend would do. And that person, as a friend, would know that there is two things that

would happen at that point, one, that they would still be my friend and, two, that I could handle that kind of honesty. And I would hope that every person in here feels that same way. The second thing that happened. People were telling me that, well, they wouldn't get on committees or whatever, what they were talking about was assurances almost that if they voted one way or another, they would get on one committee or another. That was also a very eye-opening experience to me. I came in here thinking that this was a place where things happened fairly and I was very naive at that point. I've since seen that, yes, that does happen. It's been...it's been reported in the newspapers. We've talked about it among ourselves. We know that it does happen but we don't know who it happens to, and yet after this last election one of the members of the body was said to have traded a vote to get on Appropriations, a Speaker vote to get on Appropriations. I think that's very unfair that that individual would have to have the press say that they had traded a vote for the Speaker when no one knows for sure. So I would think it would be in the best interests of the people in this body to seriously consider, although I know that this is an amendment that will have a very hard time passing, to seriously consider what's best for the Legislature and the State of Nebraska. When I ran for the Legislature, I said I would be open and honest. I will continue to vote openly. I did so this year. I wrote everyone of the people that I voted for on a large piece of paper. I will continue to do that for every "secret ballot" that this body intends to have. The people that supported me, in my election, will know how I voted and for who...what leadership I voted for, and so will my "friends in the body" know how I voted. And I will have to count that if any of those people are not among the people that I voted for that their hurt feelings will last a shorter period of time and that our friendship will last a longer period of time. I hope that 25 people, at least, will feel this way and change the fact that we vote by secret ballot. I know I've received a lot of mail and phone calling from people, who support me in this, from outside of the body. They believe in open, honest government. I think that's what they deserve. This is America. This is where we have...we do everything else openly here. When we vote, even in a private session, after the hearings there is some question about what secret means? Does secret mean that we can have the press in? We have them in to our...after our committee hearings, the press is sitting there. And yet when we talk about secret on the floor here, everybody kind of covers up their piece of paper and writes the name of who it is and it

goes to the Clerk of the Legislature. I'm not sure what your idea of secret is. I think, right now, the secret ballot damages this body. We go about for weeks before and after the vote wondering who is voting for who, who your "friends" are, who...who...I get lots of phone calls afterwards, okay, who turned? Who jumped? Who was the vote that jumped? That's wrong. It's simply wrong, in my opinion, and I hope in the opinion of at least 25 senators. You're not protecting anybody here but yourselves with this secret ballot. I think it's more of something that's used as a manipulation with senators to decide what committees they're on and those kind of things, if they can't get the votes or maybe even by outside the body by people among the lobby. I don't know, because I don't get manipulated that way. But I want you to know that there is an opportunity here. I wanted to give you that opportunity but I also wanted to give it to myself to let people know that I don't approve of this. I don't want it this way. I won't go along with it ever again. And I want to give you the same opportunity on this to do away with the secret ballot that we start our session with and all the machinations that go along with it and all the people coming to your face and telling you they're going to vote one way and then having you turn around and know that they voted another. I want you to know who voted for you or didn't vote for you. I want us to be truly honest with one another on this floor. And, yes, I did ask Senator Withem earlier on a vote on trusting and I was...and I did trust. It was difficult at that point to do so but I think we better start trusting each other a little bit because last year was very rough for this entire group of people here on the floor and new members may see that happen again this year. I don't want to see it happen again. I don't want all of us not trusting each other. I don't want us to see who can "play the game" the best. This is not a game we're playing here. We are the Legislature of the State of Nebraska. I want you to remember that at all times and I hope that you will...24 of you at least will see it the way that I do and vote to disband the secret ballot here. I know Senator Robinson jokingly said that if this amendment passes, he would have to come in with another amendment to say, leave your guns at the door. I don't think that will happen. I think...I think people will feel better about being open and honest with each other. I know I always do. And I think it will be better for the relationships of these individuals who have to work together so many hours of so many days in a year. And I think it will be better, in the long run, for all of us if we do start out this session and possibly every session but

definitely every two-year session with an open and honest vote for our leadership. Thank you very much. I hope you will vote for this amendment.

SPEAKER WITHEM: Thank you, Senator Witek. The Chair recognizes Senator Wesely, followed by Senator Chambers and Schimek.

SENATOR WESELY: Thank you. Mr Speaker, members, although I appreciate Senator Witek's sincerity on this, I must rise in opposition to this motion. There's a number of reasons why we go to secret ballot in electing our leadership. One of those we need to recognize, and I don't think it was mentioned by Senator Witek, but we are the only nonpartisan Legislature in the country, so we don't have the party line drawn down here in this Legislature. And we try to, I think, adhere to that concept of nonpartisanship as much as possible. I think that if you go to an open ballot, we will destroy some of that effort to be nonpartisan. I think that is a change that would be detrimental to the body. But, in addition, we don't have the sort of things that other bodies have in terms of party organization, the seniority system, how we organize; it's not as clear-cut. We have a much more wide-open process here as a nonpartisan Legislature. Seniority doesn't play a whole big role, party doesn't play a role. And all of that seems to me to indicate that we need to have the ability to work together in whatever fashion we can and a secret ballot facilitates people, I think, joining hands and working together that might not otherwise be able to do so. And I want to note, even with the advantages and needs of a nonpartisan body to have a secret ballot, these other Legislatures around the country and the Congress elect their leadership by secret ballot, as I understand it. There may be exceptions to that, but my understanding is that basically, on leadership issues, you have the process as almost always a secret ballot, just as when we elect individuals to office, we have a secret ballot. There's sort of an understanding, I think, that when you're voting for individuals, whether it be as an individual voter or as a voter here in the Legislature, that that's something that we have some right to secrecy on to again facilitate making the best choices possible. So I think that there's precedent within this Legislature, within other Legislatures and within the whole voting process to have...allow for a secret ballot. And I think that that's a precedent we don't want to change. Now I want to also note that some of you have received the letter from the Jaksha group. There was a couple of mailings, one before the elections and one after, in

which I was attacked, along with Senator Lynch, where I talked about the fact that I didn't particularly think that outside lobbying and effort to influence leadership was a change that I would like to see happen and I would like to reemphasize that again. When we decide who the leadership of this Legislature is, we're deciding among the 49 of us who will lead us forward in the next two years. It's a choice, as a body, that we make. And, yes, it does influence and have impact outside of the body. Let's acknowledge that. But, at the same time, we're electing our leadership. We got elected by the people of this state to come down here and represent our districts and then, together, we try to move forward and address different issues and elect the leadership to help lead us forward on those issues. I think that that process has always been one in the past that had the lobbyist off limits on; yes, sometimes they got involved but a lot of times it ended up being counterproductive. A lot of outside groups decided this year that they are going to get involved in that. I don't want to see that change either. I don't want to see us go to an open ballot and make the change from the secret ballot because there are good reasons not to make that change, and I think, more than that, this idea that outside influences should be in here making decisions and try to influence the leadership of choices that we make for ourselves, as a Legislature, is another mistake that I hope won't continue into the future. So I've seen some things happening here lately that perhaps are well-intentioned and the end result, I think, people have in mind may be something worth considering, obviously, but, in my view, it will have a negative impact, not a positive impact. And so I ask you please to vote against the Witek amendment.

