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Floor Debate
January 18, 2017

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PRESIDENT FOLEY PRESIDING

PRESIDENT FOLEY: Good morning, ladies and gentlemen. Welcome to the George W. Norris Legislative Chamber for the tenth day of the One Hundred Fifth Legislature, First Session. Our Chaplain for today is Captain Mil Yi, who is the Command Chaplain at the U.S. Strategic Command at the Offutt Air Force Base, Senator Crawford's district. Please rise.

CAPTAIN YI: (Prayer offered.)

PRESIDENT FOLEY: Thank you very much, Captain. I call to order the tenth day of the One Hundred Fifth Legislature, First Session. Senators, please record your presence. Roll call. Mr. Clerk, please record.

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

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

CLERK: I have no corrections.

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

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CLERK: Mr. President, I have a report from the Rules Committee regarding proposed Rules Committee changes. Those will be available on file and I believe under consideration later this week. Mr. President, committee report: your Committee on Banking, Commerce, and Insurance chaired by Senator Lindstrom, reports LB56 to General File. Hearing notices from the Judiciary Committee and from the Revenue Committee. Mr. President, Senator Lowe would like to withdraw LB370; that will be laid over at this time. And Mr. President, a series of appointments to various select committees and special committees, that report offered by Senator Watermeier and the Executive Board. That's all that I have, Mr. President. (Legislative Journal pages 241-249.) [LB56 LB370]

PRESIDENT FOLEY: Thank you, Mr. Clerk. (Visitors introduced.) We'll now proceed to the first item on the agenda which is introduction of legislation. We will be interrupting debate throughout the morning to allow the Clerk to read bills into the Legislature. If you have bills ready for introduction, please bring them forward. Mr. Clerk, you may read bills at any time. Thank you.

CLERK: Mr. President: (Read LB495-508 by title for the first time.) That's all that I have at this time, Mr. President. (Legislative Journal pages 251-253.) [LB495 LB496 LB497 LB498 LB499 LB500 LB501 LB502 LB503 LB504 LB505 LB506 LB507 LB508]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Legislature will please come to order. Mr. Clerk, we move to the first item on the agenda: a motion to rereference. Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move to rereference LB271 from the Transportation and Telecommunications Committee to the Judiciary Committee. [LB271]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your motion. [LB271]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, I'm continuing my effort to uphold the integrity of the Legislature as an institution and our traditions and the positions that we have taken in writing that would ensure the public that bills will be referred a certain way. I have started each one of these presentations with a few preliminaries. And today, I'm going to do the same thing. And I know that people have lost interest on the floor, but here is why I'm glad they're doing it. Since we're being filmed, it shows the public how little regard is paid to serious issues that are being debated on the floor. And I've already been contacted by people who talk about the clowning that goes on behind me when I'm talking and you can see what's happening here now. But for those of you who want to show open contempt, I want to let you know that it's mutual. But today is not the only day we're going to be in session. I am not the only one who will be speaking. You will be speaking. You will have bills. And although I don't

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carry grudges, I have a long memory and I will remember. See, it's one thing to disagree. It's another thing to show me slights. And because my self-respect means so much to me, when you slight me, you have done something very, very serious. So you've shown the first day you will play hardball with each other. You're showing me that you want to play hardball with me. I can play the game any way that you want to. My preliminary today is going to be based on a letter that I put on your desk. I don't know of a senator who has been here during the 42 years I've been here who received a letter such as this from a member of the Supreme Court of Nebraska. I have argued cases before the Supreme Court of Nebraska; not representing anybody else because I do not practice law, I cannot because I'm not a member of the bar association. But I represent myself. There is a grand jury report put out by Douglas County. It was very scurrilous; it attacked me. Because I read the law and the constitution, I knew it was inappropriate, it was illegal, and it was unlawful for that report to be released to the public. Nobody had been indicted. So I filed my first action at the district court level which the law requires. Naturally the ruling went against me and that put me right into the Nebraska Supreme Court. Then Senator John DeCamp had been scurrilously attacked also along with others. And he went to federal court. His was thrown out without even a hearing. John was a little slipshod, scatter gun, and slapdash. I, on the other hand, play by the rules of the game in which I'm going to participate. So I looked at the law. I made sure that my petition was drafted appropriately. My appeal and all such things as that, and to make a long story short, not only was that grand jury report struck down, it was ordered expunged from the record. That means it's not sealed. It does not exist. That's what I did as a nonlawyer, but I'm trained in the law. So you all can disrespect me if you want to. And for the sake of the public who will not have a benefit of this letter, I'm going to read it. It's dated October 13, 2004. And I had talked to Judge Gerrard about making this letter public. He said anything I sign my name to can be public. Meeting on October 12: Senator, thank you for visiting with me yesterday. It was an unexpected nugget in my day. Your comment, quote, you may be preaching to the choir, but it is good to hear/know someone is listening once in awhile, unquote, was right on point. We all need that. Neither of us is in popular jobs and we did not seek that. But it is nice to know someone will listen to a well-reasoned argument or position, even if they may not agree with that position. That is what I truly appreciate about you and hopefully the respect is mutual. In reviewing the...and this is emphasized...in reviewing the legislative history of numerous statutes, I read and examine virtually all of your comments in committee and on the floor of the Legislature. Digressing, that's why I take the time to speak for the record, even when you all are milling around and walking around, there are others whose opinions count and whose opinions will be influenced that lead me to speak for the record and I shall continue to do so. Returning to the letter: I must say that I agree with you on the merits of legislation about 85 to 90 percent of the time. But I understand your rationale and reasoning 100 percent of the time. Hopefully, individuals that read my judicial opinions understand my rationale and reasoning nearly 100 percent of the time, even if they may disagree with the result in a particular case. As we discussed yesterday, if someone will truly listen to you and understand the basis of your reasoning, one of two things will happen, either (A) they will

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become better educated and adopt your well-reasoned position, or (B) they will point out the fallacy of your reasoning and you will become better educated on an issue. Either of those outcomes is highly preferable to ignorance or stubborn adherence to an indefensible position which has happened here this session already. That was a digression from me. Stubbornness, ignorance, holding to an indefensible position and it's not defensible because it contradicted the Legislature's own policies. Then the final paragraph: Thus I enjoy talking with you. You are also preaching to the choir. You are a principled man and truly a decent human being that is the highest compliment I can pay to a man who has fought legally and always above board to improve the plight of everyday Nebraskans of every stripe and creed. Respectfully, John M. Gerrard. He's the judge of the Nebraska Supreme Court and now he is a member of the United States Federal District Court. And the one in Congress who opposed him was Sessions, who is being considered to be the Attorney General of the United States. I'm going to toot my horn around here. You all don't know anything about me. You don't know me. You read snippets in your little newspapers, on these talk shows, and being shallow, that is your source of information. But fortunately, I have a way to get things into the record that are not bound or limited by what newspaper reporters write or what editors determine should be published. And I am going to speak and I shall be heard. If not by people in this Chamber, people outside of the Chamber who take decisions far more consequential than the petty, pettifogging, and peewee notions that take so much of our time here. When I'm asked why would I spend more than half of my life in a place like this, I say, well, I believe that I'm doing what is appropriate for me to do with my life at this time. And when they tell me--if they were me, they would not do it. I say no, you phrased that wrongly. If you were me, you would do exactly what I'm doing. What you're saying, if you were me and thought like you, then you'd do differently. But if you were me, logically you could not do other than what I'm doing. But I say again, I don't need people's approval. I don't need their affirmation. I want the record to speak for itself. And when I have an interest in an issue, the best one who can speak to the record on that issue in behalf of me is moi. By the way, I'm polylingual, too. Why I know a little German, Senator Brewer, the gates. I know a little Russian. [LB271]

PRESIDENT FOLEY: One minute. [LB271]

SENATOR CHAMBERS: (Speaking Russian) nostra dona (phonetic) or something such as that. And (speaking in Spanish) elis Espanol...la lenguaje de los angels (phonetic), the language of the angels. I know a word or two in that language. But there are rough, overgrown with weeds areas of the vineyard in public life. I've chosen this one, then it chose me. And we are forever linked until term limits shall us part. Thank you, Mr. President. [LB271]

PRESIDENT FOLEY: Thank you, Senator Chambers. Debate is now open on the motion to rereference. Senator Chambers, you're recognized. [LB271]

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SENATOR CHAMBERS: Now with those preliminaries out of the way, I'm going to get to the bill. LB271 is of extreme importance to me. Although it talks about seed corn...oh, no, this is the Department of Roads. What it does is waive the state's sovereign immunity. The sovereign immunity of a state means that state cannot be sued unless the state voluntarily allows such a suit to occur. The purpose of this bill is to allow the Department of Roads to do certain things that are required or allowed under federal legislation. And in attempting to do that, they have to sign these letters of agreement or memoranda of agreement. And one of the requirements is that Nebraska renders itself subject to lawsuits which is not the case now. The state is not doing these types of things. And I am not arguing the merits of the bill now. I am saying that the subject matter of this bill is such that it should legitimately be in the Judiciary Committee. The state's sovereignty is one of the most important and significant protections that the state has from frivolous suits of various kinds from all kinds of people which may or may not have merit, but which could interfere with the state functioning as it should. So unless the state agrees to remove that cloak or shield of protection, certain suits cannot be brought. This bill would voluntarily relinquish some of that protection. So without going into the details of the bill, I am convinced that the subject matter of this bill, which is not roads, highways, streets, byways, alleys and whatnot, but dealing specifically, precisely with the sovereignty of the state. There are other entities in this country which have a degree of sovereignty. They're known as the tribes. They have certain sovereign authority. They can relinquish theirs if they choose. These are highly technical, legalistic; they touch on constitutional limitations, and these things that I've mentioned justify this bill being in the Judiciary Committee. I'm going to listen to the discussion and see what else I may need to say and I'm prepared to answer any questions that anybody may have on this particular motion. But I'm asking that you vote in favor of it. Lay aside all the partisanship, all of the factionalism, the fact that the Legislature is just about off the rails now. People are talking about the utter chaos which is reigning here. It is not too late for us to stop, regain our equilibrium and function the way a responsible Legislature ought to function. Everything that I am saying... [LB271]

PRESIDENT FOLEY: One minute. [LB271]

SENATOR CHAMBERS: ...whether you like it or not, is intended to focus our attention on the integrity of the Legislature as an institution. Secondly, on the integrity of our own policies, written rules, traditions that will help provide predictability and those other things that I mentioned which I won't start listing or I'll go over my time. Thank you, Mr. President. [LB271]

PRESIDENT FOLEY: Thank you, Senator Chambers. We'll pause for a moment to allow the Clerk to read some more bills into the record and to make other announcements for the record. [LB271]

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CLERK: Mr. President, Performance Audit Committee, the Performance Audit Committee will meet at 9:30 in room 2022. Urban Affairs will meet in 2022 at 10:00. Performance Audit at 9:30; Urban Affairs at 10:00. Mr. President, new bills: (Read LB509-531 by title for the first time.) That's all that I have, Mr. President. Thank you. (Legislative Journal pages 253-257.) [LB509 LB510 LB511 LB512 LB513 LB514 LB515 LB516 LB517 LB518 LB519 LB520 LB521 LB522 LB523 LB524 LB525 LB526 LB527 LB528 LB529 LB530 LB531]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Returning now to debate on the rereferencing motion. Seeing no other senators wishing to speak, Senator Chambers, you're recognized to close on the motion. [LB271]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, there really is not a great deal that can be said about this bill and stay on point. What it does, since this is my closing, is to take away some of the state's sovereign authority. Perhaps in this instance it may be justified. But I'm not even talking about the bill itself or whether the waiver or giving up this piece of sovereignty is wise or unwise. I'm simply saying that the nature of the issue is such that it ought to be dealt with in the Judiciary Committee rather than wherever it's going at this point. And, Mr. President, I will ask for a call of the house. [LB271]

