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Floor Debate  
February 08, 2017

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[LB21 LB22 LB119 LB195 LB255 LB404 LB576 LR29 LR30 LR33 LR34]

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: Good morning, ladies and gentlemen and welcome to the George W. Norris Legislative Chamber for the twenty-fifth day of the One Hundred Fifth Legislature, First Session. Our chaplain today is Senator Erdman. Would you please rise.

SENATOR ERDMAN: (Prayer offered.)

SPEAKER SCHEER: Thank you, Senator Erdman. I call to order the twenty-fifth 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.

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

CLERK: I have no corrections, Mr. President.

SPEAKER SCHEER: Thank you. And are there any messages, reports, or announcements?

CLERK: Just an announcement, Mr. President. The Business and Labor Committee will have an Executive Session at 9:45 today in Room 2022; Business and Labor at 9:45. That's all that I have, Mr. President.

SPEAKER SCHEER: Thank you, Mr. Clerk. While the Legislature is in session and capable of transacting business, I propose to sign and do hereby sign LR29 and LR30. Mr. Clerk, the first item. [LR29 LR30]

CLERK: Mr. President, on Select File, first bill, LB119. I have no amendments to the bill. (Legislative Journal page 443.) [LB119]

SPEAKER SCHEER: Senator Wishart for a motion. [LB119]

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SENATOR WISHART: Mr. President, I move to advance LB119 to E&R for engrossing. [LB119]

PRESIDENT SCHEER: You have heard...is there any discussion? Senator Chambers, you're recognized. [LB119]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, having managed to get down here this morning, I had to make my presence felt and this is a bill which I don't particularly have a lot of problem with. But I have a problem with the committee that advanced it and I was hoping I could get here early enough to look at some of these things to see if some of the nutty things were in this bill that are in that LB595 that was before the Education Committee yesterday. This bill, I'm convinced from what I've heard expressed by various members, is an essential piece of legislation, but it is not essential that it pass right now unless I misunderstood something. So I'd like to ask Senator Groene a question if he would answer one or two. [LB119]

SPEAKER SCHEER: Senator Groene, would you please yield? [LB119]

SENATOR GROENE: Yes. [LB119]

SENATOR CHAMBERS: Senator Groene, when this bill was being discussed on General File, everybody, most of those who talked on it made it clear that this is an essential piece of legislation. (Gavel) Mr. President, when I'm talking you don't have to do that, but give me the high sign and I will yodel and not only will it make them quiet, I think it will run them out of here. But at any rate... [LB119]

SPEAKER SCHEER: Just trying to catch you off guard, Senator. [LB119]

SENATOR CHAMBERS: I understand. Senator, when we say that this bill has to be passed, does that mean this session or given a date during the time that we are in session here, is it that urgent? [LB119]

SENATOR GROENE: It has to be done by March 1 or else we cause a lot of extra work for our public employees in the education department and our school officials. [LB119]

SENATOR CHAMBERS: Thank you. Knowing that this bill does need to pass during the session, I'm not going to take time to do with it what I had intended to do. And on this, I will take Senator Groene's word for it. Won't question it at all because I saw him on the side getting a

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bit of advice from his legal counsel in whom I have confidence, so everything I think is smooth and I'll let this bill alone. Thank you, Mr. President. [LB119]

SPEAKER SCHEER: Thank you, Senator Chambers. Any others wishing to speak? Hearing not, you've heard the motion. All those in favor say aye. All those opposed? LB119 is advanced. Mr. Clerk. [LB119]

CLERK: Mr. President, if I may, Banking Committee will have an Exec Session under the north balcony at 9:30; Banking Committee at 9:30. Senator Wishart, LB22, I have Enrollment and Review amendments, Senator. (Legislative Journal page 443.) [LB22]

SPEAKER SCHEER: Senator Wishart for a motion. [LB22]

SENATOR WISHART: Mr. President, I move to adopt the E&R amendments to LB22. [LB22]

SPEAKER SCHEER: The question is the adoption of the E&R amendments to LB22. All those in favor say aye. All those opposed vote nay. The ayes have it. The amendment is adopted. [LB22]

CLERK: Mr. President, Senator Krist has the first amendment, AM151. [LB22]

SPEAKER SCHEER: Senator Krist is still excused. Has anyone been authorized to introduce either of the amendments for Senator Krist? Otherwise we will lay them over and they will be on Select File. They do not go away. They'd just be laid over until Select. [LB22]

CLERK: Mr. President, with respect, I only have two Senator Krist amendments. I have nothing further to the bill. [LB22]

SPEAKER SCHEER: Seeing no one that is authorized to speak for Senator Krist, Senator Wishart for a motion. [LB22]

SENATOR WISHART: Mr. President, I move to advance LB22 to E&R for engrossing. [LB22]

SPEAKER SCHEER: You've heard the motion. All those in favor say...any questions? Senator Kolterman. [LB22]

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SENATOR KOLTERMAN: I'd just like to ask for a clarification. This will be held over until Final Reading? [LB22]

SPEAKER SCHEER: This will be held over until Final Reading, so the amendments will stay on file. We will just move it past Select and they will be available at Final Reading. [LB22]

SENATOR KOLTERMAN: Okay. Because you had indicated Select before. [LB22]

SPEAKER SCHEER: I misspoke. I apologize. Thank you. Thank you for correcting me. Senator Chambers, you're recognized. [LB22]

SENATOR CHAMBERS: Thank you. Mr. President, on this bill I do have some questions. I would like to ask Senator Krist a question or two to begin with. [LB22]

SPEAKER SCHEER: Senator Krist has not checked in. That's part of the problem. [LB22]

SENATOR CHAMBERS: I would like to ask Senator Stinner a question or two then. [LB22]

SPEAKER SCHEER: Fair enough. Senator Stinner, would you yield, please? [LB22]

SENATOR STINNER: Yes, I will. [LB22]

SENATOR CHAMBERS: Senator Stinner, one of the reasons that I finally left this bill alone was because I was told...not told to me personally, but I listened to all of the work that was being done, the things that would be done to this bill when it got to Select File. I may have missed it, but was the amendment that Senator Krist had offered, adopted? [LB22]

SENATOR STINNER: I don't believe so. [LB22]

SENATOR CHAMBERS: So we're going to move it without that having been adopted? If we move it. [LB22]

SENATOR STINNER: We're moving it to Final, that's what I understand. [LB22]

SENATOR CHAMBERS: Mr. President, I'm not prepared to do that. That's one of the reasons I don't enter into any of these agreements that people say they have because if you're not alert, as I