SPEAKER WITHEM: Thank you, Senator Wesely. Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker, members of the Legislature, Senator Witek, surely you jest. There is no chance whatsoever that this proposal is going to get 25 votes, so it puts me in one of those rare situations where I can be flippant and lighthearted, not light-headed or empty-headed. Senator Witek, in a legislative body, you have a type of diplomacy that takes place and in the realm of diplomacy, whether in a legislative body, in national or international relations, diplomacy, as a general rule, consists of being able to make statements subject to multiple interpretations, then capable of total and complete denial. That's diplomacy. Lying is a part of the legislative process. Without lying, you couldn't have a functioning

Legislature or diplomacy. She said be totally honest. You couldn't have a successful marriage. The husband is going to tell the truth to the wife about everything and she's going to tell the truth to him about everything and they're going to stay married? Impossible! Children are told, don't lie, and they're going to tell they're parents what they think about them and we'll have cases of child abuse. Senator Witek, every Frankenstein movie that I've seen has a part where there is a scene injected that gives comic relief because some people are very fearful about those things and, without denigrating what you're doing, that's the way this proposal will be viewed. You said that nobody will know who voted for them and who voted against them and you don't like that because you want to know these things. Senator Witek, as you live longer and longer, you're going to come to the conclusion that there are going to be a lot of things that you will never know, never, but life must go on and you must go on. So there is no way you're going to get this Legislature to agree to let the names have lights beside them on that board telling for whom they voted. I don't care if people know who I vote for, but there are some things that are nobody's business so I won't tell them unless I decide I want to. So total honesty is out of the question. Senators don't just lie when the time comes to say who they're going to vote for a leadership position. They lie about their position on bills. They lie about how they feel about each other. You know that. If all lying was to be done away with, what is Satan to do? Now, certainly, you believe he was created for some purpose, and you cannot challenge God and God's wisdom in creating the father of lies. If you deprive him of all his children, what is to become of him. Lies are the oil that makes the machinery of a civilized society move without too much friction. I don't believe there is any way that you could get a senator to state, with total honesty,...

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: ...every thought he or she has on a bill or every thought he or she has about another member of the Legislature. It's only because I can read minds and faces and eyes that I know what the senators really think of me, but I don't tell them that I know. I meant, I tell them that I know but I don't tell them with specificity what they think. It would trouble their little minds too much. But this proposal is loony. I'm not saying the proposer is, I will do that on another occasion when you're not making a serious effort, as you

are in this instance. Senator Witek, I believe you are as serious about this as about anything you've ever been, but my only advice to you, if I...

SPEAKER WITHEM: Time.

SENATOR CHAMBERS: ...can give it, is that we have to grow up and recognize the reality of certain situations and you don't recognize that reality.

SPEAKER WITHEM: Senator Schimek.

SENATOR SCHIMEK: Yes, Mr. President and members of the body; Mr. Speaker, and members of the body, I rise because not only do I want to visit this issue briefly but I want to address another issue which I think is equally as important and is tied to this whole process. First of all, Senator Witek, I think this is a serious proposal. I listened carefully to your arguments and a lot of what you said, I think, makes sense. I think there are some good reasons for at least considering this measure, but the bottom line is I think that if we were to adopt a rule like this that we would all see a change in here that we really wouldn't wish to see. And Senator Wesely addressed that rather eloquently. This would become a very partisan contest for chairmanships of the Legislature. I don't think there's any question about it because the parties would know exactly how its members were voting and I don't think that's a good yardstick to use in a Unicameral Legislature. I think that what we need to do is to look at the persons who are running and decide in our own minds who we think would do the best job in running a committee and expediting the process, because who we choose as chairmen is fundamentally very important to the process for the two-year cycle. And to have those kinds of pressures from the outside, I think, would be damaging. As many of you know, I came from a very partisan background. Whenever there was a bill before the Legislature in the 1970s and '80s, I came before the Legislature and I testified in front of...in favor of a partisan Legislature, have always believed that a partisan Legislature made a lot of sense when you're talking about a policy-making body. But the longer I've been in here, the more I've come to appreciate the attributes of a partisan or a nonpartisan Legislature and the more I've talked to legislators from other states and realized the horrendous problems they have sometimes in dealing with the parties in the decision-making process and the way power is distributed, I think maybe we have a better

system here in Nebraska. I think that maybe we have a system that disperses the power among the 49 elected officials and allows us each to represent the districts to the best of our judgment and to the best of our ability. I, too, would like a little bit more honesty in the process of selecting a chairman. But I think that by and large we know who voted for us and who didn't vote for us. I don't think that you have to be a real wizard to figure that out. My approach is always to tell a person if I know how I'm going to vote whether I'm going to be able to support them or not and why. But there are so many factors that go into this decision-making process, then I'm afraid if we chose your process it would definitely change the results of the elections and I don't think I want to do that. Having said that, there is one other thing that I would like to mention and I wasn't really aware of it on the day of the election until somebody pointed out to me, but, Senator Witek, you had in front of you large sheets of paper and you were writing the names of...

SPEAKER WITHEM: One minute.

SENATOR SCHIMEK: ...people that you were voting on and I appreciate your approach and that you were wanting to be open and honest about that, but I would caution the body that if we allow this kind of activity to occur on the floor of the Legislature, then this could actually be, in essence, a campaign for a certain chairman, for a certain person for Chairman. You were signalling in a sense to other members of the body how you were going to vote. Let's say that we had an organized group that was trying to effect the outcome of the chairmanship elections and we had somebody who was using placards, if you will, to signal how they were voting on certain chairmanships or even issues, if we got down to that. I would rather not have this kind of thing happening on the floor of the Legislature...

SPEAKER WITHEM: Time.

SENATOR SCHIMEK: Thank you.

SPEAKER WITHEM: Senator Witek.

SENATOR WITEK: Mr. Speaker, members of the body, it was interesting that Senator Wesely talked about partisanship and again Senator Schimek. At least Senator Chambers didn't mention that portion of it. I don't believe, as Senator Wesely said,

that this is just among us, just among us 49 people on the floor of the Legislature. An awful lot of people are affected by what goes on on this floor. I think it's just among the entire State of Nebraska how their representatives vote and it certainly is not partisan. It's amazing that Senator Wesely even thinks that he can say that. Maybe he said that for the TV cameras or the press, but I don't think there is anybody in this body and even anybody sitting watching this body who believes that we are at times...I guess it's how you define nonpartisan. Maybe it's just...it happens sometimes where it breaks down on party lines, it happens sometimes where it breaks down on ideological lines, it happens sometimes where it breaks down on where you live. That's the way it goes and that truly to me is what nonpartisan means, not just Republican or Democrat or, in Senator Chambers case, Independent, and I'm not talking about Senator Chambers just not saying something because I was taught too, you know, if you can't say something nice, don't say it. This isn't telling someone that you don't like their dress or you don't like their perfume or you don't like one thing or another about them personally. This isn't about that. This is about the Legislature in the State of Nebraska having a secret vote so that no one will know how they vote including each other. That, to me, is wrong. It's not what this country is about. That's not what this country was founded on. And it's sad, it's really sad that Senator Schimek thinks that we'll fall along party lines. What you are, in essence, saying is that there are members of this body who can't turn to their "party" and say no, just say no, no, I'm not voting for that person. I was never a party person before I ran for the Legislature. I have done a lot more activities within the Republican Party since that time to learn campaigning and other things just to have more knowledge, but no one in that party has ever attempted to say how I'm going to vote and they couldn't. I'm an individual when I do come here and when I push the button you are still...nobody takes away that individuality when you push that button. There is nobody here forcing you to push it one way or another. That's all in the individual's mind. That's the same thing that people use to manipulate a lot of these votes for chairman, especially the manipulation on what committee you will get on or whether your vote will ever come out of a committee or whether they'll kill every vote you ever put up or whatever they say to these people. That's what happens in that senator's mind that they let themselves believe what someone has told them. That's where that happens and it's not naive I don't think to do this. It's not about saying that things, that lies never occur on the

floor of the Legislature or certainly in politics; certainly does, but I certainly try as hard as I can never to lie, never certainly to tell someone to their face a bold-face lie such as standing up here trying to say it's nonpartisan. That, to me, is what we're about. We're not perfect, but we're trying. We're headed in that direction and that's what it's all about. It's not saying that you are, it's saying that you're trying and that's what I'm trying on this is to try to get you to see that this secret balloting does not help the Legislature in the State of Nebraska, it only helps individuals...

SPEAKER WITHEM: One minute.