PRESIDENT FOLEY: Thank you, Senator Chambers. There has been a request to place the house under call. The question is shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please, Mr. Clerk. [LB271]

CLERK: 25 ayes, 0 nays, Mr. President, to place the house under call. [LB271]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor, the house is under call. Looking for Senators Linehan, Briese, Geist, Kolterman, Kuehn, Scheer, Bolz, and Hughes. Senators Scheer, Kuehn, Geist and Linehan, and Briese, will you please return to the floor and check in. All unexcused senators are now present. The question before us is the adoption of the motion to rereference LB271. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? A record vote has been requested. Mr. Clerk. [LB271]

CLERK: (Record vote read, Legislative Journal pages 257-258.) 11 ayes, 22 nays, Mr. President, on the motion. [LB271]

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PRESIDENT FOLEY: Thank you, Mr. Clerk. The motion is not adapted. I raise the call. If you have items for the record, Mr. Clerk, you take them now, otherwise we can proceed to the next motion. [LB271]

CLERK: If I may, Mr. President. A few new bills: (Read LB532-541 by title for the first time.) (Legislative Journal pages 258-260.) [LB532 LB533 LB534 LB535 LB536 LB537 LB538 LB539 LB540 LB541]

PRESIDENT FOLEY: Members, please come to order. Mr. Clerk.

CLERK: (Read LB542 by title for the first time.) (Legislative Journal page 260.) [LB542]

PRESIDENT FOLEY: (Doctor of the day introduced.) We'll now proceed to the next item on the agenda. Mr. Clerk.

CLERK: Mr. President, Senator Chambers would move that LB276 be rereferred from the Agriculture Committee to the Judiciary Committee. [LB276]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your motion. [LB276]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, excuse me. Once again, this is a bill that deals primarily with the issues that fall within the province of the Judiciary Committee. Although it gives a definition of seed corn, it is dealing mainly with an enforcement mechanism. If you read the title of the bill, and again, I'm speaking for the record, it says: to provide enforcement powers in judicial remedies. Judicial remedies, when that is one of the dominant purposes of a bill, wind up in the Judiciary Committee. But in view of the direction this run-away train is taking, I don't expect there to be any intelligent decisions taken on these motions. I read the letter so that some of you all would know that there are people who indeed not only know the law, but interpret the law, who explain the law, who apply the law. Respect what I say and we'll study it. And I'm sure they commensurate in their chambers, which were not named after me, by the way, about how difficult it is on the floor of an organization such as this; how much better off they are as judges because everybody who is a judge at least knows the law, understands legal and judicial proceedings. This Legislature is not required to do or have any of those capabilities. I could not find in the constitution a requirement that you be able to read, and a lot of people cannot read. Some people define reading as taking a text, passing your eyes over that text and recognizing the words that are contained. Other people look at reading in terms of understanding what those words are saying on their face. Others who really know how to read are aware that textual material can be understood by reading what is on the line, what is between

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the lines, which is not spoken explicitly, and what is behind the lines, which is understanding and comprehension that make it possible to appropriately interpret and understand what is on and between the lines of typed or printed material. I read these bills. I suffer mightily, metaphorically speaking, trying to bring sensible conduct to a body determined to behave in a nonsensical fashion, in an illogical fashion, who because of a vindictive attitude toward me will degrade, compromise, disrespect, and throw aside what they have written themselves. The reason I keep referring to that, people can obtain these written statements, then see how well what the Legislature does squares with what has been written. And then they say, well, this is no different than the Christians. They mouth it, but they don't practice it. And even Jesus in frustration said, why call ye me Lord, Lord and do not the things that I say? You do that. You say it. You honor me with your mouth, but your heart is far from me. That's what Jesus said. He described you all just like Terry Carpenter from the grave. And that handout I gave you yesterday, predicted and described exactly what you all would do the first day, not because he was prescient; he didn't have foreknowledge. He just understood the nature of politics and the kind of people who go into politics. They are not imbued with a great amount of integrity, honesty, or intelligence. It's something like a catch-all. So I'm going to turn to this bill. The current enforcement procedure in the law right now says only this: quote, and you and find it on page 2, lines 28 through 31, that language will be stricken; that's why the lines are drawn through it. "Every violation of the provisions of Sections 81-2,155 and 81-2,156 shall be a Class III misdemeanor. The Department of Agriculture, through its duly authorized agent or agents, shall report violations of said sections to the proper county attorney or to the Attorney General for prosecution." That is the extent of the enforcement proceedings. Here is the new language: "In addition to the criminal penalty provided under (1) of this Section, which is a Class III misdemeanor, a restraining order...which is not in the law now...or a temporary permanent or mandatory injunction...which is not in the law...may be imposed against any person violating or threatening to violate any of the provisions of sections...which I read earlier...in order to ensure compliance with such sections." They don't have to actually have violated the law under the new language. Threatening to violate it can lead to an injunction, which is not allowable under the law now, and those issues go to the Judiciary Committee. Continuing: "The district court of the county where the violation is occurring, or is about to occur, shall have jurisdiction to grant such relief upon good cause shown. Relief may be granted notwithstanding the existence of any other remedy at law and shall be granted without bond. All of that is new language related to what the district court will and can do. Continuing: ...which is not in the law now..."It shall be the duty of the Attorney General or the county attorney of the county in which violations of these sections are occurring, or are about to occur. When notified of such violations or threatened violations by the Director of Agriculture to pursue appropriate action as provided in (1) and (2) of this section without delay." There is nothing in the current law about "without delay" or the other details of these judicial proceedings. I am going to take some time on this bill and these matters. I'm on the Agriculture Committee. So it's not as though I'm trying to get a bill referred to the Judiciary Committee because I'm there, or because I'm trying to get more business for the Judiciary Committee, or

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deprive the Ag Committee of work. In that document that I read the other day that had been prepared and distributed by the Chairperson of the Executive Board, which is the Reference Committee, whose name is...give me a minute...Senator Watermeier. Thank you, colleagues; somebody is listening, and they're helping me. You know what? One of the advantages of being old is that you're allowed to have what they call "senior moments." And when you reach the point or stage in life where they call you a "senior" and you have control of your faculties, you know how to even the playing field between yourself and those others who don't want to respect you because of your age. [LB276]

PRESIDENT FOLEY: One minute. [LB276]

SENATOR CHAMBERS: So you have what's called a senior moment when it's convenient. In other words, you hear what you want to hear. You don't hear what you don't want to hear. And people just throw up their hands and say, well, what's the use? You sometimes gain people's attention when they're not paying attention by affecting a senior moment as I just did. And you find out who is listening and who is not. And this is why young pups cannot teach an old dog new tricks, because the pup does not know enough. And some old dogs are too dumb. But if it's an old dog who has paid attention and gained wisdom along with years, there is no way to beat that one because it knows the difference between fighting foolishly to prove that you can take a punch and being a boxer, scoring hits... [LB276]

PRESIDENT FOLEY: Time, Senator. [LB276]

SENATOR CHAMBERS: ...without being hit. Thank you, Mr. President. [LB276]

PRESIDENT FOLEY: Thank you, Senator Chambers. (Visitors introduced.) Continuing now debate on the motion to rereference. Senator Schumacher, you're recognized. [LB276]

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Part of this whole ritual that we've been going through has underlying things that folks should kind of be aware of. Traditionally, certain things have gone to certain committees, not just because they wanted to shape the outcome, but because those committees, and in an age of term limits, more importantly, the committee staff was expertise and developed expertise over time as to a certain subject matter. When you make something a crime, and I think that's what this one does, and you set up criminal penalties, there are ways that you do that in order to make it stick in the court. Likewise, some of the other bills we talked about. In this age where we have not only rapid turnover in the body with limited experience and seasoning, but now we're on the verge of rapid turnover in the committees because the baby boomer age of committee staff is about ready to retire. We exasperate the situation of not having the depth and the thoughtfulness concentrated in

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the committee of jurisdiction. And that means the legislation we pass is weaker, maybe unconstitutional, may have all other kinds of problems with it, maybe nonfunctional. And once you have assignments of what is clearly a criminal matter, which has always gone to Judiciary, makes a crime, it doesn't grow a piece of corn or it doesn't do anything to create a hybrid seed, what it does is it makes something a crime. If you put that in this committee that year because, well gee, it's a favorable committee, and then a couple years down the road put something similar in another committee because, gee-whiz, that's a favorable committee, and you start doing it that way and trying to manipulate the system because a certain group happens to have dominance, and that may change from time to time, on an Executive Board or Reference Committee, you undermine the long-term strength of the system. Now, this particular bill, it probably won't create any problems while I'm in the Legislature, so I guess it's not my problem. But it is. I'm sworn to do my best job I can, and it's definitely your problem because of its problematic and it blows up, it's going to be probably on your watch. And so it's probably not wise to follow the pied pipers. Anything traditionally, if we're going to change this and we're going to start divvying up criminal laws among the committees for expedient sake, maybe this is wrong, but the "wiseness" of the body throughout time has been some very basic rules. Criminal stuff, waivers of state immunity, which can carry a big price tag, that is tried to be concentrated in the Judiciary Committee for the reason that hopefully they will develop some expertise and be able to spot the problems. And hopefully people stay with some of the early committees they go to so that they contribute to developing the expertise. We have got a real problem and we have got the potential to turn out garbage by the garbage trucks. So what Senator Chambers is just not trying to play games here. I think he's drawing on 40 years of experience. [LB276]

PRESIDENT FOLEY: One minute. [LB276]

SENATOR SCHUMACHER: To give us a clue. It may be wise to listen to the reasoning that he proposes. And there is just pretty depth of reasoning. This is a crime in this bill. It's established with criminal penalties. It is not about growing corn. And as such, it probably was referenced wrong. I don't know how much we want to micromanage referencing. Probably not a good idea to get involved with it because they move a lot of bills quickly. But the signal should go out from the body to the referencing board, don't mess with traditional assignment routings. You're undercutting the strength of the body and maybe they will get a clue from that message. Thank you. [LB276]

PRESIDENT FOLEY: Thank you, Senator Schumacher. Senator Ebke, you're recognized. [LB276]

SENATOR EBKE: Thank you, Mr. President. As Chairman of the Judiciary Committee, I wasn't going to say anything about this. But as I read through the bill again and I considered the

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precedent we set earlier in the week with LB68 where we said that the subject matter is less relevant than what the underlying purpose of the bill is. I think that a strong case can probably be made that this does indeed belong in Judiciary, much as I hate to admit that. Section 3, (2) and (3) of the bill deal with jurisdiction of the courts. It also deals with obligations of the Attorney General and the county attorney and those items certainly belong within the Judiciary Committee. We've said that just because something has the word "gun" in it, doesn't necessarily mean that it belongs in the Judiciary Committee if the underlying purpose is the role of government and subdivisions. So I think here we can also make the case that just because it has the word "corn" in it, it doesn't necessarily mean that it also belongs in the Agriculture Committee, but that because it creates a judicial framework and criminal proceedings that perhaps it belongs in the Judiciary. Thank you, Mr. President. [LB276 LB68]