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was not this morning, things happen that shouldn't, and they get past you. So what I'm going to do on this bill is discuss it a while until we can come to...until I can come to an understanding of just what is going on around here. And the reason I'm speaking haltingly is because I had to draft a motion that will allow me to discuss this bill. I am very serious about what is going on here vis-a-vis the Governor and the Legislature. The condition this bill is in suggests that the Legislature has rolled over. My preference would have been that the bill be killed and a substitute bill be rewritten by the Appropriations Committee. It would be no problem whatsoever to have the rules suspended so that the Appropriations Committee could introduce a bill beyond the ten-day bill introduction limit. With all of the discussion that was going on the other day and considering the array of senators who were discussing the bill, I thought, and I obviously was mistaken, that people were going to get together as they always say between General File and Select and arrive at some kind of agreements or understandings. Senator Krist had an amendment which would have done, at least as a start, what would have made the Legislature's performance be at least respectable if not completely credible. I would like to ask Senator Stinner a question or two so I can try to find out what the state of the bill is at this point. [LB22]

SPEAKER SCHEER: Senator Stinner, would you please yield? [LB22]

SENATOR STINNER: Yes, I will. [LB22]

SENATOR CHAMBERS: Senator Stinner, without taking a lot of time discussing the ins and outs of Senator Krist's amendment, the main thrust was to restore to status quo... [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: ...money that dealt with certain designated agencies. Is that what your understanding in general was of his amendment? [LB22]

SENATOR STINNER: My understanding at this point is that it was noncode agencies and it was reappropriations that he wanted to restore. [LB22]

SENATOR CHAMBERS: And that amendment was not adopted. [LB22]

SENATOR STINNER: That amendment has not been adopted. [LB22]

SENATOR CHAMBERS: Thank you. And since my time is up, I'll stop at this point because I put a motion up there. Thank you, Senator Stinner. [LB22]

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SPEAKER SCHEER: Mr. Clerk for a motion. [LB22]

ASSISTANT CLERK: Mr. President, Senator Chambers would move to indefinitely postpone LB22. Senator Stinner would have the opportunity to take up the motion or lay the bill over. [LB22]

SPEAKER SCHEER: Senator Stinner. [LB22]

SENATOR STINNER: I'm sorry. Yes. [LB22]

SPEAKER SCHEER: There has been a motion to kill the bill. You have the option to take it up or lay it over. [LB22]

SENATOR STINNER: I would definitely...I'd take it up. [LB22]

SPEAKER SCHEER: Thank you, Senator Stinner. Senator Chambers, you're recognized for your motion. [LB22]

SENATOR CHAMBERS: Thank you. Mr. President and members of the Legislature, I was just given some information that will alter the course that I was going to pursue this morning. Senator Krist did call and give notification that he was going to withdraw whatever amendments he had up there. I haven't got the time to properly craft an amendment. I had not done the work on those amendments that I would have done had they been mine. So rather than take time and stumble and fumble, I'm not going to pursue the kill motion. But I want to use that opportunity which accords me to still say some things. This bill will wind up on Final Reading. The amount of time that we have to deal with the bill on Final Reading is less under the rules than at General File and Select File. I'm not saying that it was sent to Final Reading as a strategy, but it certainly undermines a strategy that I would make use of. There is no way that I alone could stop this bill regardless of what form it winds up in. If everybody on this floor decides to capitulate entirely to the Governor and put it in the same unreasonable shape that it was in when it was presented to us, I could take time. I could fulminate, but I couldn't stop it. If that happened, then it would sour me on the remainder of the session and I would take my pound of flesh. And I am paid my pound of flesh only metaphorically. My pound of flesh comprises time, much time. The Legislature was not well-served by the Appropriations Committee, by the chairperson of the executive board, or by anybody else, in my opinion. We travel cheap. My office is not the one it used to be. If you go into that restroom where the men are, and ladies, I'm sorry, you can't go there. It's like when Jesus was talking to his disciples, whither I go, ye cannot follow. Although if you're bold enough you could. But at any rate, the faucets on the sinks won't stay on. Yet there is

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a restroom near where I am now and the faucets do stay on. That's not a part of the legislative wing. Things are different except when you deal with the Legislature. We travel cheap. We control the purse strings. We exercise oversight. We spent all of this time talking about every other issue except the Legislature itself and that's why I have to do it. And since I'm the only one doing it, I have to be very forceful. I have to take time. I cannot embarrass you all enough. I cannot tell you how long it took me to reach a point with the senators where furniture would be put in you all's offices. I wish it would have stayed the way it was, then I could have mocked you all like I mock those who came before you. What a horrible way to treat the building and to treat those who make the laws for everybody, who appropriate money for every state activity. Then you had mismatched furniture. You know what would happen in the hearing rooms? Senators would get bored. They had these chairs, all different kinds of chairs, all different sizes. Some had that roll at the top. I guess you lay your head back on it. And if a senator was not advised in the premises, as they say in the law, and would lean back too far, you look over there, all you see are his feet up in the air because the chair tipped over backward. When we finally reached a point where some decent chairs were going to be put in all the hearing rooms, the chairs didn't match in the committee hearing rooms at all. We had a senator who had somebody in her district who made furniture in his garage. And she thought that's where we should have gotten the chairs. And I had some choice words about that. We rejected it. The senators were saying, well, we're the Legislature and if we spend this money for the chairs, then what will the public say? I say they'd probably say at least you got a little bit of self-respect. When I was barbering, we couldn't get barbers who had been cutting hair for a long time to raise the price, to let you know how long ago it was, from 25 cents to 35 cents for a haircut. So all the barbers had a meeting. And when these old geezers talked about how long it had been 25 cents and people were used to it, we argued that's the very reason we need to raise it, that's not enough. So then they were grumbling. So then we concluded with this statement. Every man knows what his work, and he, are worth. You might feel you're worth only a quarter. but some of us think differently about ourselves in what we're doing. So that's the kind of argument I had to give. You don't get...you only get what you pay for, people say. But that's not true. You're lucky if you get what you pay for. What is true is that you won't get any more than what you pay for. Everything was cheap. I don't know if they kept photographs of how filthy this room was, these carpets, and the things that I've complained about before. The drapes. And whenever it rained, I would call their attention to it. Listen to the rain inside this building. I don't worship material things, but this is supposed to be a building that belongs to the people. It should remain in good condition long after we're gone. But who is going to take care of the building? Who is going to appropriate the money? Who is going to have the vision to see the changes that need to be made to keep this building what it should be? So I led the way. And you know how the Legislature decided to what they call fix me? They made me chairperson of a subcommittee or other to be in charge of that. You all have murals in some hearing rooms. You have various pieces of artwork in some hearing rooms. The acoustics are better, lighting is better. How would you feel if when you came into a hearing room everybody was given a match and you go around, you light all the candles? Then you were given a stick