SENATOR WITEK: ...who don't want to tell someone honestly how they're going to vote and they don't want to tell the public how they voted and they don't want it up there on the board where people will know how they voted. So if that's the kind of person you are, then I'm not sure that's the kind of person who should be on the Legislature in the State of Nebraska if you don't have the courage to tell people how you voted, and I don't know what you think of writing the names of people on a piece of paper but...and I don't know what you can do to stop it but that's how I'm going to do it because I'm not going to secret ballot vote anymore and that's what it's about. It's not signalling anybody else on the floor one way or another. It's not trying to convince anybody to vote one way or another. It's about me feeling very uncomfortable with voting by secret ballot and seeing the damage that it does to the people in this body before and after, and wanting to change it. Thank you.

SPEAKER WITHEM: Thank you, Senator Witek. Senator Crosby, followed by Senators Chambers, Wesely, Schimek and Maurstad.

SENATOR CROSBY: Thank you, Mr. Speaker and members of the Legislature, Senator Witek what you just said means that you're the only one who is qualified to be in Legislature, I doubt that very much. I think all of us run in his or her own district and have Democrats, Republicans, Independents who help them, I know I have. I have a wonderful group of people, I have a tremendous group of constituents whom I hear from regularly and whom I work with on different issues. The minute somebody brings me a bill that I have some problem with I call someone in my district, different people, to see how they react to that bill. I don't know how otherwise to work, but I want to go back just with a little history because Senator Schimek mentioned her partisan

work. I'm a political animal. I started to work in the Republican Party when I was 18 before I could even vote. And the reason is because somebody invited to a Young Republicans meeting. My family were all Democrats and I went, I like the work just to start with because I'm a people person and the second thing is the philosophy started coming through to me, it seemed to be that that's what I was looking for. But I'll give you a little piece of political history about the Unicameral. Senator George Norris was the one who went back and forth across this state to get a one-house Legislature and it was very important to him that it was nonpartisan. We are elected on a nonpartisan ticket. The people in 1937 went for that, '36, and it came into being in '37. George Norris was a Republican when he was elected originally. He changed to Independent. He supported Franklin Roosevelt all through the thirties and all of his programs. Tennessee Valley Authority, some Republicans still think that George Norris did a disservice to the country because of TVA, but the Republicans in the State of Nebraska punished Senator George Norris in 1942. They ran a Republican, Kenneth Wherry, a very good...you know, a great United States Senator. They forced him out on the ballot. My boss in Hastings supported George Norris editorially. He was punished. When he ran for Governor the conservative wing of the Republican Party did not support him and that was why. They told him right out, you're too liberal. He had employee stock options in his business. He did things for his employees. He voted for some things the one year, the two years that he was in the United States Senate that they just thought were too liberal for the State of Nebraska. That's how party politics works. You have not been in it long enough, Senator Witek, I don't think, to realize some of the things that happen to individuals, and so when you're talking about a secret ballot here on the floor, I'm trying to think of organizations that I belong to if there were any offices up for where there were more than one person, we vote on secret ballot on Boards of Directors because you have to have some kind of integrity in whatever group it is to be able to work as a group afterwards. I don't know if it would do Senator Schimek any good to know whether or not who voted for her. Is she going to feel any better? No. She might feel worse, so...because Senator Dole said not long ago, and it's true here, there are senators and Congress people and legislators that will look at you and...

SPEAKER WITHEM: One minute.

SENATOR CROSBY: ...and they say yes to everybody. Yes, I'll vote for you; yes, I'll vote for you and then they vote for whomever they want to. So I just think it would be a real mistake to take away the secret ballot and I know there is one organization in particular that wants this open ballot and what I say to them is what some of us did in the fifties, Republicans and Democrats both, we tried to get a petition signed and on the ballot to put it back to a partisan Legislature. It didn't work then. It might work now, but that's what they have to do. They can't come in and change the structure of the Legislature unless they change the way Legislature is elected. So go back and tell them. Do that. If they're listening, I'm saying to them, do that. If you want to try that, fine. That's the way we live and that's the way we work, but don't come in and say, you are a bunch of cowards or whatever because you're voting on a secret ballot for Chairs.

SPEAKER WITHEM: Time.

SENATOR CROSBY: It's not logical. Thank you.

SPEAKER WITHEM: Thank you, Senator Crosby. Senator Chambers.

SENATOR CHAMBERS: Mr. Speaker, excuse me, and members of the Legislature, when I was in the military, one of the worst places for rumors was the army barracks. Then I worked in a barber shop, rumor mill. And when you're in those settings you can see how petty, vindictive and retaliatory people can be. On the floor of this Legislature, if a person were running for one of these positions and you put the vote on the board, that person would just know who to try to get even with. Senator Witek, if you have been so blind while here that you don't see the pettiness and vindictiveness that occurs now, then I can understand why you would say, naively, I don't think it would do anything, I don't think it would hurt anything. It would help the system and make everybody feel better. The Nebraska Constitution requires that our votes on issues be open so the public can see how we vote on those issues that relate to the welfare and business of the state. The people who put the Constitution in place provided for the Legislature to organize itself and deal with its internal affairs in that way. One of the deficiencies in American education is that there is not teaching in these classes called Civics about the true dynamics and fundamentals of legislative bodies and discuss how human nature, in fact, works. You have all these plaster images

around here of people like Thomas Jefferson and George Washington and Abraham Lincoln and people are taught they never told a lie and all these kind of things which are lies. People go to church. They pray to and worship plaster saints and then their lives don't reflect any of what that is supposed to do in terms of enobling you and causing you to treat people in a proper way. When you look at how vindictive and petty people can be, a system such as this which is going to bring disparate people, some people say disparate, but I like to say disparate. I'm able to do that because I'm educated and people know that I know how to say a word, but if they don't know how to say it, however I say it is right and that's one of the benefits of having a degree. You can be illiterate in what you say but people say, well, there must be a reason for it. Come from disparate parts of the state, disparate backgrounds and you throw them all together. You have to make it possible for those people to function with at least a modicum of cooperation and you would destroy all of that if they had to tell the truth about how they voted. Lying is an absolute essential of politics. You cannot have a successful political party, you cannot have a successful legislative body without lying. The Senate in Rome could not function without lying. The twelve disciples couldn't function without lying and even with their lying they didn't function too well. There is no situation where you have more than one person where lying is not necessary. There is a love of the lie in human beings. Animals are not able to lie and that's why they wind up killing each other because they are very direct and straightforward and honest. But human beings blessed with the power of speech can lie. They can pull a person's fangs, they can dilute the anger, they can prevent a killing by lying. Whereas to tell the truth...

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: ...would, as Senator Robinson, as you quoted him saying, require the production of pistols. There were duels fought because people told what they thought was the truth to somebody. Senator Witek, I have to protect the right of the Legislature to lie in this instance and I encourage the senators to lie in this instance. But whether I encourage them to, they're going to do it on their own anyway so this motion that you offered gave us an opportunity to talk about some other issues, but I think you know there's no chance for you to get 25 votes on this. But I want to say it again and again and

again, lying, lying, lying is essential to the Legislature being able to function.

SPEAKER WITHEM: Thank you, Senator Chambers. I don't see Senator Wesely on the floor so we'll go to Senator Schimek.