PRESIDENT FOLEY: Thank you, Senator Ebke. We'll pause the debate now while the Clerk reads more bills into the record. Mr. Clerk. [LB276]

ASSISTANT CLERK: Thank you, Mr. President. (Read LB543-572 by title for the first time.) That is all that I have at this time, Mr. President. (Legislative Journal pages 260-265.) [LB543 LB544 LB545 LB546 LB547 LB548 LB549 LB550 LB551 LB552 LB553 LB554 LB555 LB556 LB557 LB558 LB559 LB560 LB561 LB562 LB563 LB564 LB565 LB566 LB567 LB568 LB569 LB570 LB571 LB572]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Returning now to debate on the motion to rereference LB276, Senator Crawford, you're recognized. [LB276]

SENATOR CRAWFORD: Thank you, Lieutenant Governor. So this session is the first time in my years here that I've been involved in conversations about...with motions to rereference. So this is the first time we've been in this situation of figuring out the appropriate roles and responsibilities as a senator with this kind of motion. And I think there are really two parts of a motion like a motion to rereference. It is important that our body has committees and the committees do important work for the body. And a part of our process here and work here is to recognize that when committees are doing work and bringing that work to the body that sometimes there are decisions that we agree with and sometimes there are decisions that we disagree with and that is part of the process. However, it is also the case that we have these procedures, like a motion to rereference, because sometimes it's important to have a conversation about what has happened in a committee and sometimes it's important to revisit a decision that happened in a committee. And so that's what we've seen in these conversations on motion to rereference. And I think we've had important conversations about what are important principles in referencing and those conversations then are part of the record and also part of the conversation that gets signaled to the Referencing Committee, and it's a committee on which I sit

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so I've listened to the debate and heard those comments as well. So, there's then also the question about the vote. And in my mind, when we have votes on actions such as a motion to rereference, it's different in my mind than most of our other votes on the floor here. In most of our other votes on the floor here, it's a pretty straight forward question for me to ask what do I think is best for the state of Nebraska? What do I think is best for my constituents? What do I think is best for the process? When we have a vote that is a vote on a committee to reverse a committee action, that becomes a different level of scrutiny in my mind and I think that is why...that is why I believe you've seen several senators, including myself on some of these motions, as not voting in recognition of asking...of being attentive to the question of when a vote rises to the level that it is important to vote to reverse a committee decision. And so I want...so that is really a struggle that I've had over these past motions that's we've debated is that question of what is best...when is it appropriate to vote? Because as Senator Schumacher said, we don't want to be in the business of micromanaging committee action and we have to recognize and respect committee action. On the other hand, if there is something that goes on in the process of the committee or a decision that we think is particularly problematic, it's important that you recognize we have that ability to reverse that, but that that is taken very seriously and with great attention. [LB276]

PRESIDENT FOLEY: One minute. [LB276]

SENATOR CRAWFORD: Thank you Mr. President. It is, however, also the case that these motions do allow a second look. If something happened and there's a question of whether an actual mistake was made, and as committee members, committees' actions often happen quickly here and so sometimes it is fair to come back to a question like the question in this motion and ask whether or not the appropriate decision was made, have humble servants like the Chair of Judiciary suggest that perhaps on second look it is different than...a different issue than she thought and the first action on this motion. So I'm not sure where I'm going to stand on this vote. I just wanted to clarify and explain this importance of the votes when there are votes in response to committee action versus our standard votes... [LB276]

PRESIDENT FOLEY: Time, Senator. [LB276]

SENATOR CRAWFORD: ...and explain some of the nonvoting. Thank you, Mr. President. [LB276]

PRESIDENT FOLEY: Thank you, Senator Crawford. Senator Albrecht, you're recognized. [LB276]

SENATOR ALBRECHT: Thank you, Mr. President. This is my bill, obviously. And, Senator Chambers, I absolutely am listening to you. I am learning from you. Every single thing that

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happens to me all day long is a learning experience. But I was asked to deliver this bill from the Department of Ag. And in speaking with Chris Shubert, who is their legal counsel, and I talked to him over the weekend, he was in on the nice icy day and we visited quite a bit about this because it is important for me to read the bill, reread the bill, try to understand the bill. It isn't for me to question where it is referenced because I'm happy to know that you are on the Ag Committee, along with myself and many others, and it's also my understanding that if a bill does come before us, we will listen to the testimony in committee. And in doing so, if there's something to be amended, we can certainly talk about that in Exec Session and decide if it's something we want to move forward. This does appear, as we had an Ag Committee yesterday, and we had the Department of Ag there, they are reviewing and have been reviewing different bills to try to simplify the language, to try to work through things. It is my understanding through Mr. Shubert that these bills have come, most all have come before the Ag Committee, so if we felt like it needed more teeth in it or we needed to explore other avenues, not only could we do it in committee, but if it should pass through committee to the floor, we'd also have the debate on the floor whether it is a good bill, bad bill, or others. But I am happy to carry the bill for the Nebraska Department of Agriculture, but, certainly, this referencing I'm going to leave it up to them as to where it goes. Hopefully, the Ag Committee can handle something like this. Sounds like Judiciary has a lot of work to do, so to me, you know, thank you for bringing this up. We're all going to get a lesson on how things should go, but I do appreciate your comments, Senator Chambers, you're teaching me daily as I go. Thank you. [LB276]

PRESIDENT FOLEY: Thank you, Senator Albrecht. Senator Brasch, you're recognized.
[LB276]

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor; and good morning, colleagues. I'm the Chairman of the Agriculture Committee. And like Senator Albrecht, I am looking and listening to institutional teachers and those who have gone before me; and Senator Chambers is an institutional teacher. However, on this one, several questions have been raised to several of the institutional staff on why this particular bill is being called to Judiciary. And I'm going to try to not just read, but one of the notes says that, Senator, I would not call the injunction an additional...the injunction addition a penalty enhancement, if that's what the argument is. That there's 23 other acts in the department that include injunctive powers and they are not called penalties. They are enforcement powers and that the criminal penalty has not changed this bill. That in this bill it does not create a new criminal violation, that the revisions to the sections declaring violations of hybrid seed statute, and it goes on, you know, explaining in detail. But it says that this section is simply being rewritten for clarity and to be updated and to be consistent with various other law enforcements enforced by the Department of Agriculture. And they are...the staff from my office is saying that there's a number of bills that are referred to the Agriculture Committee and to other committees amending laws that contain similar enforcement provisions. And occasionally the bills will make revisions to law enforcement. And some

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examples, I will state, but we have so many numerous laws that have similar enforcement provisions. And to their knowledge of dating at least a couple of decades here where they have served with Senator Chambers that legislation creating or amending enforcement provisions associated with regulatory laws have never been referenced to the Judiciary Committee solely by virtue of having one provision that speaks to enforcement authorities and defining criminal violations. A few of the examples is the Pure Food Act, another one is the Commercial Feed Act, the Weights and Measurement Act. So there has been precedent in the past, when Senator Schumacher speaks so boldly about tradition and history, that we are changing history and we are changing tradition in this instance where the enforcement, the criminal penalties, those statutes that at origination could belong to the Judiciary Committee have not been altered or changed. It's the language at this point that has been drawn to the attention. But if we follow suit to where criminal penalties have not been changed, my staff is briefing me that this is highly unusual. So I would like to keep this in the Agriculture Committee where we have the ability to talk about hybrid seeds and moving forward the changes that this industry will see, not criminal changes, but seed changes. Very respectfully, I ask for your consideration to keep this in the Ag Committee. Thank you, colleagues. [LB276]

PRESIDENT FOLEY: Thank you, Senator Brasch. We'll pause the debate while the Clerk reads more bills into the record. Mr. Clerk. [LB276]

ASSISTANT CLERK: Mr. President, thank you. (Read LB573-599 by title for the first time.) That's all I have at this time, Mr. President. (Legislative Journal pages 265-270.) [LB573 LB574 LB575 LB576 LB577 LB578 LB579 LB580 LB581 LB582 LB583 LB584 LB585 LB586 LB587 LB588 LB589 LB590 LB591 LB592 LB593 LB594 LB595 LB596 LB597 LB598 LB599]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Continuing debate on the motion to be referenced, Senator Chambers, you are recognized. [LB276]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, it's time for me to educate some of these staff that Senator Brasch has. I'd like to ask Senator Brasch a question or two. [LB276]

PRESIDENT FOLEY: Senator Brasch, will you yield, please? [LB276]

SENATOR BRASCH: Yes, I will yield to a question. [LB276]

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SENATOR CHAMBERS: Senator Brasch, have you served on the Ag Committee before this session? [LB276]

SENATOR BRASCH: I did my first two years. You weren't here then. [LB276]

SENATOR CHAMBERS: Okay. So during the time I've been there, I haven't seen you there. Have you read this bill? [LB276]

SENATOR BRASCH: Yes. [LB276]

SENATOR CHAMBERS: Have you got a copy of it? [LB276]

SENATOR BRASCH: No, but my staff is here waiting with it. We saw you underlining and highlighting and thinking. [LB276]

SENATOR CHAMBERS: Thank you. I'm not talking to her staff, I'm talking about them now. [LB276]

SENATOR BRASCH: Yes. [LB276]

SENATOR CHAMBERS: That's all I have of you, Senator Brasch. I don't want you to think my remarks are directed toward you. But what these...when term limits came, people who were knowledgeable said that the authority, the ability to manipulate the Legislature, will be in the hands of bureaucrats, which is what the head of the Ag Department is, he's a bureaucrat, lobbyist, and staff. The bureaucrats will go to the freshmen senators because they are not knowledgeable and they feel flattered that one of these bureaucrats will come there, but they know better than to bring something like this to some of the seasoned legislators, and that's why often a freshman senator gets a bill that turns out to be controversial and not what it was portrayed as being. As far as Senator Brasch's stellar staff, I had read what the existing law is as to enforcement. I then said all of that language was stricken. That language was page 2, lines 28 through 31, I stated. Then I said when you go to the next page, it starts--in addition to the criminal penalties--when you see the words "in addition," staff, that means something else is being added. You're not merely repeating what was there. If you read those three lines, you don't see anything about a restraining order or a temporary or permanent, mandatory injunction. That is not currently available. There is what you might call a new offense created by this bill. The only thing that the Director of the Department of Agriculture could do, and maybe he's so dumb and his staff is so dumb that they didn't know it. You cannot get enforcement under the current law against somebody threatening to violate the law. That is not in the law. So in the new

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language, the enforcement is allowed against any person violating or threatening to violate. Staff of the Ag Committee and the Ag Department, that is a new offense which is not currently in the law. You may have an offense called murder. If they say conspiracy to commit murder, that's a different offense. The murder doesn't even have to be committed. You get together and you agree to do something and enough action is taken for it to qualify as a conspiracy and you can be charged with conspiracy to commit murder when no murder has even been committed because that is a separate, free-standing offense. Staff of the...that's what the staff of the Ag Committee does not know. I don't care how long they read this bill. [LB276]

PRESIDENT FOLEY: One minute. [LB276]