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with a little metal cup on the end of it and when the hearing room was over, everybody would go put out their candle. How would you feel about that? Did you know that happened here? Well, as far as I know, it didn't, but that would have been an improvement over what was going on. I'm saying that to create a context for why I'm upset about the way the Legislature was not properly dealt with during these budget proceedings. The Legislature should not even have been on that list at all. The Legislature is different from the two other branches of government. Who is criticized when things don't go the way they should? Not the Governor, the Legislature. And the Legislature often is rolling over and doing what the Governor wants. Since Senator Krist is going to pull his amendments, were he here, they wouldn't have been up for discussion anyway. But I have made this little twitch toward trying to stimulate our minds to the point where we'll do something. But I'll tell you this much. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: I will not be this compliant on Final Reading and if Senator Krist intends not to take up his amendments--I don't know that to be the case--I will get a copy and I will put my name on his amendments and I will fight for them. And that's one battle that you all had better help me win because if you don't then the rest of the session is going to be dealt with in the way that I think it should be. You got a little taste of that in the many days that we've been here and haven't done what some people say is the people's business. Whatever we do is the people's business. It may not be what people like, but it's the people's business and whatever we do is what we were sent here to do. You know why I say that? [LB22]

SPEAKER SCHEER: Time, Senator. But you are next in the queue, so you may continue to speak. [LB22]

SENATOR CHAMBERS: Thank you, Mr. President. I will speak my allotted times and then I will leave this bill alone. Let me not phrase the statement that I started to give in the way I was going to give it. So you won't be in suspense, I was going to say we were sent here to inform ourselves, understand the issues that are confronting us, formulate legislation, and policies that address those issues and we are not to be echos. But then it came to me, that's not what you all do. Some of you all are bought and paid for. You're not even an echo. But for my part, what I was hired to do was to use my judgment and I would not be telling the truth if I said that all people in my district agree with all things that I do all the time. I don't commission polls or surveys because my conduct is not governed by a popularity poll or an opinion survey. I've got a brain. My brain works. And people who deal with me have to know that I'm going to use the mind that I have and I'm going to follow it where it leads me. We do all this talking about the education system and what it ought to generate and produce. Are we examples of it? You all are not examples of what I think an education system should do. If I judged the education that



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people in here have by the way they act, by the things they say, by the lack of preparation, the lack of knowledge, the lack of understanding, and the giving to people positions of leadership for which they're totally unqualified, it makes me as a black man know that I've been fed a bill of goods because these people are not qualified. They hold that up to us. And as black people since we're not allowed on the inside, we eventually are brainwashed into thinking that white people who hold positions are qualified to hold it. And because when we try to get jobs, we read what the qualifications for that job are. And we know what they're supposed to do because they always tell us we're not qualified. So we want to be qualified when we go there. Then we listen to these dumbbells, watch what they do, and we conclude they're not qualified at all. Look at the legislation that's going to come out of committees on this floor and I'm going to help you all analyze it. It shouldn't even come out here. But when there is not enough respect for the system to even refer bills to the committees where they should go, why should we expect anything other than half-baked, poorly done work? But if you bring a bill here, be ready to answer questions on it. And if you can't answer the questions, it means you don't understand the bill. If you don't understand the bill, why did you bring it? You don't know whether it's good or not. If it's bad, why would you bring a bad bill? And if you don't know whether it's good or bad, as a self-respecting legislator, you should not put your name on it and bring it. If you're merely going to cosign a bill, you are counting on the one who is the primary sponsor to have the basic knowledge of what the bill is about. You signed on because you support it, you will vote for it based on your understanding of it, but you're not promising to do all of the work and carry the bill. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: But when you are the chief sponsor, you ought to know. And from some of the bills that went to Ag Committee, I know that the introducers had no idea, no clue what the bills were about. The Chair of the Ag Committee had no knowledge of at least one bill or any clue what it was about and I had to work to get it changed to what I tried to bring to you all's attention on this floor so it would not go to the Ag Committee, but go where it should have gone. Fortunately, for the system, I'm also on the Ag Committee. So my knowledge and expertise was available there. But it should not have been that way. And at the beginning, it was not so. This place is almost as big a shambles as that so-called president's administration in Washington. Things are helter-skelter, willy-nilly, hit and miss, slapdash, any old thing will do because it's just the Legislature. [LB22]

SPEAKER SCHEER: Time, Senator. Time, Senator. [LB22]

SENATOR CHAMBERS: Who would expect anything more? Thank you, Mr. President. [LB22]

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SPEAKER SCHEER: Senator Chambers, you're recognized. This is your last...at mike other than your close. [LB22]

SENATOR CHAMBERS: Thank you. And as I've said when I've spoken my allotted amount of time, I will leave this alone. I'm going to have to deal with other bills that come through here to let you all see that in a way, although things seems disconnected, discordant, when you look at it as a totality, everything in a way is interconnected. But whether it is actually or not, I'm going to make it that way and I'm going to talk on bills. And I want to see now that Senator Larson is here, I don't like to speak about people when they're not here, I want to see him deliver you all. He's the one who got you all running around being foolish, talking crazy stuff. Why I even heard Senator...I won't mention his name. I won't mention anybody's name while I'm talking this time. They never talked on some of these kind of issues. But now that the Governor and the "Repelican" party have spoken, now that they've been given positions, thanks to what happened on the first day, they're now talking on things they never spoke on before. And they sound silly because I've heard them speak on issues of concern to them before and they never sounded so empty-minded, so foolish, so lost at sea and adrift. But when you have other people calling the shots on you, all you can do is go where they tell you to go. And if you say, but if I go where you told me to go, I'll look like a fool. And you say, well, that's what you are. You put yourself in a position to be a fool. Now, fool, go do what a fool is supposed to do because I told you to do it. And we're going to have a lot of fools exposed this session. You could not put me in a position of trust and responsibility if I knew I didn't have the competency to do the job properly. You don't have to know every single thing about a job, but you have to know enough to know what you don't know. And if you know you don't know enough to do a job competently, you shouldn't do it. And if you take it anyway, don't get offended when somebody points out your weaknesses that you knew before you took the job. See, I've heard that too many times. You all would be shocked at how many times I was told I was overqualified for something. They told my brothers and sisters, you're not qualified. I said oh, so now I got to reach the qualification test where I'm not overqualified? How can I be overqualified? Well, you wouldn't be happy here. I said, you don't know what makes me happy. I got to pass the happiness test now, huh? I'm not working to make me happy. I'm working to make some money. Well, you're overqualified. You wouldn't be happy here. You all don't think we hear that, do you? You don't hear it. And that's why when white people try to tell me what a great country this is and how grateful I ought to be, I tell them you're out of your mind because you don't know what you're talking about. You want to judge me by the way you live. And that's totally wrong. There there was a guy named H. L. Mencken, Henry Louis Mencken, who gained fame with a newspaper in Baltimore. I won't tell you the name of the paper, but they were called the sun papers. And he became known as a critic. He was acerbic, acidic, pro-German, even perhaps pro-Nazi, anti-Semitic, anti-black. But he's one of the cleverest people that I've ever read. I have the ability... [LB22]