SENATOR SCHIMEK: Thank you, Mr. President, members of the body, Senator Chambers, you're such a cynic. I mean I really disagree with you. I think that the legislative process is built on a trust and an honesty. You know we don't always meet the standard in every way, but I think by and large you find out that somebody down here does not tell you the truth, the trust level goes way down and you've got to have some trust level to have an effective Legislature. But that's not why I got up to talk. You know, Senator Witek, there's another element to this discussion I think that needs to be brought out and it bothers me, it troubles me. Senator Chambers, I did teach Civics and I have to confess, I probably wasn't a very good Civics teacher. I was young, newly educated, didn't have any experience in the political process. I would be a much better teacher now than I was. In fact, I'd like to go back and try teaching in the classroom again. But I think your point is well taken that a lot of people really don't understand the process that well. But one of the things that we teach about in Civics, of course, is that this is a representative democracy. It is not a direct democracy. It would be very difficult, indeed, to have the kind of public discussion as our country grows and our population grows, it would be very difficult to have that kind of public discussion that would be meaningful and that would allow people to make their own decisions. That's why we have representatives to make those decisions for us and I do believe that my constituents on the whole, by and large, are not concerned about who we elect as committee chairs down here. They really trust us to do what is best. They trust that we will know the individuals who are members of this body and who will be the most effective leadership for this body. There is a certain element of that kind of trust that goes with a representative democracy. I don't think they even care particularly to know how I voted because I think they trust me to do the best job possible. Now there are people in my district, as there are in every district, who really don't trust me, who don't trust you, who don't trust government. And I fear that those...that vocal minority are the ones that we hear from when it comes to matters like this. I think we have one of the most open, accessible Legislatures in this country and I will defend it every time the

occasion arises because I know what some of the alternatives are and I think that all of us need to remember that. I don't want to take up all my five minutes. I just didn't get to finish everything I wanted to say last time. I don't think this amendment is going to be adopted, but I think the discussion is good and I think that it doesn't hurt us to have it once in a while. Thank you.

SPEAKER WITHEM: Thank you, Senator Schimek. Senator Wesely. Still not in the Chamber? Senator Witek, you're recognized to close.

SENATOR WITEK: Senator Withem, members of the body, I appreciate, first, the time that some of the senators have taken to make comments on this issue. I thought we'd just...nobody would get up and everybody would leave, but I am going to call for a call of the house and a roll call vote on this. I hope you listened very well to Senator Chambers and felt the same sadness that an individual would think that this is the way of the world. I'm not naive. I probably read people as well as Senator Chambers, pretty darn close, pretty close, and I know when you talk and I know how you...I know what you're doing when you do it on the floor most of the time and probably a lot of us do, although the public hasn't quite figured a lot of this out yet, but two years of it I do figure it out. And I think the reason that I can't dislike you the way so many people do is because there's that portion of me that feels so sad that you sincerely believe what you just said, and it's just amazing. It's too bad and I'm not going to try to change your mind because I know you don't like that when people try to change your mind but I hope some day you will see the goodness maybe and not all the bad. And I don't know what changed that, but there's a lot of goodness in this body. I agree with that, Senator Schimek, a lot of good things happen here and there's a lot of good people here and I know about a representative democracy and I still feel, after thinking of all these things and listening to people, that this is what should happen, that we should do away with the secret ballot because these are the people that those people, maybe some of them don't care, maybe the majority of them aren't paying close attention, but I know that that's changing and a good number of people are watching C-SPAN an awful lot more than they used to and there's a good number of people within the bodies themselves now that are willing to show themselves, good, bad, ugly, whatever, and share that with the American public because I think the more people

that know what goes on down here and how it goes on down here and how their people vote and become involved in that entire process the better off our entire country will be. I see us moving in a great direction now in this country and it's not because people, you know, they try to figure out what happened in the last election and how this all happened, these changes. If they had been in my discussion groups that the PTOs and waiting for your kids after school and all these other groups that I talked to, they would have known that this was coming, that this was going to happen because people are getting more interested in their democratic process. They realize it is the responsibility of birth in this country to become involved in this process and they are being more responsible and they are watching what goes on down here, and I think maybe the timing for at least discussing getting rid of the secret ballot is good here. Maybe I won't get these votes. As Senator Chambers said, it's ridiculous of me to even try, but I am going to try because I think that there was a lot of people in the last election and a lot of people that I talked to who want open, honest government. I promised it when I ran for the Legislature two years ago. I will continue. It's not about how somebody will feel. It's not about how an individual, Senator Maurstad or anybody will feel on this floor. It's about how the people that elected us to be here, that pay for us to be here, that work hard to earn the money to pay for us to be here, about what they expect out of us and to let them know that I, at least, was willing to try to share with them...

SPEAKER WITHEM: One minute.

SENATOR WITEK: ...this portion of the legislative process that at this time is a secret ballot, but I'm hoping that will change at some time in the future and people maybe far in the future once it's changed will say, why did they ever want to vote by secret ballot, you know, why didn't they want people to know how they voted on that? So this is the beginning maybe, but it's at least starting in a direction of hoping that people will see that this is what would be good for the Legislature and I still will ask for those votes in favor of this amendment. Thank you.

SPEAKER WITHEM: Question initially is, shall the house go under call? All in favor vote aye, opposed vote nay. Record.

CLERK: 14 ayes, 1 nay to go under call, Mr. President.

SPEAKER WITHEM: The house is under call. All members return to the Chamber. Unauthorized personnel leave the floor. Members in the Chamber, please record your presence. We are under call. Senator Robinson, please. Senator Brashear. Senators Bromm and Brown, please. Senator Robak, Senator Schellpeper. Senator Robinson, for what point do you rise?

SENATOR ROBINSON: (Mike not activated immediately.) ...roll call if possible.

SPEAKER WITHEM: I believe that is possible. I believe Senator Witek requested a roll call, no particular order so I'll honor the calling reverse. Senator Brown, we're awaiting. Senator Brown is here. Mr. Clerk, will you proceed with a roll call vote in reverse order.

CLERK: (Roll call vote taken. See pages 332-33 of the Legislative Journal.) 7 ayes, 33 nays, Mr. President.

SPEAKER WITHEM: The motion is not adopted. The call is raised. Next item, Mr. Clerk.

CLERK: Mr. President, the next motion I have is by Senator Bernard-Stevens. (Bernard-Stevens amendment appears on page 333 of the Legislative Journal.) Senator...

SPEAKER WITHEM: Senator Bernard-Stevens.

SENATOR BERNARD-STEVENS: I'm sorry, I was busy chatting with Senator Kristensen on the Coke that I won. Mr. Clerk, this is the amendment that is on the voting order, is that correct?

CLERK: Yes, sir.

SENATOR BERNARD-STEVENS: Thank you. This is a clarification amendment that we had and actually it's a...the whole discussion was kind of silly but sometimes you just need to put the clarification in to make sure that we don't have problems later on as we did last year. It's on Rule 7, Section 2(d) and the amendment which simply is a clarification is, all roll call votes of the comprised membership shall be taken in alphabetical order starting with the first name that begins with the letter "A" or the letter closest to "A", except that any member may request a roll call vote in reverse alphabetical order unless the introducer of the motion under consideration objects. A

roll call in reverse alphabetical order shall start with the member's name that begins with "Z" or the letter closest to "Z" and that is in fact the clarification that is needed. And quite honestly, at the end of the session, if the rules are not pretty clear, we can get to some difficulties. An example we had last year, some members wanted to start it out with Senator Kristensen in the middle and go inside out, or if it is worded that you have to go in alphabetical order, well, where does the alphabet start. So in order so we don't have any of that stuff going on, this is the clarification amendment and I hope it is adopted.

SPEAKER WITHEM: Thank you, Senator Bernard-Stevens. Any further discussion? Senator Bernard-Stevens, do you have a closing? Closing has been waived. The question is the adoption of the Bernard-Steven rule amendment to the rules. All in favor vote aye, opposed vote nay. Record, please.

CLERK: 27 ayes, 1 nay, Mr. President, on the adoption of Senator Bernard-Stevens' amendment to the rules.

SPEAKER WITHEM: The amendment is adopted. Next item.

CLERK: Mr. President, Senator Elmer would move to amend. (Elmer amendment appears on page 334 of the Legislative Journal.)

SPEAKER WITHEM: Senator Elmer.