SENATOR CHAMBERS: They don't know what the law is. Talk to these lawyers. Talk to the Attorney General. Is a threat to violate a law the same as violating it? No. There are no common law crimes in Nebraska. The only thing that is a crime is one that is specifically made so by the Legislature and the Legislature in this bill is creating specifically and explicitly a crime that will be a Class III misdemeanor and that crime is threatening to violate this law. You can listen to her try to tell you what her staff told you. Her staff couldn't even read the bill and understand it. That's what I'm talking about. They've got a little learning. Alexander Pope, a British poet, youngsters, wrote in one of his long pieces. [LB276]

PRESIDENT FOLEY: Time, Senator. [LB276]

SENATOR CHAMBERS: Thanks, I'll complete when ... [LB276]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Hilkemann, you're recognized. Is Senator Hilkemann on the floor? I think he's in Appropriations Committee perhaps. Yeah, we'll move on. Senator Brasch. [LB276]

SENATOR BRASCH: Thank you, Mr. Lieutenant Governor. And thank you once again, colleagues. And I will speak softly. My staff was highly complimentary, is highly complimentary of Senator Chambers. They are truly servants of longevity here. They have worked with several great statesman over the years. And also I must speak of the counsel from the Department of Agriculture. He is also an employee on staff for over 30-some years. I knew him when I worked in the Revenue Department. He's not a political appointee; he's not a bureaucrat. These are individuals that want what's best for the state. They are not...if they believed that this was truly to be into statutes and some changes, I believe in their integrity, I do, and I wanted to speak for that. In the questions that Senator Chambers raised, what was struck is relocated, as he said, to subsection 3. There is no change of prosecutorial discretion. The rewriting is consistent with other and similar provisions. It does not change the prosecutorial discretion and that the concerns

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that he has raised according to the attorney, who, again, is not a bureaucrat but a very hardworking, honest individual that I can vouch for going back into the '90s and '80s, believes that it is right and appropriate to make the change the way they did and to also bring this to the attention of the Ag Committee where the individuals who will...may or may not come testify, time will tell, are working in the industry of agriculture. And I do thank Senator Chambers for giving us all a warning of potential staff that may or may not know or have the experience. But today I do stand to believe that they were in earnest, that...and in also working with Senator Chambers in the past, that he is seeing things differently at this time, I respect that as well. Again, I would encourage you to keep this in the Agriculture Committee. I believe that there is a time and a place to move things to Judiciary and those changes, as we read this, are not being done. Thank you, colleagues. Thank you, Mr. Lieutenant Governor. [LB276]

PRESIDENT FOLEY: Thank you, Senator Brasch. Senator Chambers, you're recognized, and this is your third opportunity, Senator. [LB276]

SENATOR CHAMBERS: Thank you, Mr. President. And I may need some time on this bill. If there's anybody who will give it, I'll take it; but if I don't get it, I will conclude in my closing but I'll tell you this, people don't pull my fangs by giving me compliments. Compliments are like perfume: You smell it but you don't swallow it. I'm not one of those you say, ooh, Senator Chambers sure is smart. You think I don't know that? Senator Chambers knows the law. I studied the law. I'm trained in the law. Shouldn't I be? Oh, that's right. Many people on this floor go to school but they don't learn anything and that's why universities are institutions of higher learning, said George Bernard Shaw, an Irish playwright. I read people from...things people have written from all and of all stripes, all countries. I bet not a person here has ever heard of Krishnalal Shridharani but you may be able to guess what country he is from by the name. George Bernard Shaw said...he was discussing why universities are called institutions of higher learning. Everybody who goes there knows something. When they leave, they know nothing so they left what they knew there. It accumulates and becomes an institution of higher learning. And I like to add to what George Bernard Shaw said. When people go through college, sometimes college goes through them. Sometimes as people progress through the education system, the farther they go, the less they know. George Bernard Shaw said, "those who can, do; though who cannot (sic: can't), teach." My addition: Those who cannot teach, teach teachers. I think about things. Senator Brasch didn't tell us that her learned staff and the learned lawyer of the Ag Committee...of Agricultural Department told her that I was incorrect when I said a new offense is being created. Threatening to violate this law is now an offense. It would not be an offense unless the Legislature specifically declared it to be so. The title of this bill tells you about the judicial remedies that are being created that are not there now. A court issues an injunction. A court issues a restraining order. The Attorney General does not sign a piece of paper and say this is a restraining order. The Attorney General goes to court and the Attorney General cannot now go to court and get a restraining order against somebody who threatens to violate the present law. It's

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only with this law, if it passes, that that can be done. And since the staff of the Ag Committee has decided to challenge me, since the bureaucrat who heads the Ag Department has thought he could circumvent me, I'm going to put this bill on my radar and I'm going to tell him and Senator Brasch and her staff, pass it if you can. We're going to see how much time the Legislature wants to spend on this bill if you send it to Ag and it comes out here. I'm going to give you a little clue as to what I'm going to do on some of those other bills. You sent that abortion bill to HHS.
[LB276]

PRESIDENT FOLEY: One minute. [LB276]

SENATOR CHAMBERS: They talk about 14-point font or some...however they state it. Do you realize that I can offer an amendment descending from the number 14 all the way down to 1? That's 13 amendments that I can offer on that one issue alone: the number 14. I can offer 13 amendments. I have three times to speak and close on each one of my amendments. And if I lose it, I can move to reconsider and we go through it all over again and I'll keep you on that bill until you wish you had never put it out here. Do what you want to do with this bill. Listen to Senator Brasch trying to tell you what people in the hall told her. Accept what they say as true: that right now an injunction, temporary or permanent,... [LB276]

PRESIDENT FOLEY: Time, Senator. [LB276]

SENATOR CHAMBERS: Thank you, Mr. President. [LB276]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Schumacher, you're recognized.
[LB276]

SENATOR SCHUMACHER: Thank you, Mr. President. Senator Chambers has asked for more time. I yield my time to him. [LB276]

PRESIDENT FOLEY: Five minutes, Senator Chambers. [LB276]

SENATOR CHAMBERS: Thank you, "Professor" Schumacher. Members of the Legislature, when I started this morning, I was very agreeable, wasn't I? I didn't take much time. The Speaker even thought we would be stuck perhaps on that first motion until noon. That didn't happen, did it? Bob Seger sings a song, "(You're) Still the Same": Just when they thought they had you caught, you show them you're quicker than they thought. You think you can out-slick me? You think you can outsmart me? You think you can out-manuever me? I will challenge you to do it this session. And you all mark today, January 18. And when we start getting to the posterior

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portions of the session and you're running out of time, think back to this day. I told you, you slight me and you put things on a different footing. I heard Senator Crawford say why she would sit out votes. I don't do that. Others do. Sometimes I believe a bill should be pulled from committee. I don't take away my options in the beginning because I cannot tell the future and, as a legislator, I'm going to keep all of my options open. I don't sign pledges before I run for office. I don't commit myself to anybody to do what they tell me to do just because they told me. I don't even commit myself to say tomorrow what I'm saying today. You know why? I put caveats. If I believe tomorrow the same way I believe today, then listen to me tomorrow and compare it to what I said today and you'll see that they are the same. I don't dispense the notion...dispense with the notion that I am unable to be shown something that I'm not aware of today. If I know no more when I'm 80 than I knew when I was 21, my brain stopped functioning when I was 21; 21-year-old Ernie Chambers did not know what Ernie Chambers knows now. I haven't had an 80th birthday but I'm in my 80th year now. I don't take a position just to be consistent with something that I said before. And when I'm talking about consistency within the context of these discussions, I'm talking about another term that can be: reliability. The public should be able to rely on us to mean what we say. They should be able to rely on our doing today, tomorrow, and all the rest of the time, what we said we would do unless we publicly changed it and notified the public. When I read to you about Moody's, Standard and Poor's yesterday, you all didn't pay attention. Not only did Moody's violate its own principles, it failed to notify the public that it was going to depart from those principles. You didn't hear that. You don't read and you don't listen either. Some have eyes to see, some see and don't perceive, some hear and don't understand, said Jesus, your Jesus that you worship. And you don't even pay attention to him. Why should I think you're going to pay attention to me? I don't think you'll pay attention to me so I talk for the record. If there was no way for the public to be aware of what's being said here, I wouldn't say nearly so much; or if I did, I'd go stand by one of those pillars and talk to it,... [LB276]

PRESIDENT FOLEY: One minute. [LB276]

SENATOR CHAMBERS: ...because at least it is what it is. You are not even what you appear to be. Turtles can only talk turtle. Rabbits can only talk rabbit. Human beings can speak with a double tongue or a forked tongue. They can purr like a kitten. They can snarl like an angry tiger. They can put on false faces. And that's all "hypocrite" means. You put on a mask. People who acted in the way, way ancient days were hypocrites, actors, because they were pretending to be something they were not, not to trick anybody but for dramatic effect. And you all went to school and you got degrees and you don't even know that. It's hard for me to be humble in a place like this. That's why I'll never say that I'm humble. Sometimes I'm modest but I'm too modest to tell you how modest I am, so there. Thank you, Mr. President. [LB276]

PRESIDENT FOLEY: Thank you, Senator Chambers. We'll pause the debate again for some more reading of bills into the record. Mr. Clerk. [LB276]

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ASSISTANT CLERK: (Read LB600-625 by title for the first time.) That's all I have at this time, Mr. President. (Legislative Journal pages 270-274.) [LB600 LB601 LB602 LB603 LB604 LB605 LB606 LB607 LB608 LB609 LB610 LB611 LB612 LB613 LB614 LB615 LB616 LB617 LB618 LB619 LB620 LB621 LB622 LB623 LB624 LB625]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Continuing debate on the motion to rereference, Senator Crawford, you're recognized. [LB276]

SENATOR CRAWFORD: Thank you, Lieutenant Governor. I've listened very intently to this debate this morning, with the exception of the time that we had to be off the floor for a committee Executive Session, and it's been very informative. And I appreciate Chairwoman Ebke talking about looking at the bill again and rethinking where it should be appropriately referenced. And I appreciate the fact that we've had a chance to have this conversation and really dig into the bill with more time and detail, and that's time and detail and debate and discussion that we don't have the luxury to do in Referencing. As a member of the Referencing Committee, we have many bills in front of us and we're processing them quickly, working hard to make the best decisions that we can make with the information that we have and the time that we have for the deliberation on that decision. As I noted before, I take questions of votes to reverse a committee decision with a great deal of weight. But it is the case that it is an important...there is an important reason that we have this option. And one of them is if it's really...if there is an issue where we need to come back and revisit a question and ask if a mistake was made and if it's appropriate, with more information and more debate, to make a different decision. And so in following the model set by my esteemed colleague, Senator Ebke, I will acknowledge that in the Referencing Committee, first seeing this bill, I was one of the people that voted to reference it to Ag. I've appreciated the conversation and debate to hear the concerns about that reference and Senator Schumacher's point about the importance of what this may mean in the future in terms of the importance of having those bills that address these judicial remedies be referenced to the Judiciary Committee and, again, Senator Ebke's comment that, upon further reflection, it does appear appropriate to go there. And I appreciate all of the debate and conversation and history that we've heard from Senator Chambers' comments. And so in this case, I believe I will be voting to rereference this bill, reversing my own committee decision in light of the further debate and deliberation and discussion in this case. And I yield the rest of my time to Senator Chambers. [LB276]

PRESIDENT FOLEY: Thank you, Senator Crawford. Two minutes, Senator Chambers. [LB276]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Crawford. Remember when I started I spoke in a very measured way, didn't I? Well, you probably weren't paying attention so you wouldn't know. You think I put you down too much, don't you? If I don't talk to