SPEAKER SCHEER: One minute. [LB22]

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SENATOR CHAMBERS: ...to look beyond a person's ideology or "idiotology," if he or she is an idiot, and see things that have a glimmer of value and intellection in them. You get diamonds out of the dirt. You dig coal out of the ground and it looks like dirt. But you know that among all those rocks you have to crush to get to the diamonds or get to the gold, there's something that makes that work worthwhile. Sometimes you think there is a mother lode and you find out there is nothing there. But that's what happens when you're a treasure hunter. So I mine for gold and nuggets in some of the dirtiest mines, some of the most hateful mines, and that's why I see great intelligence in Adolph Hitler. I read his works. I read what he wrote and there is intelligence there. People in America... [LB22]

SPEAKER SCHEER: Time, Senator. Thank you, Senator Chambers. (Doctor of the day introduced.) Senator Chambers, there's no one else in the queue, you're welcome to close on your motion. [LB22]

SENATOR CHAMBERS: And that was my third time speaking, right? [LB22]

SPEAKER SCHEER: Yes, this is your close now. [LB22]

SENATOR CHAMBERS: Okay. Americans are told that's a bad man. So you dismiss this bad man. That's a bad woman, you dismiss that woman. Everybody has heard the name Mata Hari. They don't know who she was, they don't know what she did. But Mata Hari is the name of somebody who is bad and is related to being a traitor. Mata Hari was a singer and Mata Hari was executed by the French and Mata Hari was innocent of what they accused her of, what they convicted her of, and what they executed her for. And it's not just sentimentality on my part. That's what they found out. So when you hear Mata Hari and it stands for traitorousness, that's not so. But she'll be dismissed because they tell you she's bad. Well, when my enemy tells me somebody is bad, I want to look into that person because my enemy's enemy may very well be my friend. I look at how they ridiculed the people in Vietnam who were fighting to rid themselves of the oppression from people from Europe, then from the United States, all of them white. The French were going to show them a thing or two. And if you want to find out what happened to the French, look up Dien Bien Phu. Find out what happened at Dien Bien Phu. So then the Americans came and as was described by a black man whom I respect very greatly, Malcolm X, America had their bombs. They had their planes. They had their tanks. They had their Agent Orange. They had a whole lot of company along. And what were they fighting against? Who were they fighting against? Some rice farmers in Vietnam...rice farmers. All he had was a pair of gym shoes and a blade. That's all he needed was a blade and when the sun went down and it was dark, it was even-steven. And the Americans wound up hightailing it out of Vietnam after committing at least one massacre that was noted, but I'm sure they committed more because that's the way of America. So, when you all walk a path different from mine, your

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eyes beheld things other than what mine beheld, don't think that I'm going to see the world like you do and I'm not one of these black people who will try to get along with you and anticipate what you want me to say and then I say it. Why should I get along with you? Get along with me. There was a preacher named Billy Sunday and he conducted these huge revivals and he was criticized. They said, Billy, you always rub the cat the wrong way. Why don't you do different? Billy Sunday said, I'm rubbing the cat the wrong way? Not so. Let the cat turn around. And that's the way I look at it. You all are going in the wrong direction. I'm trying to put your feet on solid ground and point you in the right direction, but I'm a bad man so you can't listen. And you don't have to. But you give me much grist for my mill. This bill I'll leave alone. But I believe when I look at the agenda some of you all are going to have some things to say and maybe you won't. We shall see. The word...the root word you could say is motion. Then you could say motion, emotion, commotion. Which will it be? All three. [LB22]

SPEAKER SCHEER: One minute. [LB22]

SENATOR CHAMBERS: And I'm going to enjoy what's happening. It's just a prelude of what the session is going to be. When you adopt these permanent rules, that's not the end of the story. When you reject my attempts to rereference if those committee chairs have not hurried up and set up hearings for these bills, we're not through. I'm even thinking about putting you all on the spot since everybody talks about transparency, drafting a resolution for the Legislature to condemn Israel for violating international law by stealing the land from Palestinians and building settlements contrary to international law, but that so-called President is going to support them in their lawlessness...in their lawlessness. Would you all support such a resolution? I couldn't even get the Legislature to support a resolution to tell Ronald Reagan don't go to Bitburg where SS troops are buried...Waffen SS. [LB22]

SPEAKER SCHEER: Time, Senator. [LB22]

SENATOR CHAMBERS: Thank you, Mr. President. [LB22]

SPEAKER SCHEER: Seeing no one else...that was a close on the motion to IPP. The motion before us is to IPP LB22. All those in favor vote aye. All those opposed vote nay. There has been a request for a roll call vote. Mr. Clerk. [LB22]

CLERK: (Roll call vote taken.) 1 aye, 30 nays, Mr. President. [LB22]

SPEAKER SCHEER: Motion fails. You all heard the motion. All those in favor of moving LB22 to...yes, Senator Chambers? [LB22]

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SENATOR CHAMBERS: For the house and a roll call vote. [LB22]

SPEAKER SCHEER: There has been a request for a call of the house. All those in favor of a call of the house please vote aye. All those opposed vote nay. Please record. [LB22]

CLERK: 21 ayes, 3 nays, Mr. President, to place the house under call. [LB22]

SPEAKER SCHEER: The house is under call. Senators, please record your presence. Those unexcused senators outside the Chamber please return to the Chamber and record your presence. All unauthorized personnel please leave the floor. The house is under call. Senator Williams, Baker, Kolterman, McCollister, McDonald, Brewer, Schumacher, Murante, Brasch, Lindstrom, the house is under call, please return to the floor. Senator Howard, could you please record your presence. Thank you. Senator Schumacher, could you please record your presence? Senator Brasch, the house is under call, please return to the Chamber. Senator Brasch. All the Senators are accounted for. Mr. Clerk, roll call vote, please. [LB22]