SENATOR ELMER: Thank you, Mr. Speaker. The amendment that I have brought forward is very simple and very straightforward and would say that if a member would like to have the question divided when we're considering an amendment or an amendment to an amendment, then the Speaker or the Presiding Officer would determine if the question is divisible, and if it is, it would be divided. However, with this change if any member objected to dividing the question, then the division and the reasons for it would be debated and the body would vote up or down whether to divide the question or not. The second part would say that if a committee amendment is a rewrite of the bill and entirely replaces the bill, it would be nondivisible so that a bill that is put forward couldn't be cut up as an amendment could. And would ask your support. It seems like a reasonable amendment to give us a little more control over whether a question is actually divided or not. Thank you.

SPEAKER WITHEM: Thank you, Senator Elmer. Senator Chambers, to discuss the Elmer amendment.

SENATOR CHAMBERS: Mr. Speaker and members of the Legislature, I'm opposed to this amendment. Many times discussions are had and people say the majority should have its way. If the majority is always to have its way, you don't need rules. Force is what allows the majority to prevail. Might makes right. Constitutions are put in place to protect the minority from the tyranny of the majority. There are rules in the Legislature and the only reason you have to have them is because there are groups and the constituent parts of that group will vary from issue to issue which will be in a minority position. And the rules are there to ensure that there is not a tyranny of the majority. Others may view the rules differently. They may feel as Senator Elmer obviously does, that you should enshrine this tyranny in the rules. I doubt that the rule will come into play too many times, but it is there and it is available for a great amount of mischief. As I stated earlier this morning, I'm not going to spend as much time on these proposals as I have on others. But Senator Elmer and others who may be following our discussions, since it is going to go without saying that I will be on the short end of the stick more often than anybody else, you all can get me now and I'm not going to get angry, but I am going to get even. That has not been my practice in the past. I would suffer defeats, some of them legitimately so because people differed honestly on the issue. Others were done because I am who I am and I would rise above that as issues came before us and deal with that issue on its merits. Since now the whole legislative process is to be viewed as a seamless web and what happens in one part of that web will cause reverberations that will go across and throughout the rest of the web, that's the way I'm going to view this session. And if you all think that my efforts in the past to represent those constituencies that need strong, uncomprising representation are such as to justify rules of this kind, I'm going to show you what a truly recalcitrant member of the Legislature can do and I'm going to do it. I'm going to get even and I'm going to do as I am done by and I will outdo you because a pitiful face will not change my mind. Anger expressed by the Legislature will not alter my course and an expression of disappointment will not deter me from doing what I determine to do. So enact all of the rules you want and I'm going to start with the presumption that everybody on this floor is acting in good faith since this will

be a new departure for me. But the first time one of these rules is invoked against me, then I feel that the cudgel has been thrown down, the line has been drawn and I will give much better than I am given. For every blow struck against me, figuratively speaking, or actually speaking, I will give tit for tat, measure for measure, even-steven. That's the way it's going to be. Senator Elmer does not often get involved...

SPEAKER WITHEM: One minute.

SENATOR CHAMBERS: ...in the discussions on the floor. Many of those offering these rules don't. Many times you can't even find them, but they may have occasion to be on the floor more often this session. I am opposed to this proposition.

SPEAKER WITHEM: Thank you, Senator Chambers. Senator Bromm.

SENATOR BROMM: Thank you, Mr. Speaker. I rise to support Senator Elmer's proposal and we didn't have, I don't think, adequate time in the Rules Committee meeting that we had towards the end of the year to really deal with this issue and Senator Elmer had proposed this to the committee, but due to a, I know a conflict that he couldn't avoid, he could not be there the day that we met to explain this and propose it or I feel that the committee would have very likely have responded positively to this suggestion. It's relatively simple, really. I think as it stands now, if a measure can be divided, the Speaker really has no discretion but to divide it into as many parts as the person who requested it be divided asks for if each part can stand alone. There is no discretion whether it makes sense or doesn't make sense, the Speaker really has to do it. This, basically, I think, very logically says that if somebody objects to the division that the body can decide whether they want it divided into all those many parts or not and that motion is debatable and a majority of the members voting decide that question. The other situation it takes care of, and I don't know how or why this doesn't make sense, a bill can't be divided, so if a committee amendment is a total rewrite of the bill, this says that can't be divided. Now I don't know how...I really don't know how you can stand here and say that that's attacking anybody or that that's being unfair because if the committee has rewritten the bill, it stands as a bill, basically, and it should be subject to the same rules as the bill I would think. I think this rule is a very positive suggestion and it won't take away, again, the ability of those who want to debate in

earnest the issues, it will not take that away. I don't believe that it will. It doesn't shorten cloture or anything else. I think it allows us perhaps sometimes to stay on the entire bill when we have been diverted and forced to focus on only a very small part of the bill. This allows us to stay on the entire bill if the body chooses to do that. And again, if the body doesn't want to, they don't have to. I support the measure. I thank Senator Elmer for the authorship and hope the body will see fit to adopt it.

SENATOR CROSBY PRESIDING

SENATOR CROSBY: Thank you, Senator Bromm. Senator Bernard-Stevens, on the Elmer amendment.

SENATOR BERNARD-STEVENS: Senator Bromm, would you yield to a question?

SENATOR CROSBY: Senator Bromm.

SENATOR BERNARD-STEVENS: Senator Bromm, just out of curiosity, and again, trying to think of examples that actually have happened on numerous occasions, let's assume a committee totally guts a bill, committee amendments come out and actually they put in the committee amendments three, four or five bills at the end in order to try to get them through towards the end of the session and probably four, if not all of the bills, would be technically nongermane to the bill that has been gutted. Okay? So we have a committee amendment that really is nongermane because it has actually included four or five different bills in it. What this rule would do if it was adopted would simply say that, if I'm having it here, it would say that in the case of...in the situation where a committee amendment is offered that constitutes a complete rewrite of the bill, it shall be nondivisible. So if a bill comes out with a committee amendment that has four or five bills put into it, nongermane to the bill itself, we would not be able to, according to this rule, divide those sections out by bill and discuss each one of those under this rule. Is that correct?

SENATOR BROMM: Yes, I think that would be correct and I would...you know, I guess I think the chance of a committee doing that hopefully is not as likely as the pitfalls of having the rule the way we've had it.

SENATOR BERNARD-STEVENS: Senator Bromm, I hate to burst that bubble, but it's very likely, particularly if this rule is adopted, where a committee knows that by putting this committee amendment together it will not and cannot be divisible and it has to be a vote on the whole thing or not, I can guarantee you it will be even more likely to take place with this rule. And I wanted to bring that up to the members of the Legislature. If we're trying...we have to be con...well, we won't ever be consistent, but we have to try to be consistent in all the rules that we pass. If, in fact, a couple days ago we pass a bill that says or a rule change that says, look, we're going to be able to divide the question and each one needs to be tested on germaneness because, in fact, we're concerned that we want to have germane bills or amendments, you know, offered. This makes no sense. This, in fact, falls and defies everything that we've done in the past and I guarantee you with this type of rule change the way it's worded on committee amendments, it would be almost too tempting for Committee Chairs at the end to put, and not just Committee Chairs, for committees to put the four or five bills that are not going to make it, they weren't prioritized, they're really important but we have this one bill that we can prioritize as a committee bill so let's put all the things we want in there and that has happened in the past, it will happen again and with this rule it will happen a lot more because you won't be able to divide those questions out. The way that portion of the rule is stated now would not serve the Legislature well.

SENATOR CROSBY: Thank you, Senator Bernard-Stevens. Before we go on to our next speaker, I'd like to call the Legislature's attention to two guests that we have here today. Under the north balcony we have Mark McKeone from Cozad who is Senator Cudaback's guest, and under the south balcony we have former Senator Tom Fitzgerald from Omaha, so would you all welcome both of these guests. Mr. Clerk.

CLERK: Madam President, I have an amendment to the amendment. Senator Bernard-Stevens would move to amend by striking "the majority of those voting" and inserting "if two-thirds of the Legislature".

SENATOR CROSBY: Senator Bernard-Stevens, on your amendment.