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you like that, you don't pay attention. You have some children you can look at and you'll break their little heart. Other children, you make a gesture, you cut your eyes and hold your head a certain way, and that tells them. Others, you say, don't do it! And they won't do it. Others, you have to say it two or three times. Everybody is different. So I have to deal with all of you. No one on this floor other than me has to do that. Who would take the time on what looks like a peewee bill as I've taken the time? How much energy do you think an 80-year-old man has? I'm subject to keel over any second. But I'm willing to give the last that I may have to help my colleagues do what it is we ought to do. [LB276]

PRESIDENT FOLEY: One minute. [LB276]

SENATOR CHAMBERS: I could be dying right now, as all of us are. It's just a longer process for some of us but we're all going to wind up at the end of the sentence to which death puts a period for every one of us. So, I don't know when my end will come. But I know what I intend to do when I agree to do a job. And even on the peewee issues themselves, they provide the basis and the wherewithal to talk about deeper, broader, more serious issues. And that's what I have spent my life doing. I was on the short end of the stick since I was little. I took positions that always put me at odds with others. So I live being out-manned and out-gunned. [LB276]

PRESIDENT FOLEY: Time, Senator. [LB276]

SENATOR CHAMBERS: Thank you, Mr. President. [LB276]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Kolowski, you're recognized. [LB276]

SENATOR KOLOWSKI: Thank you, Mr. President. I yield my time to Senator Chambers. Thank you. [LB276]

PRESIDENT FOLEY: Thank you, Senator Kolowski; 5:00, Senator Chambers. [LB276]

SENATOR CHAMBERS: Thank you, Senator Kolowski. Thank you, Mr. President. So I'm saying some things now for younger people. Decide what it is you want to be when you get older and work at it every day. And if you believe that you are right, if every voice is on the other side, you have what it takes to stand for what you think is right against the whole world. And there was a guy who wrote a book called Nineteen Eighty-Four. And the name he used as the author of that book was not his real name. And he had been a mercenary soldier and traveled around the world. And when he was describing all of these terrible things happening under Big Brother, he

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wrote, "There was truth and there was untruth, and though (sic: if) you clung to the truth...against the whole world, you were not mad."` Maybe the world was mad, in the sense of loony, but you were not mad when you clung to the truth. And I'm going to teach these Christians a thing or two from their "Bible" and their Jesus. Your Jesus spoke to thousands. Can you imagine what it was to have a crowd of thousands in those days? And you did not have a megaphone, you did not have a microphone, but the people at the farthest reaches could hear every word you said. He spoke to thousands. But you know what he said when he was talking in mystical terms about when he's no longer going to be here with you all in the flesh? There were dumbbells then. He even had to tell Peter one time, you've been with me all this time and you don't understand what I'm talking about? And Jesus knew the answer because he knew everything, but he was trying to teach a child in a man's body how to be a man. So he said, I have...this is me saying this. I'm privy to things that were said then that you were not and the writers--Matthew, Mark, Luke, and John--were not privy to. He said: Look, see how these people seem like they like me? Don't be deceived by that. They see me as a magician who can feed them when they're hungry. I can take a few pieces of bread and a few little fish and feed thousands. That's what they come for. They come to see the carnival and to be fed, but there is something deeper that I'm trying to make people understand and I selected you guys to walk with me hoping you can understand. But when you say you believe the things that I'm telling you, they go against what the priests, the rabbis, the publicans, and the scribes don't like. So even when people agree with you, they're not going to say it openly. You're not going to have a lot of company along with you. You can see how few I have with me and one of you is a devil and another of you is going to betray me. So subtract 2 from 12 and I have 10 and the other 10 are going to desert me. And when I need friends the most, that's when I'm going to have nobody, but you don't understand that because you don't understand anything. But let me tell you something that you're going to disregard now but you may think on it later. If you say the things that I'm teaching and you live the life that I'm living.... [LB276]

PRESIDENT FOLEY: One minute. [LB276]

SENATOR CHAMBERS: ...you're not going to have a lot of company. So I've told you that I'll be with you always; where there are two or three of you gathered in my name, I'll be with you, and that two comprises you and me. And I'm telling you that because you're not going to have a lot of people. You know what I learned from that? That you, if you believe, should be willing to stand alone. And, see, I don't have a Jesus or anything supernatural that's going to help me. All of mine has to come from in here and that's why I'll stand on this floor when nobody else will and I'll say the things they know need to be said but they won't say them. And I can know I'm speaking in vain as far as in here but these things need to be said. And I'm going to say them, not because of religion, not because of spirituality, but I'm paid as a state employee to do exactly what I'm doing. Thank you, Mr. President. [LB276]

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PRESIDENT FOLEY: Thank you, Senator Chambers. Speaker Scheer, you're recognized for an announcement. [LB276]

SPEAKER SCHEER: Thank you, Lieutenant Governor. I just wanted to make a quick announcement that Bill Drafting has delivered all the three-parts, so if you are waiting on a three-part, you need to get up there because they don't believe there is anything left on their shelves to deliver. So just a heads-up, if you are waiting on something, you better go back up and talk to them because they have delivered everything that they know that they have to do. So, just a quick announcement. Thank you.

PRESIDENT FOLEY: Thank you, Mr. Speaker. Continuing with debate, Senator Morfeld...I don't see him at the moment. Mr. Clerk, did you want to read more bills or should we proceed with debate? [LB276]

CLERK: I certainly could, Mr. President.

PRESIDENT FOLEY: Yes. Please proceed.

CLERK: Mr. President. (Read LB626-643 by title for the first time.) That's all that I have, Mr. President. Thank you. (Legislative Journal pages 274-278.) [LB626 LB627 LB628 LB629 LB630 LB631 LB632 LB633 LB634 LB635 LB636 LB637 LB638 LB639 LB640 LB641 LB642 LB643]

PRESIDENT FOLEY: Thank you, Mr. Clerk. Continuing to debate the motion to rereference, Senator Morfeld, you're recognized. [LB276]

SENATOR MORFELD: Thank you, Mr. President. I yield my time to Senator Chambers. [LB276]

PRESIDENT FOLEY: Thank you, Senator Morfeld; 5:00, Senator Chambers. [LB276]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Morfeld. I don't need any more time on this bill. I'll speak this time and then close. Somebody once said that the Governor does something, the Speaker does something, but Senator Chambers sets the agenda. You all believe in law and order? You all try to enact laws; I impose the order because I learned your rules and you cannot stop me under your rules. You cannot stop me. Some people wonder why I quote Jesus a lot and refer to Jesus. I'm not a Christian but that makes Jesus and me one because Jesus was not a Christian either. Jesus was not a Christian. The disciples were first

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called Christians at Antioch in derision as a term of scorn and scoffing. You didn't even know that, did you? I read. I read. I try to get as close to an original source as I can. And you all say the "Bible" is the word of the god you worship. So in order to talk to you about your god, I read what you say your god said. But then I find you don't practice it. You don't believe it. So what should it mean to me? They say, well, you're an atheist. I don't accept labels, just like Jesus didn't accept labels. You're an atheist. Why, because I don't believe in the gods of Greece and Rome? No, no, no, because I don't believe in those either. I say, then you're an atheist to somebody who does believe in those gods. Then you're an agnostic. What does that mean? Well, we got to have a label for you. I say, I know, because when you can put a label on somebody, that person carrying that label accepts all the baggage that the label carries. Nobody knows enough to encompass me in one word but they try it a lot of times and the words are not complimentary, I can tell you that. I try to deal with people where they are. I try to talk about this Jesus they say they believe in. When my machine is on and you all are praying or have somebody up there praying, they mention this Jesus all the time. I probably know more about that Jesus than the ones invoking that name. I can tell you the names of his brothers and sisters, as mentioned in the "Bible." I can tell you the person who had a dream about Jesus and it was not a Christian person or religious person. It was Pilate's wife. Did you all know Pilate had a wife? You all didn't even know Pilate had a wife? You didn't know that she had a dream about Jesus? Get your minds up here, not about masturbating. Get your mind out of the gutter, where one of your members would put it if you follow him. You know what her dream was? A message, a warning, a plea to her husband Pilate: Have thou nothing to do with this just man for I have suffered much in a dream because of him. You all didn't know that, did you? You think I don't read the "Bible"? I know a lot about Mickey Mouse, Donald Duck, and Goofy because I read comic books and I paid attention to what I read. [LB276]

PRESIDENT FOLEY: One minute. [LB276]

SENATOR CHAMBERS: And I'd question why certain things were written in these comic books, why they put some characters in a position to always look ridiculous and preposterous and others to look smart. And then I found out that's the way people treat each other. I was treated as though I was a dumbbell. But every closed eye is not asleep and every silent tongue is not incapable of speaking. So I had the advantage. I've been underestimated all my life and I've studied my so-called betters, b-e-t-t-e-r-s. They don't measure up. They don't. But on the floor, as long as I'm in this Legislature, I'm going to try to get us to do what we say we're about. Don't pretend you know something when you don't know it. You probably think I forgot about what I was going to say about Alexander Pope. He had said "a little learning is a dang'rous thing." [LB276]

PRESIDENT FOLEY: Time, Senator. [LB276]

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SENATOR CHAMBERS: Thank you, Mr. President. [LB276]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Pansing Brooks, you're recognized. [LB276]

SENATOR PANSING BROOKS: Sorry, Mr. President. I yield my time to Senator Chambers. [LB276]

PRESIDENT FOLEY: Thank you, Senator Pansing Brooks. Senator Chambers, 5:00. [LB276]

SENATOR CHAMBERS: Thank you, Mr. President. Thank you, Senator Pansing Brooks. And I'll say again I don't need any additional time. The Speaker thought we were going to be on that first bill all morning perhaps. You all were reasonable. I was reasonable. Then something happened on way to the forum when we got to this bill. But unlike Caesar, I'm like the god Janus: had a face in front and a face in back; could see the future; could see the past; could see things coming and going. There was a creature called Argus, I believe, who had eyes all around his head, its head, eyes, nothing but eyes, could see everything at the same time. So nobody will sneak up on me and stab me in my back, as happened to my poor trusting friend Senator Krist. So I will not say, "Et tu, Brute?" unless we're talking about hot dogs or donuts. And if we're talking about donuts, I'd most likely be talking to an officer of the law. "Et tu?" That means eat, for those of you all who speak only "up north" English and not well. I have helped people in my community who did what was called stabbing in the back, and yet when they had a legitimate issue I would help them. And when people who knew me and knew that person and what that person had done would say, Ernie, why are you going to help him? I'd say, because he's got a legitimate issue. Well, he stabbed you in the back. I said, so? Well, he'd do it again. I said, I know it. And you're going to help him? I say, yeah, but when I help him, I'll stand with my back to the wall. I adjust what I'm doing to the circumstance. I told you turtles talk turtles. Turtles are smarter than human beings. Some of you may have heard me tell this. But on a very hot day, a turtle was sitting on top of a fencepost. The turtle, not having wings, couldn't fly down. The turtle, not having long legs, couldn't reach from the top of that pole to the ground. The turtle knew if he moved himself and fell on the ground and he was upside down, he'd perhaps die that way or a predator could come get him. So he saw this American Christian coming along reading the "Bible" and he knew that they were superstitious. So the turtle scrunched around until the man looked up. He said...and turtles could talk in those days. That's why they can't talk now, because they fool Christians. Preachers do that now. Turtles...man said, what are you doing up there, Mr. Turtle? The turtle said, well, I don't want to go into the long story because it would probably break your heart because, as a Christian, you're so sympathetic, but if you will lift me off this fencepost, I will grant you three wishes, any three wishes you want. The superstitious Christian said, ah, and set the turtle down. And the turtle started walking away in his slow, steady