CLERK: Senator Albrecht. [LB22]

SPEAKER SCHEER: The motion before us is to advance LB22 to E&R. [LB22]

CLERK: (Roll call vote taken, Legislative Journal page 444.) 45 ayes, 1 nay, Mr. President, on the advancement of the bill. [LB22]

SPEAKER SCHEER: LB22 is advanced. Mr. Clerk, next item. Raise the call. [LB22]

CLERK: Mr. President, if I might before we proceed, two new resolutions, Senator Hilkemann, LR33 and LR34. Those will both be laid over. Mr. President, returning to the motion to adopt permanent rules, when the body left the issue yesterday, Senator Larson had pending as an amendment to the rules, permanent rules, an amendment to Rule 7, Section 3. Senator, I also have now an amendment to that amendment. Those two issues are pending. (Legislative Journal pages 444-446.) [LR33 LR34]

SPEAKER SCHEER: Senator Larson, you are recognized to introduce the amendment to the amendment.

SENATOR LARSON: Am I introducing my amendment to the amendment or just catching the body up because I think I introduced...

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SPEAKER SCHEER: Just catching the body up.

SENATOR LARSON: Okay. Thank you, Mr. Speaker. How long do I have?

SPEAKER SCHEER: Ten minutes.

SENATOR LARSON: Thank you. Mr. President, colleagues, hopefully we're getting towards the end of the permanent rules and we'll be able to move on, adopt the permanent rules, and start getting to Senator Chambers' rereference motions. Lots of progress. The first amendment that I offer...or the first amendment to the permanent rules just said, red 20. As an olive branch, in an effort to build trust that many members of this body called for, I have an amendment to that amendment that changes it to where you would need 30 green votes to invoke cloture, but if the opponents of said measure are able to muster 17 red votes, then cloture would not be invoked. Part of this, colleagues, as I said, is to ensure that both sides, those that are in support of a bill and those that are opposed to a bill have to garner support for what they're doing, and does not allow members to not vote. This matters to a lot of people. This matters to the people in Nebraska, this matters to this Legislature in the sense of we have been held hostage for the past few years, and it appears will continue to be held hostage. What my amendment to the amendment does, it still ensures minority rights. Right now anybody fighting cloture still needs to find 17 people to not vote for the measure. That doesn't change in here. They still, right now, under our current rules, they have to find 17 people to either go red or just not vote. They might not want to go onto the record and they might just not vote, therefore, they can go home to their constituents and say, yeah, I would have really liked to see that tax cut or whatever, but, you know, it just couldn't break the cloture motion. But they don't tell them that they didn't vote for the cloture motion. So I'm not actually placing any more burden on the opponents, 17 is 17. Let's just go on the record. If you want to show trust and that olive branch lowering it down to 30, which is what it takes to override a gubernatorial veto, I think is reasonable, especially since that's where it was up until 1992 when they put the cloture motion into our rules and made it 33. It was 30 before that because it was a motion to suspend the rules. So you want to show trust? I'm sorry from everything that I've seen from some people, I can't take a pinky promise that you won't filibuster everything, or filibuster issues that I care about or Senator Riepe cares about. This is a true...we are both giving something up. And in the end, it's not red 20. You don't have to find any more votes than you had to last year. You still need 17, you just have to go on the record. And if you have a problem going on the record, I think that says a lot. Because that's what we're asking you to do. Just go on the record. Make your vote known. You have no more burden on yourself than you did last year, except you have to actually vote red. Maybe that's scary to some in the body when they're looking at reelection. You know, I've always said I supported open ballots for committee chairs. We didn't have open ballots this year, yet we still get blamed for the atrocity that was the first day, I think, Senator Chambers has called it, the atrocity might not be the right word that he's used, but it's along those lines. And we still didn't

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have open ballots, but I still support them because the people that I represent deserve to know who I voted for each chair. I shouldn't have to mask that vote behind anything. So I am trying to be consistent and say, let's not sit and hide behind our cloture and there will still be room for people to not vote if they don't want to go on the record. You'll still be able to do that under my amendment and in not voting hurts, under my amendment to the amendment, hurts the people that are trying to invoke cloture just as much as it hurts the people that are trying to stop cloture. It does neither side any good because if four or five or more people, you know, there's the possibility there could be 30 to 17 to 2, not voting. There's still that opportunity. People still have that. But it should take both sides. Let's talk about that fairness. I've stated on the record that I had last year, I missed a cloture vote for Senator Watermeier because I had a very sick 4-year-old. I couldn't bring him here, I couldn't take him to preschool, and as a single father, I had no other option but to take care of him. Senator Watermeier was a vote short on a very simple bill that was being filibustered by one of our members. Senator Watermeier, in his good graces, understood that my duties as a parent, a single parent at that, come before that one vote, and I appreciate that, but that is not the way this body should work. Because there weren't 17 red votes to stop his bill. He had 32 green votes, and I'd have to go back to the record to see exactly how many red votes there were....

SPEAKER SCHEER: One minute.

SENATOR LARSON: ...but there were people that were just not voting. That's wrong. So, colleagues, as we move on and work through this, hopefully we're done today. I'd ask you, let's be transparent to our constituents, and let's, as I said, show a little bit of trust to one another. You want us to extend the giant olive branch that you were talking about yesterday. Well, this is it. We are asking for no more than what you had to do last year except to just go on the record. You still need 17 votes. You just have to actually go on the record...

SPEAKER SCHEER: Time, Senator.

SENATOR LARSON: ...and tell your constituents where you actually were.

SPEAKER SCHEER: Thank you, Senator Larson. Senator Morfeld, you're recognized.