SENATOR BERNARD-STEVENS: Thank you, Madam President and members of the body, this change would change in line 5, this amendment

would change in line 5, it would strike "a majority of those voting" so that if there were six people right now the way this is worded, that if we had a question on whether it's going to be divisible or not, if there are six people in the Chamber, you know, four people would be able to constitute a majority on the bill. What would this would simply say is, look, if we're going to take a senator's right away of dividing a question that is clearly divisible, we'd better make sure that there is a real good reason to do so and so this amendment would simply say that if we're going to pass this type of ruling, that two-thirds of the Legislature would have to be taken in order to take the right of division away from a particular senator even if it's a legitimate motion. Yeah, Madam President, Senator Chambers has brought to my attention, he is absolutely correct, my misinterpretation of the bill and at this point I would like to withdraw that amendment. Thank you, Senator Chambers.

SENATOR CROSBY: Thank you, it is withdrawn. Back to the Elmer amendment. Speaker in line is Senator Chambers.

SENATOR CHAMBERS: Madam President and members of the Legislature, Senator Bernard-Stevens is absolutely correct in what he said about the way this rule is going to work and there are bills always lingering at the end of a session that a committee holds. And under our designation of a bill as a priority, the bill does not have to be out of committee. So a bill that is going to be held in committee until near the end of the session, for Christmas tree purposes, can be designated the committee's priority bill and held in committee. Then you add all of these different bills as a committee amendment and the question cannot be divided. The lobby is going to structure some of these things at the end of the session. And it troubles me that some of you who sat here, not as long as I have, but you've been here session after session, and you've seen what the lobby does at the end of a session in terms of putting together Christmas tree propositions. You even saw last session where after swearing almost that he would not sign a Christmas tree bill, the Governor signed one. Pressure is brought to bear and the end of the session is going to be like a pressure cooker. These rules that you think are going to do something to me are going to turn around and bite you, and I'm going to say I told you so and I'm going to mock and scoff and taunt and make you angrier in the last days of the session than you are now or than you ordinarily would be. You are building those kind of situations into the rules. You are sanctifying this process of

building a Christmas tree in a committee. When that bill comes out, since it was declared a priority bill before others, then it will go ahead of some of those that have been out here longer but were declared priority bills after that one. So a savvy Committee Chair is going to designate one of these bills, maybe his or her own or one that belongs to one of the lobbyists groups that intends to tie some of these things together and have that bill designated and that's what should be done. Those lobbyists are paid to take care of the interests of their principal, p-r-i-n-c-i-p-a-l, meaning the one who hired them, not that they are principled people in the sense of ethics. If and when that happens, you should understand that an addition can be made to a committee bill which is not based on a bill that that committee heard. It could be a proposal in another committee that is not going to get out and this committee can add it to their bill, to their committee amendment and there it is. And there will be enough forces drawn together to ensure the passage of that bill and there's no way to break these individual parts out. It's a very poorly written bill, a proposal very poorly thought out, but that's the nature of the Legislature and you can do it and you will do it and you'll adopt this. But there is a tyranny of the majority being built into this rule. I'd like to ask Senator Elmer a question. Senator Elmer...

SENATOR CROSBY: Senator Elmer.

SENATOR ELMER: Certainly.

SENATOR CHAMBERS: What is the rationale for allowing one person to divide the question and denying that right to another member? What is the rationale in the rule change as you drafted it?

SENATOR ELMER: There is no intention of denying any member the opportunity to divide a bill.

SENATOR CHAMBERS: You didn't answer the question. I said what is the rationale for allowing it in one case and rejecting it in another?

SENATOR CROSBY: One minute.

SENATOR ELMER: If the will of the body is to not divide the question, then the body should have that discretion.

SENATOR CHAMBERS: All right, and there is no rationale on which to base that decision other than purely and simply the tyranny of the majority. Isn't that true?

SENATOR ELMER: I don't believe that the tyranny of the majority that you envision would be imposed very often.

SENATOR CHAMBERS: Let me make it softer for you. There is nothing in this to distinguish the allowance from the rejection of it other than the majority.

SENATOR ELMER: That's true.

SENATOR CHAMBERS: Isn't that true?

SENATOR ELMER: That's true.

SENATOR CHAMBERS: And that's the rationale that is good enough for you, obviously. That wasn't a question for you to answer because your answer is in the proposal as you drafted it. I'm opposed to it.

SENATOR CROSBY: Thank you, Senator Chambers. Before we go on, Mr. Clerk, do we have an amendment?

CLERK: Madam President, Senator Bromm would move to amend Senator Elmer's proposal by striking in the new language the last sentence thereof. (Bromm amendment appears on page 334 of the Legislative Journal.)

SENATOR CROSBY: Senator Bromm.

SENATOR BROMM: Thank you, Madam Chairman, I am enlightened and my bubble is bursted and I'd like to amend Senator Elmer's proposal slightly by removing that last sentence to take out the...and certainly you can make the argument that a committee could abuse this opportunity to substitute their amendment for a bill and if one would...and that apparently could happen so we removed that possibility leaving the rest of Senator Elmer's proposal intact. So what I'm doing is taking out the sentence that says where you have a committee amendment that is offered as a substitute for a bill or a rewrite of the bill, it's nondivisible. We removed that language all together and that's all it does and at this point in time I think it would be wise to do that and then we can decide on Senator Elmer's proposal

without it being clouded up with this extra wordage which perhaps may not be the wisest language. So that's the proposed amendment.

SENATOR CROSBY: Thank you, Senator Bromm. We have three lights on, two lights that were on before. Senator Elmer, did you wish to speak to Senator Bromm's amendment?

SENATOR ELMER: Yes.

SENATOR CROSBY: Senator Elmer.

SENATOR ELMER: Senator Bromm, I appreciate your putting up the amendment after having been enlightened as to the possible skullduggery that many of our committees would be tempted engage in if this rule were in place and bow to the rhetoric that I've heard on the floor and the logic that that presents and do acquiesce and say, yes, that was probably a mistake to put in the proposed rule change, and I would support Senator Bromm's amendment to my amendment to the rules. Thank you.

SENATOR CROSBY: Thank you, Senator Elmer. Senator Warner.

SENATOR WARNER: Madam President, members of the Legislature, I haven't participated in the rule discussion much. I tend to believe that there is no way you can write a rule that will substitute for the lack of self-discipline if the body chooses to try and write a rule for everything, but more importantly, and I would be in support of the amendment by Senator Bromm, but I listened so frequently when you all have been discussing and you always bring up about the will of the majority and we tend to forget a very fundamental constitutional right that you have as an American. It's not the will of the majority, it is majority rule, but minority rights, and if there is anything in this system of the Unicameral that on occasion in terms of process that I feel we can perhaps have a shortcoming, is the lack of a really a good adversarial process from time to time. And certainly I have seen,and I've experienced where as an individual member you want to object because of a policy change that you do not like, then you become the adversarial discussion proponent of that objection. Indeed, you sometimes pay a price for it and that is a weakness which we don't willingly accept. So I strongly believe in preserving, even though it may take time, but I strongly believe in preserving the right of individual members to function. I would be opposed to the will

of the body by a majority deciding whether a bill could be or a motion could be divided or an amendment. The worst situation you can get into, at least I do, particularly at the end of session and I hate it, is when we have these bills with four or five things in them and maybe I like four and one I dislike and almost inevitably I will vote no on the bill because I couldn't have a chance, in some instances, to even attempt to get something out that I liked or disliked. And if there is anything you want to preserve is your individual ability to dissent from time to time, even though it goes against the so-called will of the body, so I would generally oppose, I'd support the motion of Senator Bromm because it improves things. By the way, it was kind of a need of example of the ability to divide an amendment, if you thought about it, because that's what he did by amendment, but I also would be opposed to the will of the body denying the right of an individual senator to be able to divide the question in order to get at a portion that they thought was poor public policy and were forced to vote against the amendment in whole or in total, probably be misunderstood by your constituents of the things they liked when really there was one issue you wanted to get at. So I would oppose the rule. I would support the amendment to the amendment but then would oppose the rule change.