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way. And the Christian said, Mr. Turtle, Mr. Turtle! And the turtle didn't have a shoulder but looked over his shell at the Christian and the Christian said, you told me that you'd grant three wishes, any three wishes that I wanted if I'd set you down on the ground. So the turtle chuckled in the way that turtles chuckle. He said, fool, if I could grant wishes, you think I'd have been sitting on this fencepost all this time? [LB276]

PRESIDENT FOLEY: One minute. [LB276]

SENATOR CHAMBERS: And the turtle taught that Christian what common sense couldn't teach him. Maybe I'm understanding and experiencing what the turtle did, except I won't fool anybody quite that much. And if I lead you town a path and you wind end up someplace other than you thought you would leave...you'd wind up, it's to have a message at the end of it. I will not lead you out of the wilderness into a swamp. I'm not going to be able to change your mind and I know it. So that's why I'm talking to the public at large. And I only need to speak during my closing to wrap up what I've got to say so I will stop now, Mr. President. Thank you. [LB276]

PRESIDENT FOLEY: Thank you, Senator Chambers. You may proceed to close on the motion. [LB276]

SENATOR CHAMBERS: Members of the Legislature, we have another of my motions coming up. You see how I can control the agenda? Even when I didn't set out to do it, you forced me to do it. You forced what I'm doing upon me. You thought that I'd be like you and that I'd lose heart and quit, that I'd look at the odds and give up. I've been dealing against overwhelming odds all my life. That is my life. And for better or for worse, I have chosen to spend a good percentage of my life in this Legislature trying to uplift white people who, during every year since I was able to understand anything, I was being taught are better than me, smarter than me. I'm the negative everything. I am the other. I am the contrast concept: everything black like me is bad and evil; everything white like them is good and holy. But I didn't buy that once I got old enough to understand and make judgments. This little boy got upset at watching Tarzan go into Africa as a white man and be able to beat up, as they call it, lions. And the little boy told his father, no man can beat up a lion, no man can make lions mind them. And the little boy's father said, son, I want you to understand something and I want you to apply it to yourself. As long as the white man can write and the lion cannot, whenever they have a conflict, the lion is going to win; as long as they can write and you cannot, it's going to be the way they say it is when they're lying through their teeth. And they know they're lying. I remember when white men had jobs and they said other people didn't because they were lazy, because they weren't religious. But they had those ready-made jobs for white men which it took no qualification to hold, but they had them because they were white. Then when the factories close down and you can't make money turning a screw one-quarter of a turn to the right or to the left and you've got to do something, they're out of work

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and they've got no skills, and now you know what they're crying? The government is not taking care of me! They're the ones who said don't ask the government to take care of you. Now: The government has ignored me; I want the government to look out for me; the government should give me a job; the government should feed me; I can't take care of my children. When other people were saying that and he who had a job was participating and actually depriving those people, he didn't have any sympathy. They sold the wind; now they're reaping the whirlwind. And you see who put Trump in office and you see what Trump is showing those fools. Billionaires are in his cabinet, programs that are going to hurt the poor people. And he knows how stupid white people are. He says everybody is going to have insurance, it's going to cost less, it's going to be the best thing you ever heard. Now they're hoping against hope that he's telling the truth knowing that he's lying through his teeth. But here is where he's smarter: He'd tell you all...he'll tell you all something on television, then when he's called on it, he'll just tell you, oh, I didn't say it. And then you all buy it: Well, he didn't say it. And you know what those flunkies around him have to say? Well, he said it but he didn't mean it literally. [LB276]

PRESIDENT FOLEY: One minute. [LB276]

SENATOR CHAMBERS: That's...I'm watching this white man, the best you've got. You said how much better he was than everybody else and I'm looking at him and I'm watching all these white men who now, in their stupidity, admit they're angry because they were forgotten, they were ignored. Now the government has to take care of them. The government didn't take care of them before. Well, when they had something, they condemned what they called "big government." Now government is not big enough to give them everything they need. Trump knows all they need are words. He's a carnival barker. He's crazy like a fox. And before he got to be President, I did suggest that he...I wasn't wishing him to win, but I know Americans. If I would trick you all like they would, I could run for higher office or I could be a preacher. But I have too much integrity to shoot for either one of them. I will ask for a call of the house and I'll take a machine vote. [LB276]

PRESIDENT FOLEY: Thank you, Senator Chambers. There has been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; those opposed vote nay. Record, please, Mr. Clerk. [LB276]

CLERK: 23 ayes, 0 nays, Mr. President, to place the house under call. [LB276]

PRESIDENT FOLEY: The house is under call. Senators please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Morfeld, Harr, and Wayne, please check in. All unexcused members are now present. We'll proceed to a

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machine vote. The question before the body is the motion to reference LB276. All those in favor vote aye; those opposed vote nay. Have you all voted who care to? Record vote has been requested. Mr. Clerk. [LB276]

CLERK: (Record vote read, Legislative Journal page 278.) 15 ayes, 20 nays, Mr. President, on the motion. [LB276]

PRESIDENT FOLEY: The motion is not adopted. I raise the call. Mr. Clerk, if you'd like to read more bills into the record, you may do so. We're going to proceed to the next motion. Mr. Clerk. [LB276]

CLERK: Mr. President, thank you. Senator Chambers offers motion 11. That motion would rereference LB353 from the Judiciary Committee to the Government, Military and Veterans Affairs Committee. [LB353]

PRESIDENT FOLEY: Senator Chambers, you're recognized to open on your motion. [LB353]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, in the interest of full disclosure, when this bill was to be referenced, I voted to refer it to the Judiciary Committee because of the way it should be referenced based on what has happened in the past. Then I decided to give my colleagues on the floor the benefit of the doubt that they want to institute a new order and, if such, I want to give them the opportunity to establish it. So this is a bill. I gave you a handout. I want you to be able to follow me by reading it. Here is a paragraph that I wrote: For future reference...I believe it was handed out. Oh, not yet. I'm having a senior moment maybe. Thank you. I can begin. The paragraph says: For future reference (in the interest of notice and consistency) I need to determine if the so-called conservative Republican clique/clique, c-l-a-q-u-e/c-l-i-q-u-e, consists of, quote, referencing purists, as they piously claim, or shameless hypocrites, as I bluntly charge. Res ipsa loquitur, which means the thing speaks for itself. The title of this bill says, "an act relating to political subdivisions." In line 4 is the term "Political Subdivisions." Senator Murante, when he persuaded you all to misreference a bill, a gun bill to his committee, said that his committee deals with government/political subdivision relations. That's what this bill deals with. It puts duties on the State Treasurer. And I believe the State Treasurer is a state officer. This is state action and it's dealing with political subdivisions, so I know that Senator Murante is going to support me in moving this bill. If you have gotten the handout now, you see that a red arrow points toward line 1. There is a long shaft, another red arrow that points to line 3 in the jurisdictional laying out of the Government Committee. The two words that are important are "political subdivisions." And those two words are preceded by the word "other." So this is a bill based on the change that you all have decided to make by misreferring that other bill be consistent. Misrefer this one which specifically talks about

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political subdivisions to the Government Committee. You know why it was sent to the Judiciary Committee? Because it deals with the Tort Claims Act and tort claims belong in the Judiciary Committee. But these hypocrites persuaded those in the 27 to misrefer that gun bill, so now misrefer this one too. And I don't believe in talking behind somebody's back. That's why I put what I had in mind on this sheet and anybody who wants to get them can get copies. This is what you find on the second page. Quote: Government Committee Chair Murante lectured the body re:--the two letters "r-e-colon" which means with regard to--his committee's handling of state/political subdivisions relations, therefore, a firearms bill belongs in his committee, not the Judiciary. Was he being honest...or merely "blowing political smoke" to achieve a political end? This bill equals state/political subdivisions relations. It doesn't take a lot of time to discuss this. Either you're going to misrefer it from the Judiciary Committee to the Government Committee or you're going to leave it where it was appropriately referenced. Now, you all who are the so-called conservatives, you voted against every motion that I've offered to rerefer. Are you going to vote against me on this or are you going to vote with Senator Murante? Vote with what you all said is the way these kind of bills ought to be referred. It expressly deals with political subdivisions. The jurisdiction of the Government Committee specifically deals with political subdivisions. You've got to rerefer it. You've got to do what I'm ordering you to do this morning. You better do it because I own you and this is how I put you in a bag of your fashioning. Stick with what you've done before and send it to the Government Committee as I'm directing you to do it, or refer it as it traditionally has been referred to the Judiciary Committee and vote against me as you've done during all these discussions. You can't get the better of me. You can't get the upper hand on me. And if you think that this little bit that we're doing here means anything, wait until these bills come out here and you see what I can do when I'm really upset and when we start dealing with what a member of this body did that shamed the whole Legislature. The Cass County Republican Party said he should resign and he refused. The Governor said he should resign. He refused. The Governor said he's ineffective. He refused. A petition from his constituents said he should resign. He refused. I said that I will deal with that issue throughout this session and if you don't put him out of here, I shall. I'll read from the 38 "Kintner-grams" that I've written. I'm not going to reinvent the wheel. You think I'm going to rewrite rhymes when some of those were so clever? And you know how I know? Because I found out they've been posted on the Internet and I get compliments all the time. I don't know how to post anything on the Internet. I don't even know how to find it. But people are doing it. A lady who is from Omaha went to France. She was traveling all over the world. She married a Frenchman. They wanted to renew their vows, so they came back to Omaha and had me preside over their vows renewal and they didn't violate their marriage vows as somebody did by masturbating on Skype with another woman not his wife. You think I shouldn't say this? You think somebody is going to stop me from saying it? Let him try. And if him doing it has been publicized and written about in the paper, I'm certainly going to talk about it. I care about the Legislature. I get letters to this day asking, how can somebody like that even show his face on the floor of the Legislature; what is the Legislature going to do? I said, don't ask me; write your senator and ask them what they're

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going to do. You all don't have to look sad and sorrowful. I didn't commit the crime of misusing state-issued property. I did not enter an agreement wherein I admitted that I violated my constitutional oath,... [LB353]

PRESIDENT FOLEY: One minute. [LB353]

SENATOR CHAMBERS: ...I violated state law, I violated regulations. And you know how I did it? In addition to committing the crime of misusing state property, I engaged in a pornographic act constituting an act of moral turpitude but I'm good enough to stay in that Legislature because that's what the rest of them are and they agree with it. And that's what we're going to deal with. That's what some of this was leading up to. And we're going to have a rocky session and I'm going to do what I said I would do. You all thought I wouldn't do it. But it's up to me to decide when I'm going to do what I think should be done and you all can go against it if you want to and show what you are, show what you believe. I'm even going to read the rhyme I wrote about those kids...well, I'll wait until I speak again. My time is probably up on my opening. Thank you, Mr. President. [LB353]

PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Murante, you're recognized. [LB353]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. Would Senator Chambers yield to a few questions? [LB353]

PRESIDENT FOLEY: Senator Chambers, will you yield, please? [LB353]

SENATOR CHAMBERS: Yes, I will. [LB353]

SENATOR MURANTE: Thank you, Senator Chambers. Senator Chambers, so far this session, you have had a series of motions to rereference bills from various committees to various other committees. Is that correct? [LB353]