SENATOR MORFELD: Thank you, Mr. Speaker. I want to address a few of the different comments that Senator Larson has made both today and yesterday. In terms of extending an olive branch, I think Senator Harr kind of explained the absurdity of that. There's really no olive branch that's been extended. Twenty, 25 was unacceptable, changing the rules, and now we're down to something that's just as unacceptable in changing the rules. It's as if somebody comes up to you and puts a gun to your head and they say, hey, let's be reasonable, and then they shoot you

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in the foot. It doesn't feel so reasonable still, does it? In terms of what Senator Larson is saying about going back to the glory days of 1991, it's just not true. So we're down at 30 for the cloture vote, which was 1991, but yet you still require an affirmative 17. The burden of imposing a law on the minority interest, one that feels very passionate about something, which I will remind everybody for about the tenth time, half the filibusters were by more conservative colleagues last year. The burden should be on the majority to impose their will on the minority, not the other way around. And Senator Larson does bring up the point that certain things in our lives do come up, like sick children in regard to his obligation to his children, and so when that happens, and we're imposing the majority's will on the minority who feels very passionately about it, because you just don't talk eight hours simply because you don't like a bill. There's plenty of bills I just voted no on and sat down. And there's plenty of bills I see on the agenda this year that I'm just going to vote no and sit down. But the burden should be on the majority to impose their will on the minority. So, to recap, what's different than from 1991 is, number one, it doesn't just require 30 affirmative votes, which was what was going on in 1991 for cloture, but it also requires 17 affirmative red votes. In addition, in 1991, I was talking to a senator who actually served during that time period when the rule changed, and they told me that in 1991, a cloture motion was not a priority motion. And for the new senators in here, you'll learn that there are different levels of priority motions and that cloture is, I believe, one of the highest priority motions, and it ends all debate. We vote on the amendment that's pending, and then we vote on the bill. After voting, obviously, for cloture, if the cloture motion is successful. So in 1991, we used to have to go through all the different amendments and all the different motions that were pending before we got to the cloture motion. So now cloture motion is essentially a...has super priority over the other motions, so that has changed also since 1991. So if we want to go back to 1991, let's at least not be disingenuous about it and do it as though we were going back to 1991. Put that amendment up. Now, I'm not quite sure I'd probably support that. I likely wouldn't because I think that the system that we've had in place works pretty well, and I don't buy the 1991 argument. But let's be honest about what this is actually doing. It's not taking us back to 1991. It's very different. And the burdens are very real.

SPEAKER SCHEER: One minute.

SENATOR MORFELD: Thank you, Mr. Speaker. Now, when we're talking about trust, look at what we just did, colleagues. With the exception of Senator Chambers, we moved a massive budget deficit bill almost unanimously. Just yesterday, we unanimously appointed one of our new colleagues to the Appropriations Committee, despite there being more senior members that were ahead of that individual. And I think that individual is probably going to do...Senator Clements is probably going to do very well. We have proven time after time that we can work together and move issues. So let's not pretend that we can't work together as a body. We can, but give it an opportunity and give it a chance. And if the rest of this session is all just filibusters, then I'll be willing to sit down with folks and figure out a different alternative as well. But I urge



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you, do not adopt the Larson amendments. Let's move on with the session. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Morfeld. Senator Harr, you're recognized.

SENATOR HARR: Thank you, Mr. President. Members, we had a vote yesterday. And I keep hearing votes matter, votes matter, votes matter. Twenty three members, a majority of those voting, said we don't like your amendment, Senator Larson. And so what's he do? He comes back with a different amendment. Mind you, this is still a...this compromise, and I'll use air quotes...this compromise is still more or harsher than what the committee, the Rules Committee, rejected. We have a process in this body. Now, sometimes the process doesn't work, but that doesn't mean you just go and willy-nilly introduce crazy amendments. Yesterday people said, do you think the rules need to change? And the answer was no. No, it does not need to change. I haven't heard from Senator Larson a reason to change other than occasionally lobbying rockets and putting up accusations on others and making straw man arguments. Two years ago, Senator Larson ran a filibuster on a dry beans bill. You want to talk about a royal waste of time. You know how many people supported him on it? Look at the record. It wasn't 17. It wasn't ten. It wasn't five. But he had the right to do it. Go back, read the Journals from the last session, and see who was leading the filibusters. Look at what happened. There's a record, folks. I love that it's...well, it works for me, I'm okay with filibusters, but now I'm in the majority, I don't like them anymore. But I liked it when I was in the minority. Careful what you wish for. We need to move forward. We need to have debate. We need to put this behind us. If you don't like a bill, there are ways to handle it before it gets to filibuster. Talk to the introducer. Ask them, why did you introduce this? Who are the constituency for? Who are the constituency against? Talk to those constituencies. Talk to the chair of the committee. Chairs of the committee, if you're going to have a controversial bill come out of your committee, make sure it's in good shape. And then when it comes out, talk to the Speaker if you don't like a bill. Make sure that that Speaker gives that bill the proper attention that it deserves. And then if you still can't negotiate or mediate a solution, then...then, and only then should you bring a filibuster. We had a filibuster last year on one of Senator Chambers' bills, it flew through committee, flew through first and Select File, and there wasn't a filibuster brought until final read. Now, that's not the proper way to do things. I respected the senator who did it. As a person I didn't respect that. That's not how you bring a filibuster. You want to build trust, work with us. Work with each other. We're all senators, we were all brought here, and we were voted on by our constituents to represent them. We all deserve to be here.

SPEAKER SCHEER: One minute.

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SENATOR HARR: Thank you, Mr. Speaker. Let's find a way to work together so that I give a little, you give a little, we get together somewhere better than we are today. This olive branch that was extended to me, I will offer another olive branch to Senator Larson. How about we go 40-10? You have to get 40 votes and 10. It's an olive branch. What, he doesn't like that? Well, it's the same way, folks. An olive branch is giving something. You are still taking something from me today...from me today that I have. That's not extending an olive branch. Don't fool yourself. Don't let Senator Larson fool you. He is taking my lunch money. He's taking your lunch money on a future bill. He is taking more than he has today. It is not sincere. I appreciate it, I appreciate what he does. He's led more filibusters than I have, and I'm surprised that he thinks that they're a problem. I'm very judicious...

SPEAKER SCHEER: Time, Senator.

SENATOR HARR: ...and I would ask the fellow members to be judicious.

SPEAKER SCHEER: Time, Senator.

SENATOR HARR: Thank you.

SPEAKER SCHEER: Thank you, Senator Harr. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Mr. President, members of the Legislature, I told you yesterday, this now is my kind of session. I like extended discussion. As Senator Harr pointed out, one of my bills was filibustered on Final Reading. I didn't say, get rid of the rule. I play by the rules. The rules sometimes work in my favor in trying to achieve a result, other times they don't. People who bet on the horses go back again and again and again. People who play at the craps table go back again and again and again, not winning, losing. Those who play the roulette wheel, those who play the slot machine, that is what happens when you're in the game. And I'm in the game. I don't care who talks however long on any matter even if it's my bill. It gives me a chance to expatiate free, borrowing from Alexander Pope in his long poem An Essay on Man. See how I can digress and diverge when we have these long discussions about nothing? Senator Larson has given me an idea. First of all, I'm too good a teacher. He's trying to do what he has seen me do. He's trying, he's a youngster, he's got time to grow, but he's not going to be here long enough. Have you all seen that program the Shark Tank? Senator Larson has given me an idea. People actually paid for what were called pet rocks. They paid for it. I see people running around here and everywhere else paying for water, water which comes out of the tap but it's put in a plastic bottle, and they pay for it. So if they will pay for water, which they can get free, and the water they get free is more healthful than that which they buy. If they will pay for a pet rock, I am going to go to the Shark Tank and tell those people I have a product, and it's called nothing.