SENATOR CROSBY: Thank you, Senator Warner There are no further lights. Senator Bromm, would you like to close on your amendment? Senator Bromm waives closing. The question is, should the Bromm amendment to the Elmer amendment be adopted? All those in favor vote aye, opposed. Record, Mr. Clerk. Record, Mr. Clerk.

CLERK: 30 ayes, 0 nays, Madam President, on the adoption of Senator Bromm's amendment to the Elmer amendment.

SENATOR CROSBY: The Bromm amendment is adopted. Before we go on to another amendment, I would like to introduce one more guest of the Legislature. Angela Martin from Kearney is a guest of Senator Doug Kristensen today. She is under the north balcony. Would the Legislature please welcome her. Thank you. Mr. Clerk, do we have another amendment?

CLERK: Madam President, Senator Chambers would move to amend Senator Elmer's amendment. (Chambers amendment appears on page 334 of the Legislative Journal.)

SENATOR CROSBY: Senator Chambers.

SENATOR CHAMBERS: Madam President, members of the Legislature, I'll tell you what the purpose of the amendment is, then I'll read you the specific language. It's to say that if you're going to deny a member the right to divide the question as a matter of right, then it would take a two-thirds vote of the elected members to deny that right to divide the question. Like Senator Warner, and I've tried to make it clear, I'm opposed to the amendment, period. Here is what the language says, and if you look at your amendment that Senator Elmer handed out to you, in line 5 after the word "allowed", you would strike all the remaining language through the period, and you would insert the following: "If two-thirds of the elected members vote against allowing the division of the question", and this is the way the sentence would read. The motion to divide shall be debatable and will be allowed if...I might have to strike "allowed", oh yes, will be allowed if two-thirds of the elected members vote against allowing the division. It would probably be better to rewrite the sentence but here is what it would mean. You're going to allow the division...it probably should say "unless two-thirds vote against", So instead of the word "if", I would put the word "unless". Then the sentence would read, "the motion to divide shall be debatable and will be allowed unless two-thirds of the elected members vote against allowing the division of the question". So I'll change that word "if" to "unless". This is a bunglesome amendment. I'm going to ask Senator Elmer a question and I'm going to see if his answers bear out what I have just said.

SENATOR CROSBY: Senator Elmer.

SENATOR CHAMBERS: Senator Elmer, the original Rule 7, Section 3(e) which you're amending starts out in this fashion. Any member may call for the division of a question. Do you agree that is the language?

SENATOR ELMER: That's, Senator Chambers, yes, that's the language.

SENATOR CHAMBERS: Then when your language comes in you say if any member objects to the division, when you say the division, are you referring to the division of the question mentioned in the first sentence?

SENATOR ELMER: Of course, the intention is if a member objects to the question being divided...

SENATOR CHAMBERS: Okay, here's what I'm try to find out. The first sentence talks about a division of the question.

SENATOR ELMER: Mmm, hmm.

SENATOR CHAMBERS: Then the first sentence of your new language says, if any member objects to the division.

SENATOR ELMER: That's right.

SENATOR CHAMBERS: Do those two words of yours "the division" refer back to the first sentence that talks about the division of the question?

SENATOR ELMER: That is affirmative.

SENATOR CHAMBERS: Well, then the rest of your language talks about the amendment, thereby restricting what you're talking about only to an amendment and not a question. There are other questions put before us that do not involve only an amendment. So are you talking only about an amendment being subject to your new language?

SENATOR ELMER: Any question that is being divided would be apply...this would be applied to.

SENATOR CHAMBERS: But it doesn't.

SENATOR ELMER: If the question is being divided, the body is deciding on whether the question should be divided or not.

SENATOR CHAMBERS: But your language talks about the amendment, not an amendment, but the amendment. So what is being attempted to be divided is the amendment and the motion to divide that amendment is debatable. But if there is a question other than an amendment which is to be divided, your language doesn't deal with it.

SENATOR ELMER: Senator Chambers, if any member objects to the division in this proposed rule, the decision shall be put to the body whether the amendment should be divided.

SENATOR CHAMBERS: And your language is narrower than the language of the rule. Your language talks only about an amendment. The rule talks about any question.

SENATOR ELMER: That's correct.

SENATOR CHAMBERS: So you language is designed...

SENATOR ELMER: You are correct.

SENATOR CHAMBERS: ...to be narrower. Is that true?

SENATOR ELMER: I would assume that anytime that you are dividing a question that it would be an amendment since you cannot divide the question in a bill.

SENATOR CHAMBERS: You're saying...

SENATOR ELMER: You're talking about dividing a committee amendment, you're talking about dividing an amendment to the bill. Any other motion doesn't have any divisions to it. You move to adjourn, you move to reconsider, you move to do these other things, those are not divisible.

SENATOR CHAMBERS: Well, not necessarily. You're thinking of a simplistic motion that has only one part to it. Why do you think the original rule says a division of the question rather than the division of an amendment?

SENATOR ELMER: That rule was written long before I was here, Senator Chambers.

SENATOR CHAMBERS: Thank you. And, members, I'm not trying to change that. I want you all to go ahead and adopt this rule like you probably are going to do that Senator Elmer offered you and I think he misconstrues parliamentary rules, the language used in parliamentary rules. Because he cannot conceive of something, it, therefore, does not exist. So if you want to have it that way, fine. I'm not changing his language. Here's what I am doing. I'm saying that if you're going to deny a member the right to divide an amendment, I'm dealing only with his language, then it takes a two-thirds vote of the elected members to deny what up to this point has been an absolute right to divide any question. But what he offers does not deal with anything other than an amendment. So if a different question

surfaces that does not involve an amendment, that division of the question must be granted as a matter of right. Let me tell you what I mean. Here is a sentence which is untouched. Any member may call for the division of a question which may be divided if it comprehends propositions and substance so distinct that one being taken away, a substantive proposition still remain for the decision of the Legislature, period. Senator Elmer didn't change the dividing of the question. He's bringing language that deals only with the division of an amendment. So if a divisible question other than an amendment comes before us, it's divisible as a matter of right. Senator Elmer's language doesn't touch it. You feel comfortable with his language, his offering, take it. I waste time standing up here talking but I told you, I want to be able to say I told you so, I want to do my mocking, I want to do my taunting, I want to do my ridiculing and I don't want to catch you off guard. I want to show where I took all of this time and went over it again and again. I read the language of the existing rule. I read the new language of Senator Elmer's. I asked him questions, he likes it the way it is. You all like it too? Take it, but this is one thing I am trying to change if you're going to adopt this. If you're going to take away something which has been an absolute right because the majority wants to do it, make it a supermajority and the only aim of these rules is to take away the right of those in a minority position to deal with issues. So don't tell me and expect me to accept it that this is not directed against me. And if others feel that they are in this position, they will tell you whether they think it's directed against them.

SENATOR CROSBY: One minute.

SENATOR CHAMBERS: So my amendment, if it's not clear to anybody, I'll be happy to explain only in terms of the amendment that I'm offering. It won't correct the bunglesomeness of the manner in which Senator Elmer drafted this amendment and change the thrust of this division of the question rule. He has put two elements in it which didn't exist before but you all like that. I'm only asking that you adopt the amendment that I'm offering, and even if you adopt it, I wish you would defeat his amendment.

SENATOR CROSBY: Thank you, Senator Chambers. You've heard the opening. Senator Elmer, your light is on.

SENATOR ELMER: Thank you, Madam President. Listening to

Senator Warner and Senator Chambers talking about the absolute right to divide the question and the ability of a minority to have their say has made a great impression on me. I think that perhaps Senator Chambers is correct in asking for the two-thirds majority in order to abridge that right so that it is a super two-thirds of the membership. And I believe I'll support his amendment to my amendment. Thank you.

SENATOR CROSBY: Thank you, Senator Elmer. There are no further lights. Senator Chambers, would you like to close?