SENATOR CHAMBERS: That is correct. [LB353]

SENATOR MURANTE: And have you been keeping track of who has voted in what way on those motions? [LB353]

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SENATOR CHAMBERS: No. That's why I asked for a record vote or a roll call vote: so I can read it. But I couldn't tell you with specificity everyone, but I have a pretty good idea of some of them. [LB353]

SENATOR MURANTE: Do you have a recollection of how I have voted on your motions thus far? [LB353]

SENATOR CHAMBERS: Oh, no. I'm not interested in how you vote. [LB353]

SENATOR MURANTE: Okay. I appreciate that. [LB353]

SENATOR CHAMBERS: You want me to be honest. [LB353]

SENATOR MURANTE: I appreciate your candor, Senator Chambers. [LB353]

SENATOR CHAMBERS: Okay. [LB353]

SENATOR MURANTE: And for the last two years, you and I have spent some time on the Referencing Committee. Is that...that's correct? [LB353]

SENATOR CHAMBERS: That is correct. [LB353]

SENATOR MURANTE: And would you say when there were disputes in the Referencing Committee, you and I, generally speaking, not universally but generally speaking, weren't on the same page. Is that fair to say? [LB353]

SENATOR CHAMBERS: That is very fair to say. [LB353]

SENATOR MURANTE: Okay. And in that time, have you recalled an instance when a bill was suggested to be referenced to the Government, Military and Veterans Affairs Committee when I as a chairman did not support that motion? [LB353]

SENATOR CHAMBERS: I cannot recall. [LB353]

SENATOR MURANTE: So here is... [LB353]

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SENATOR CHAMBERS: There are so many; really, I don't recall. [LB353]

SENATOR MURANTE: So it's fair to say that thus far this year and in the last two years you and I have been...generally not been on the same page on rereferencing issues, but you know that I have always supported sending bills to the Government Committee when there is a conflict. Is that fair? [LB353]

SENATOR CHAMBERS: Oh, I'm aware that you've supported some. I won't say all because I'm not sure. [LB353]

SENATOR MURANTE: And you've also said in the past that you know the body; you know the members better perhaps than we know ourselves. [LB353]

SENATOR CHAMBERS: Oh, yes. That is correct. [LB353]

SENATOR MURANTE: So given those two variables, how do you think I'm going to support...or how do you feel that I'm going to vote on this motion? [LB353]

SENATOR CHAMBERS: Now that's asking me to bet against the house when the house can determine the outcome based on what I do. If you wrote it on a piece of paper and turned it over to somebody, maybe I would tell you. But that's one of the traps that even a grade school child wouldn't step into. [LB353]

SENATOR MURANTE: Fair enough, Senator Chambers. Members, as you know, I am the Chairman of the Government, Military and Veterans Affairs Committee. I have been for two years. I believe that among the responsibilities of committee chairs is to defend our particular committees. In some cases the referencing process can be benefited, I believe, through an adversarial, if you want to call it that, but where two committee chairs have to come state their case as to why certain bills should be in each committee. I think that allows for better discussion. I think that's a good thing. In this specific case, you'll look at the Legislator's Guide and see that political subdivisions, plural, are the jurisdiction of the Government Committee. We have established that point. The bill, as introduced by Senator Baker, deals with the Tort Claims Act, which has traditionally not gone to the Government Committee. So I went to my legal counsel and had him do what I often ask him to do which is make a case both ways. I want him to state as articulately as he can why this bill belongs in Judiciary and state as articulately as he can why the bill belongs in the Government Committee. And quite frankly, I think a case could be made reasonably for both, because it is correct, this bill deals with political subdivisions and it's also correct that the bill has traditionally gone to the Judiciary Committee. [LB353]

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PRESIDENT FOLEY: One minute. [LB353]

SENATOR MURANTE: Ultimately, how I come down on this is not every matter dealing with political subdivisions belongs in the Government Committee. An example of that whether or not a county or a municipality can levy a tax and at what amount is not a Government Committee issue, that is a Revenue Committee issue. When we're talking about the authority of political subdivisions specifically, what they can and cannot do, that, to me, is the trigger that pulls it into the Government Committee. And admittedly, allowing a political subdivision to tax is giving them an authority, but that is a specific authority that belongs in the Revenue Committee. And in all of these issues I think we need to look at the issue holistically. So while I do agree with Senator Chambers that a reasonable case could be made that the... [LB353]

PRESIDENT FOLEY: Time, Senator. [LB353]

SENATOR MURANTE: Thank you, Mr. President. [LB353]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Krist, you're recognized. [LB353]

SENATOR KRIST: Thank you, Mr. President. Good morning, colleagues, and good morning, Nebraska. One of the things that I talked about on the mike yesterday was the ability for all 49 of us to make up our own mind and not be led as...I'll tell you a story here in the next few days about the puffin. Puffin is an interesting animal. I spent some time up in Iceland when I was on active duty. I'll elaborate later. But I do think that when you act like a puffin and follow the jump off the cliff, you better hope somebody is down there at the bottom to catch you. And that's an interesting story that I'll regale you with at a different moment. What we were just witness to, though, is an attempted use of the Socratic method of interrogating someone and trying to get the answer that you needed to have and it failed. We also were witness to an attempt to justify traditional methods of referencing when it is not or when it is to your convenience. Now I am not a puffin and I have disagreed on this floor with Senator Chambers on a number of occasions. We have stood toe to toe. We have raised our voice on occasion to an octave level that was probably less than appropriate. And on this particular case, Senator Chambers, you are absolutely, positively, unequivocally wrong and you know it and you're making a point. Tort law, tort claims are too complicated for any other committee. Let me get that to you again straight. There are things that are in jurisdiction that are too complicated, too entangled, too entwined to go anywhere else. I would offer to you the appropriations process that most of you couldn't fathom when you first got here. You're going to understand it in your first year a little better, in your second, in your third, in your fourth. And if you're supported to come back, in your fifth, sixth, seventh, and eighth you'll understand it a lot better. Revenue issues: I wouldn't even tangle with Senator Schumacher and Senator Harr about some of those issues that are too complicated. Tort

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belongs in Judiciary. I'm not a lawyer and I didn't spend the night in a Holiday Inn Express last night, but I've had a lot of experience in the Judiciary Committee and my reading will tell me tort law is not left to the innocent or the uninformed. Whole different subject: Senator Murante's attempted...his Socratic interrogation said, have you been keeping track? I've been keeping track. I talked yesterday also about the rule of 27; there becomes a rule of 17. So as we walk down a path and only support things because we have been either told to support it or there is a new sheriff in town, you do the math, because all of these votes have added up to a group of people who do think independently and that number is at or near 17 on almost every vote and the absentees that have not voted could arguably make up that point. This is going to be a long session. There is going to be some difficult things discussed: things like when you sign a time slip for the people who work for you, were they here to work; things like the misuse of a piece of government-issued, Nebraska-issued equipment; things like the moral character and fiber that should make up this body; and things that I have stood for, for the eight years that I've been here, and will continue to. [LB353]

PRESIDENT FOLEY: One minute. [LB353]

SENATOR KRIST: So, Senator Chambers, I'm sorry. On this particular vote, I will not be voting with you. And I honestly believe that the, as much as it pains me to say this, that the process in this particular case did work. But I think we should pay particular attention to why it worked and apply that same logic to all bills that are referenced out of Referencing Committee. Thank you, Mr. President. [LB353]

PRESIDENT FOLEY: Thank you, Senator Krist. Senator Chambers, you're recognized. [LB353]

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, Senator Murante told why that gun bill shouldn't have gone to his committee. It had the word "county" and that overturned all the traditions of sending that bill, those kind of gun bills to the Judiciary Committee. I'm showing the hypocrisy in this body and I'm calling the name of the hypocrite. He's the one who put you on that trail. He's the one who said that a deal his committee deals with: state/political subdivision relations. That's what this bill does. And I stated, because words mean something, "for future reference," and that term means not what it ordinarily means in common parlance, but the future referencing of bills. But he won't stick by it himself. They're taking orders from somebody outside of this Legislature. And I'm going to call out the Republican Party, too, in connection with that crime committer who misused this equipment and masturbated on Skype. Yeah, I'm going to say it. And I wrote a rhyme about how outraged some people were with those high school students who masturbated and put their semen on a turnover, some piece of pastry, and fed it to a teacher. And I conceded that they needed to be corrected. But I said they can look at what a state senator did and he hasn't been corrected. Maybe that's

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their pathway to get to the Legislature. Do you know that if I masturbated at home, I could do whatever I want to. Whatever my sexual predilections are, they're mine, as long as I'm not forcing somebody else to do it and I'm doing it in the privacy of my home. Do you realize that if I just opened the shades and I masturbate in front of the window, that is considered lewd and indecent public impropriety and I can be arrested for what I did in my own home because I put it out in the public? Do you know if I went out on one of these bicycle trails and I masturbated in front of women, I could go to jail for that? So don't tell me that just because some men like to masturbate it's all right to misuse state property and do it on Skype where I don't know who all can have access to it. You all understand this stuff more than I do. And the computer he used it on had damage to it and the State Patrol didn't investigate that. You know what I suggested during our committee hearing? Was this an attempt to destroy something that might be retained on that computer? I don't know what the computer keeps. The State Patrol should have examined that type of damage to see what was likely to have caused it. I don't want what a GIF is, G-I-F, but that was put on a computer, a clip of something that this member of you all's was doing. Then he got...took stuff off his computer and off his Facebook page, if that's what you call it. If I misstate some of these things, you all know what I'm talking about. He wondered why the woman picked him. He had been visiting a pornographic site and even posted some of their stuff on his own Facebook page. It was called pornography. They don't just pick these names out of the air. They could have...well, they couldn't pick me because they know I don't do that because I'm not a Christian. And then soon as I'm caught: God told me I'm all right and he wants me to stay there. [LB353]

PRESIDENT FOLEY: One minute. [LB353]

SENATOR CHAMBERS: God tells somebody to come to this Legislature to speak against big government? How many of you all had God wake you up in the middle of the night? "Senator Quick, I am the Lord. I want you to go to the Legislature and speak against big government and lower taxes. That's what I want you to do." God? Why, God is more trifling than I thought. Almost thou makest me believe like you all believe, because I think a communist said that you all create God in your own image, not the other way around. Oh, we're going to have some fun this session. You can keep him here if you want to, but you ain't going to keep me quiet. And I don't care how you look. I don't care how you talk. Senator Groene even said, since when had the Legislature been concerned about punishing somebody for immorality? I don't care about his immorality. He should be punished because he committed a crime. He committed a crime. [LB353]

PRESIDENT FOLEY: Time, Senator. [LB353]

SENATOR CHAMBERS: Thank you, Mr. President. [LB353]

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PRESIDENT FOLEY: Thank you, Senator Chambers. Senator Murante, you're recognized. [LB353]