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They're going to say, huh? I'm going to say, yes, my product is nothing. The only thing anybody will get who purchases nothing from me will be a certificate number, and it will say on your certificate number--and I will personally autograph every one of them--you are the proud possessor and purchaser from Ernie Chambers of nothing. And I'll assure the people in the Shark Tank that I'll never run out of nothing because I have plenty of nothing. And the people in the Shark Tank will say, you know, as foolish as these American people are, that will just go. How much are you asking us to put into your venture? I'd say since my product is nothing, I will charge you nothing. Simply endorse it. And you can have 99 percent of my company. And the amount of attention I will pay to what you tell me will be nothing. So when you have these kind of discussions...

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: ...they're going nowhere, you all take him seriously? He has you running around to something, he gives a story about his puking child over and over and over because he doesn't have a lot in his head. And he knows that he can just say the same thing and here you all come speaking seriously. Either people are going to accept his amendment or people are not, but I'm going to help him take this time in what is the Larson version of a filibuster. That's the language you all use. I call it extended debate, not quality debate, but it is debate, because there are two opposing sides on the issue, and that comprises a debate. It says nothing, however, about the quality. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Groene, you're recognized.

SENATOR GROENE: Thank you, Mr. President. I stand in support of the Larson amendment to the rules. This is what I supported originally when all the ideals floated around, that was floated around prior to the Rules Committee meeting. It's the right thing to do, fixes a lot of...a lot of questions. You know, I was involved in...heavily involved in at least five, can't think of the rest, filibusters in the past. But I always wondered, really, should I have worked harder? Should we have sent the message to the people in Nebraska that really we had 17 people who didn't like this, this legislation? I could have worked harder. I don't need more than five, six hours of sleep. But we're doing the works of the people. To stop legislation, you know, the minority has rights, but the reality is the majority should have some too. And if you're going to do it, 17 sounds like a reasonable number, doesn't change the number, you just have to be red, you have to show up for your job. On the other side of it, I've seen individuals in this body work really, really hard on legislation. They had the votes on the green side. Somebody was sick. Somebody couldn't show up. Somebody resigned. Thirty and 17, it's 47. That gives the margin of error of two votes. That's reasonable. That's very, very reasonable in a democracy. We do get sick. We do have accidents. And, as we know, since I've been here, three...two individuals have resigned, and there's that gap.

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This isn't...we don't believe in gambling in Nebraska, so why should a senator be subject to the point that he happens to have his bill up, or she has her bill up, when somebody is sick, somebody resigns, and they lose a vote? Quite frankly, we're at that position right now, waiting for everybody to be here. Twice I filibustered the meningitis bill. If you look at the vote, on the first time it was 15 nay, four present, two excused. That's 19-21. There was only 28 ayes. This rule wouldn't have changed that output much. The second time it came up the year after, it was...I got the vote right here, 24-13-7. But the point is windmills, we won both of those, never had the 17. Windmills twice, 1-1, we beat the \$75 million tax credit, turned out to be correct. By the way, we turned out to be right on the meningitis bill. Academy of Pediatrics a year later came out that the meningitis B one was not reliable and to not recommend it. Recommend it, but with the condition that you explained it to parents to be on the alert it might not work. We won one. We lost another one on the windmills. We got rid of the Power Review...

SPEAKER SCHEER: One minute.

SENATOR GROENE: Corporate-owned hog farms, we lost that one. Would have lost it with the new rules too. Secret hiring at the university. Lost that one. Is it going to make it a little harder? Are we going to have to start rounding up our votes ahead of time? Here's the one you really need to do, folks. Quit telling the lobby you're going to vote for something before debate. That's the real issue here. You told the lobby you would vote for something and then you listen to debate and realized you were wrong and then you sit instead of doing the right thing. Don't take a stand on a bill with the lobby. Just tell them you'll consider their information they give you, make your decision on the floor when we debate. Thank you, Mr. President.

SENATOR LINDSTROM PRESIDING

SENATOR LINDSTROM: Thank you, Senator Groene. Senator Larson, you're recognized.

SENATOR LARSON: Thank you, Mr. President. Senator Harr tried to say that I filibustered dry beans. That never went to a cloture vote. So this wouldn't have affected that. I know it didn't on General File, and I don't think I took it on Select. I know I took a long time, five or six hours. I almost managed to get it on a voice vote. Senator Chambers saved that one. Colleagues, very rarely have I actually engaged in a filibuster. I think last year I helped Senator Kuehn and I a little bit on one. But usually I was...I'll be honest, on the other side trying to invoke cloture a lot more. What this amendment does, as I said, makes sure that we all go on the record. Senator Groene is right, it leaves a little bit of room in case somebody's child is sick, or somebody resigns, in case there's an emergency of some sort. Colleagues, we have an opportunity here to change our rules for the better, and I have no doubt that Senator Chambers will operate within those rules. And he will still do what he is going to do, regardless. The question is, is where do

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we set the line of what we think is proper in terms of majority and minority rights. I've heard people comment that they didn't like my "tyranny of the minority" comment. That came from our wonderful Lincoln Journal Star multiple times discussing the tyranny of the minority. Their editorial board, their staff discussed the tyranny of the minority. That is what we've had. That is what we have. My amendment protects minority rights because we could just file a motion to suspend right now and do 30.

SENATOR LINDSTROM: One minute.

SENATOR LARSON: Senator Schumacher tried that last year. So, colleagues, my amendment still protects the minority rights and ensures that we all go on the record. It ensures that we let our constituents know where we are on an issue, but at the same time it doesn't allow the obstructionists, from whether it's one member or multiple members, that we have seen the last four years. So I would urge my colleagues to support my amendment to the amendment and then my amendment. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Larson. (Visitors introduced.) Senator Friesen, you are now recognized.