SENATOR CHAMBERS: Yes, I would. Madam President, members of the Legislature, this amendment does not make a bad situation good. It does not right a wrong. It's as though somebody stuck a knife six inches into my back and this pulls it out two inches. I still have a knife in my back. It is deeply enough in my back, deep enough in my back to cause substantial damage. I'm trying to engage in damage control. If you adopt this amendment, it doesn't make what is being offered any more palatable. It makes it a bit less onerous and a bit less unjust. It doesn't convert an injustice into a just situation.

SENATOR CROSBY: Thank you, Senator Chambers. You've heard the closing. The question is, shall the Chambers amendment to the Elmer amendment be adopted? All in favor vote aye, opposed no. We're voting on the Chambers amendment to the Elmer amendment. Have you all voted? Record, Mr. Clerk.

CLERK: 26 ayes, 0 nays, Madam President, on adoption of Senator Chambers' amendment to the Senator Elmer's amendment.

SENATOR CROSBY: The Chambers amendment is adopted. We're back to the Elmer amendment. Senator Chambers. Senator Chambers, your light is on and we are on the Elmer amendment now.

SENATOR CHAMBERS: Madam President, I started talking earlier about Thomas Jefferson, and although that man was holding slaves, he wrote some words that have become known as the Declaration of Independence and the words were not new to the world. Much of what these so-called founding fathers and American thinkers wrote in the Revolutionary literature during that period were copies of things that had been said throughout the ages in England and other parts of Europe. But he started by saying, we, meaning white people because that's all he was talking about, hold these truths to be self-evident that all

white men are created equal. They are endowed by their Creator with certain unalienable rights, among these life, liberty and the pursuit of happiness To secure these rights governments are instituted among men deriving their just powers from the consent of the governed. Whenever a government becomes destructive of these rights, it is the right, it is the duty of the people to alter or to abolish it and institute new guards for their future security. The hypocrisy of that situation lay in the fact that while he was talking about all men being created equal and having these unalienable rights, one of them being liberty, he was holding slaves. So it is clear the Declaration of Independence did not include black people. The Constitution starting in the preamble with the declaration, we the people, did not include black people because it recognized chattel slavery, people of my hue and derivation being owned as property. It recognized us as three-fifths of a person for the purpose of determining representation by white people in a white Congress. It made it a protective shield for the slave trade for a period of years and a point that I doubt if anybody on this floor is aware of, the only provision in the American Constitution which the Constitution itself said could not be amended, could not be amended was the provision that protected the slave trade. The Constitution did not say you cannot amend the part that takes away the rights of a state to do this or that, that would take away the rights of a citizen to do this or do the other or to make the courts open to everybody. All of those could be amended or abolished. The only thing so important in the minds of those who drafted the American Constitution was to protect the slave trade, and because of that, that is the only provision in the American Constitution which could not be amended prior to a certain date. You'll find that in no other part of the Constitution. So, Senator Elmer, people situated as I am who have listened to hypocrisy from the time I was in the first grade of white schools, which I attended all my life, have developed attitudes and a realistic way of viewing what actually happens as opposed to what is said and represented as being the reality. These rules are designed only to impact on the minority. I know it, everybody knows it. This...

SENATOR CROSBY: One minute.

SENATOR CHAMBERS: ...proposal even as it has been amended should not be adopted. It should not be adopted based on the purpose it seeks to achieve but it's not even good drafting.

The rule to be amended talks about dividing a question which is a very broad declaration. The language which Senator Elmer is asking you to adopt deals only with an amendment. So what is the rule dealing with? It's unclear. It's ambiguous at best. I think it would be an error of judgment on the part of the Legislature to adopt this proposal.

SENATOR CROSBY: Thank you, Senator Chambers. There are no further lights. Senator Elmer, would you like to close?

SENATOR ELMER: Yes, Madam President and members, very, very briefly. I'm sure that you all that are here recognize what the proposal is before you and I would ask for your support. Thank you.

SENATOR CROSBY: You've heard the closing. The question is, shall the Elmer amendment be adopted? All in favor vote aye, opposed no. We're voting on the Elmer amendment. Have you all voted? Senator Elmer.

SENATOR ELMER: I think there are a great many of us absent. I'd ask for a call of the house and a roll call vote in alphabetical order, please.

SENATOR CROSBY: Thank you. You've heard the motion for a call of the house. All in favor vote aye, opposed no. Mr. Clerk.

CLERK: 20 ayes, 0 nays to go under call, Madam President.

SENATOR CROSBY: The house is under call. Would all members return to the Chamber and take your seats. Would all unauthorized personnel please leave the floor. We're looking for Senator Abboud, Senator Lindsay, Senator Maurstad, Senator McKenzie, Senator Robinson, Senator Schmitt. Senator Vrtiska, Senator Warner, please return to the Chamber. Senator Wickersham. Senator Wesely. Mr. Clerk, a roll call vote was requested.

CLERK: (Read roll call vote. See page 335 of the Legislative Journal.) 22 ayes, 14 nays, Madam President.

SENATOR CROSBY: The amendment is adopted. I'll raise the call. I'm sorry, the amendment is not adopted. I stand corrected. I will raise the call. Mr. Clerk, do you have items for the record?

CLERK: Yeah, I do, Madam President. Madam President, I have new bills. (Read LBs 523-650 for the first time by title. See pages 335-58 of the Legislative Journal.)

SPEAKER WITHEM PRESIDING

Mr. President, in addition to those items, new resolutions, LR 34-38. (Read brief summary. See pages 358-65 of the Legislative Journal.)

In addition to those items, Mr. President, hearing notices from the Revenue Committee, the Natural Resources Committee, the Government, Military and Veterans Affairs Committee, Health Committee, and the Judiciary Committee, signed by their respective Chairs. Communication from the Speaker referring LR 35 to Reference for a referral to a Standing Committee. I have a motion from Senator Robinson to rerefer LR 26. That will be laid over. And, finally, Mr. President, I have a series of adds: Senator Brown would like to add her name to LB 185, Senator Wesely to LB 546, Senator Schrock to LB 496, Senator Stuhr to LB 157, Senator Pedersen to LB 130, Senator Crosby to LB 381. And referencing will meet upon adjournment in Room 2102. That is all that I have, Mr. President.

SPEAKER WITHEM: I understand there is a motion on the desk.

CLERK: Mr. President, Senator Chambers would move to recess until twelve-thirty.

SPEAKER WITHEM: The rules allow the Speaker one opportunity to speak on such motions. The motion is certainly in order, and if the body chooses to come back in ten minutes and resume its work on the rules, that certainly is acceptable. And that's what you will...if you vote yes on this motion, you should also be aware, though, that there are committee hearings scheduled this afternoon. People are getting ready for committee hearings and, obviously, it is up to the body how it chooses to vote on this matter, but I wanted to bring the potential conflicts to your attention. Motion then is to recess until twelve-thirty. All in favor vote aye, opposed....oh, excuse me. All those in favor signify by saying aye. All opposed. The opinion of the Chair, the motion is defeated. Mr. Clerk, further items.

CLERK: Mr. President, Senator Bromm would move to adjourn until

nine o'clock Thursday morning, January 19, 1995.

SPEAKER WITHEM: Senator Chambers.

SENATOR CHAMBERS: Based on the rule that was adopted the other day, that motion is out of order. When a motion to recess has been just defeated, a motion to adjourn is not in order.

SPEAKER WITHEM: Senator Chambers, I would remind you that you may or may not be right in terms of what the new rule would be. I would point out that the rules we are operating under are still the temporary rules, the yellow book that is in our desk, and I believe under that particular arrangement, this motion probably is in order.

SENATOR CHAMBERS: It is in order. Thank you, Mr. Chair. I stand corrected but it is kind of a harbinger of things to come.

SPEAKER WITHEM: All right. Thank you, Senator Chambers. The motion now then is to adjourn until 9:00 a.m. tomorrow morning. All those in favor signify by saying aye. Opposed. We are adjourned.

Proofed by: LaVera Benischek