SENATOR MURANTE: Thank you, Mr. President. Members, good morning. I just wanted to finish my thought and I will not belabor the point. The distinction between this bill, the bill that was before us, and all of the many political subdivision bills that are in the Government Committee right now is that this bill has absolutely nothing to do with the authority of political subdivisions. If we were granting or limiting what political subdivisions can or cannot do, that would be one thing. But that's not what this bill does. And I think I was pretty...there is only one reason to send this bill to the Government, Military and Veterans Affairs Committee and that is if you embrace the one-word standard, which I have now advocated against twice, which is to say, if you see the word "political subdivision," send it to Government, stop reading the bill. I've already rejected that. I don't, on two previous bills, I do not think that is a sufficient rationale to send a bill to a committee. I've rejected it twice and the only way that I can remain consistent in my position is to say that LB353 properly deserves to be in the Judiciary Committee and I encourage you. This appears to be...based on the rhetoric I've heard so far, this will be the last time we vote unanimously this year and that's fine. But we all seem to be in agreement. Nobody is advocating it belongs in the Government Committee, so I would encourage you to vote no on this motion. Thank you, Mr. President. [LB353]

PRESIDENT FOLEY: Thank you, Senator Murante. Senator Chambers, you're recognized either to speak to the motion or to close. [LB353]

SENATOR CHAMBERS: I'm going to speak to the motion and to Senator Murante, if he will yield to a question or two. [LB353]

PRESIDENT FOLEY: Senator Murante, would you yield, please? [LB353]

SENATOR MURANTE: Yes. [LB353]

SENATOR CHAMBERS: Senator Murante, have you read this bill? [LB353]

SENATOR MURANTE: I have. [LB353]

SENATOR CHAMBERS: Does it authorize the counties to do something under this bill that they cannot do now? [LB353]

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SENATOR MURANTE: The bill deals with the Tort Claims Act and it deals with how, as amended, awards and judgments shall be paid. [LB353]

SENATOR CHAMBERS: Now let me ask you a question. Senator Murante, does this bill authorize counties to do something, if it passes, which they cannot now do? You read the bill. [LB353]

SENATOR MURANTE: It's a mandate on the political subdivision as it relates to torts and awards and judgments against political subdivisions. [LB353]

SENATOR CHAMBERS: No, it's not a mandate. So you got that wrong. [LB353]

SENATOR MURANTE: It's how political subdivisions shall be paid in the manner of awards and judgments against political subdivisions. I'm just reading directly off of the bill, Senator Chambers. [LB353]

SENATOR CHAMBERS: But this is where an award or a judgment was taken against the political subdivision. [LB353]

SENATOR MURANTE: Right, I believe I said that verbatim. [LB353]

SENATOR CHAMBERS: Now, they can't do that without this bill, can they? Okay. I'm through with that. Let me just tell you all because I read the bill. It authorizes the counties to procure a loan of the type which they cannot procure now. I read the bill. He didn't. He read it in one sense, where his eyes passed over the words, but he didn't get the meaning. This bill authorizes counties to procure from the state a loan of the type which they cannot now procure. And I'm going to speculate about this. This is for Gage County so that they can get a loan from the state to pay off a huge judgment against them because they used the threat of the death penalty to compel people to make false confessions to a murder, which is why those who want the death penalty want to keep it there. This is the corruption of the death penalty, a fallout from it. And you all will all vote for it because you've been told to. You don't think. I put stuff together. Your religious protestations, your ethical standards that you talk about, the high moral values of the so-called urban/rural Christians--but it's especially high in the rural areas--family values: hogwash, piffle, nonsense. And I'm going to talk about it this session. Tell your Christians not to do it. Why did your "Repelican" Party have a plank that says the Republican Party is opposed to pornography in all its forms? You tell somebody on the street that masturbating on Skype is not pornographic. You all know it's pornographic. Your Republican Party is too cowardly to take issue with it and one of your top Republicans worked out the deal with Senator Kintner so he didn't even have to

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pay the full fine for misusing state property in violation of the constitution, the statutes, and regulations. That's the agreement he signed. Everybody is waiting for me to introduce the appropriate action so something can be done because you Christians don't have the belly for it and you don't mean what you say and you are hypocrites when it comes to your own platform of your own party. Stop putting all that hypocritical,... [LB353]

PRESIDENT FOLEY: One minute. [LB353]

SENATOR CHAMBERS: ...high-sounding language in it when you don't mean it. You close ranks around a wrongdoer. And I was talking about Senator Groene. He said in the paper, and I'll show you the article, he'd been dealt with by the system. No, he wasn't. He committed a crime. Senator Groene said, since when should the Legislature be concerned about morality? You always talk about it. But in this case, there was something other than morality. There was criminality. What do you think would have happened if Senator Chambers had misused one of these laptops and masturbated just as Senator Kintner did and I got caught? The day that they found out, Senator Kolterman, the day that they found out, Senator Lowe, they would have raced the Legislature against the Governor to see who could first convene a special session to drum me out of this Legislature and you all know it. If I had done what he did, you know it. I know it. [LB353]

PRESIDENT FOLEY: Time, Senator. [LB353]

SENATOR CHAMBERS: But you're too hypocritical to acknowledge it. [LB353]

PRESIDENT FOLEY: Time, Senator. [LB353]

SENATOR CHAMBERS: But I'm going to put your feet to the fire. Oh, I'm sorry, Mr. President. [LB353]

PRESIDENT FOLEY: But you may continue with your closing statement, Senator. [LB353]

SENATOR CHAMBERS: Thank you. I was carried away--moral indignation. But, see, my moral indignation is not like that of the Catholic church who will torture people, who will draw and quarter them, who will put their feet into steel or metal footwear and then heat it red hot, who will tie women on the ground, spread-eagle, and rape them. You know why I know this happened during the Catholic Inquisition? Because torturers have something in common. The Nazis were meticulous record keepers of all the wrongful things they did during the Holocaust, just as those priests were meticulous chroniclers of what they did to people during the Inquisition. That's why

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there is such a thorough record of it. They kept the record. And now these hypocrites are going to be angry. They they wanted to censure me for condemning what the Catholic church had done and abusing these little boys. They wanted to censure me and one of theirs masturbated on Skype through the criminal misuse of state property. And you all got the nerve to be angry at me for what I say? Jesus said, scribes, Pharisees, hypocrites! That was his mantra. That was his abracadabra. And you all going to sit up here and you have your prayers every morning and you've got one among your midst. And I'm going to read the editorials where the editorial boards, who don't profess to be comprised...they don't comprise people who profess to be religious, saying he should have been out of here. If he had any scruples, he would have resigned. That's what the Governor said over and over and over. And we're going to deal with where he told a lie and said that I brought up his wife's supposed cancer. He brought it up. I didn't even know she had it. And I was condemning him. But he hid behind her skirts and he brought her over here the first day. I've been here more years than him. I don't remember him bringing her over here the first day. But, see, he knows that I'm a better man than he is and, if it had been my intention to go after him, I wouldn't do it with his wife in here. And I told people that if you all behave on the first day of the session, I will behave, meaning if you don't try to do any funny business, I won't bring up any of what I'm talking about now. And my word is my bond and I stick by my word and I had said that I'll deal with this the whole session and I'm going to show you that I mean it. I don't care what bill you bring up. I can show a way that what I'm talking about connects to it, because we're going to be talking about accountability, ethical action, fair treatment, justice. They want to put those little boys in jail who masturbated. And I think I'll read that rhyme tomorrow about the little boys and how they can say, well, what about that senator that I read about who did this on Skype and there was a woman at the other end and he's married? And kids know what marriage vows are. And they can violate that marriage vow. What do they want to put me out of the Legislature for? Because I say that the fear white people say they have of ISIS is the fear that black people have of the police. The police are our ISIS. And all of your...the national Congress people from Nebraska said something should be done to me. The Governor said it, the mayor. The senators all stood on this floor against me. Did I run and hide? No, because what I said was true and I'll stand by it. [LB353]

PRESIDENT FOLEY: One minute. [LB353]

SENATOR CHAMBERS: The one thing I did later on in the session, I said I'm not going to apologize to these people for what I said about my attitude toward the cops. But what I didn't say was that the cops do what ISIS does, but that's the way the white media portrayed it. I said that the fear white people profess toward ISIS is the fear that black people have of the cops who can shoot us down. And I gave examples when I said it. That's why people on the Judiciary Committee didn't get upset. They saw the context of it. And I'd say it again. I didn't say, like Trump, I can stand on Fifth Avenue and shoot somebody dead and I won't lose a vote or compare the Intelligence Committee to Nazi Germany who was responsible for the Holocaust. You all

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didn't get upset about that. I can show you what police do to black people, but you're going to say I should be drummed out of here for that. You're out of your mind. Thank you, Mr. President. [LB353]

PRESIDENT FOLEY: Thank you, Senator Chambers. Members, you've heard the debate on the motion to rereference LB353. The question for the body is...Senator Chambers. [LB353]

SENATOR CHAMBERS: Call of the house and a roll call vote. [LB353]

PRESIDENT FOLEY: There's been a request to place the house under call. The question is, shall the house go under call? All those in favor vote aye; all those opposed vote nay. Record, please, Mr. Clerk. [LB353]

CLERK: 22 ayes, 0 nays to place the house under call. [LB353]

PRESIDENT FOLEY: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senators Hilgers and Wayne, please check in. Waiting for Senators Watermeier and Wayne. All unexcused members are now present. Question before the body is the adoption of the motion to rereference LB353. All those in favor vote aye; those opposed vote nay. I'm sorry. That's roll call vote. Mr. Clerk. [LB353]

CLERK: (Roll call vote taken, Legislative Journal page 279.) 1 aye, 35 nays, Mr. President, on the motion. [LB353]

PRESIDENT FOLEY: The motion is not adopted. I raise the call. Mr. Clerk, you may read the bills into the record as you care to. [LB353]

CLERK: I do, Mr. President. Thank you. Mr. President, new bills. (Read LB644-667 by title for the first time.) In addition, Mr. President, proposed constitutional amendments: Senator Morfeld would propose LR15CA which proposes an amendment to Article I-22 of the Nebraska Constitution; LR16CA, Senator Wayne, constitutional amendment offering an amendment to Article VIII-12; LR17CA by Senator Wayne proposes an amendment to Article VIII-1; and Senator Larson offers LR18CA, proposed amendment to Article III-8 to the Nebraska Constitution. Hearing notices: Health and Human Services Committee; the Government, Military and Veterans Affairs Committee; the Natural Resources Committee; the Revenue Committee; the Transportation Committee, all signed by the respective chairs. An announcement, the

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Performance Audit Committee has selected Senator Kuehn as its Chairperson and Senator Geist as the Vice Chair. Name adds: Senator Quick to LB404; Senator Riepe to LB334, LB333, LB335, and LB336. An announcement: Reference will meet upon adjournment; Reference, upon adjournment, in 2102. (Legislative Journal pages 279-290.) [LB644 LB645 LB646 LB647 LB648 LB649 LB650 LB651 LB652 LB653 LB654 LB655 LB656 LB657 LB658 LB659 LB660 LB661 LB662 LB663 LB664 LB665 LB666 LB667 LR15CA LR16CA LR17CA LR18CA LB404 LB333 LB334 LB335 LB336]

And, Mr. President, a priority motion: Senator-Speaker Scheer would move to adjourn the body until Thursday. Mr. President, a priority motion. Senator Chambers would move to recess the body until 1:30 today.

PRESIDENT FOLEY: Members, the motion before the body is to recess until 1:30 this afternoon. All those in favor say aye. Those opposed say nay. The motion is not adopted. Mr. Clerk.

CLERK: Mr. President, Speaker Scheer would move to adjourn the body until Thursday, January 19, at 9:00.

PRESIDENT FOLEY: Motion before the body is to adjourn till tomorrow. All those in favor say aye. Those opposed say nay. We are adjourned.