SENATOR FRIESEN: Thank you, Mr. President. I stand in support of the amendment. As we've gone through the last two years, and as we've started this year, when I look at the filibusters that have been done, and I guess you could say I was part of some of them, but not all, it was varied throughout the body, it depended on the issue. It is a method that I think has to be there, because otherwise we could have extended debate forever. And it's always...I kind of enjoy extended debate like Senator Chambers does. Every now and then, you think after you've talked about a bill for two or three hours you've brought everything up you could possible bring up, but that's not true. Sometime somebody will get up and talk and something will trigger Senator Schumacher's ears; you mention the word "constitutional" and he sometimes starts reading the book and he finds something, and pretty soon he starts talking, and pretty soon there are four or five people looking at the issue, and we find a flaw in a bill. It takes time. There are no perfect bills sent out. But extended debate, probably make sure there aren't very many flaws in the bill, and that does give an opportunity to get a fix. And as a rural senator, I've always said I did not want to weaken the ability to filibuster because some day as we lose more rural senators, that's our only tool, sometimes, to stop or to get things passed. It's a tool we'll use someday if we can't address the property tax situation in a regular way, we have to put pressure on the body a little bit like Senator Chambers does. You slow things down and make people think twice. Think about the process, think about priorities. What is the priority of the Legislature? Obviously, we have to do the budget. After that, all of the bills that are out there, they have no priority. The budget we have to get done, otherwise everything else is extra. And as everyone realize, there's always 600

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things wrong with the state. Obviously, some of it's cleanup language that needs to be done, but I've never felt there were 600 things wrong at one time. Sometimes we just have too many bills. The more time you give us, the more time we'll waste. If we would change our session length from 90 to 60 and the 60-day to 45, we would probably get just as much done, we just wouldn't waste as much time. Those priority issues that come before us would get worked through and the small stuff would have to go by the wayside. We would prioritize; we would use our time wisely. But Senator Chambers, especially, has a clock in his head that he's very good at using. And when certain things have to be done in the past two years, he has allowed things to move, but he uses the filibuster tool wisely. Sometimes we don't. But it is still a tool we have to have. To me, what we've done by changing this amendment is just put a little bit more burden on the people opposing the bill. Typically, I...there have been times when I haven't voted, very few times, because I always felt it was my duty to either vote yes or no on an issue. But there have been cases where I've not voted. I think we've all done that. But in the end when it comes down to some of the issues that we've talked about, I think the public does want to know how you stand.

SENATOR LINDSTROM: One minute.

SENATOR FRIESEN: Thank you, Mr. President. They do want to know how you voted and that you weren't just absent that day. They want, I guess, that responsibility factor to know that you were there. You opposed it as best you could, and the bill still made it through. You did your duty. You did your job. All this does is put you on record, one way or another, that you did push that button, you did make that commitment on those tough subjects that we've had to deal with. So I think it's a good bill, I see nothing wrong with it, and I do support it. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Friesen. Senator Schumacher, you're recognized.

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Senator Larson made reference to a motion I made last year to suspend the rules. Now, folks, it's time for the rest of the story. That was really pretty well done April Fools joke, got Senator Larson all excited, got a few laughs even when it finally was popped. Some of us are old enough to remember the Cuban Missile Crisis; Jack Kennedy and Nikita Khrushchev, toe-to-toe, generals in the background ready to bark out orders and launch codes, warning shots fired across Soviet military vehicles, the invocation of the Monroe Doctrine. We were on the brink of nuclear winter. Jack Kennedy and Nikita Khrushchev called it off. They looked to the future, did the calculations, and stood down their forces. Good thing, too, because Nikita Khrushchev had a whole lot more missiles in Cuba than Jack Kennedy realized. But common sense, a little bit of taking a chance on peace netted big results. That history lesson was taken up yesterday. Much smaller scale, but nevertheless, still on the brink of a nuclear winter, a nuclear winter of a different sense, one that

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would put a lot of ice and snow in this Chamber. And the First District and the Committee on Committees, after taking a preliminary, and it turns out, pretty accurate vote count, stood down. Instead of insisting on committee prerogative stood down and made a nomination consistent with the Governor's desires. That olive branch moved out of the Committee on Committees unanimously. And it was greeted on this floor as expected. It was sustained by the vote, although it was close, to stand down, to move ahead with the rules we've adopted through the normal committee process in the Rules Committee and debated on the floor. Jack Kennedy, Nikita Khrushchev wisdom prevailed. And then what happens? Senator Larson comes back with more amendments, more agitation, talking about transparency, as orders are barked out on a cell phone from the field marshal to the cannon fodder. It's time for peace. It's time to move on.

SENATOR LINDSTROM: One minute.

SENATOR SCHUMACHER: This process works. Senator Larson led a filibuster against one of my bills last year. Yeah. Didn't get enough votes to bring the filibuster. Problem still remains, and it will probably be fixed this year with a reintroduction of that bill or a very similar bill. The process works. We need to stand down on both sides. We took a good step yesterday. Let's finish the job, hopefully, today, or if we don't get to it today, at some point in the very near future. The cost is a long nuclear winter. Thank you.

SENATOR LINDSTROM: Thank you, Senator Schumacher. Senator Chambers, you're recognized.

SENATOR CHAMBERS: Thank you. Mr. President, members of the Legislature, here's what I am envisioning. I have made it clear that my intent is to take time. Nobody can say that I'm working with any group or any collection, I'm doing what my mind tells me, after 42 years of being down here, is the tactic that will be successful. And it's going to be. I hear people getting a little testy now because of the amount of time that's being taken, the number of days that have been burned off. This will burn off another day. They don't have the votes. I want them to take all of the time today, then we come back tomorrow, and like the song of Herman's Hermits: second verse same as the first, third verse same as the first, fourth verse same as the first. I want Senator Friesen to know that when he spoke, he made me...if I had a heart, I would have had to grab it and say be still my beating heart, but I have no heart. But, metaphorically, I fell in love with Senator Larson's amendment. So if you all adopt what he's got now, what will be up there? Senator Larson's amendment, because the adoption of this will not add it to the rules. All it does is take the place of his amendment. But I think when you're in love with somebody, you show your love by giving. So I'm drafting amendments to Senator Larson's amendment. And we'll stay here on Senator Larson's amendment, and you can hear him, mea culpa, over and over and over--uh, I missed Senator Watermeier's vote because I had a puking child and I stayed home with my

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puking child. He didn't say while the child was puking. He might have got tired of hearing something, but anyway, I digressed. How many times we have to hear it? Doesn't matter to me. Every time he tells it, it takes time, and you all are going to compress this session, the more days you lose here, toward the back end. That's when I have complete control. Then you all will be coming to me--Senator Chambers, what must I do to be saved? I'll say--oh, not so quick; when I warned you, you heeded my words not. Stew in your own juice. You made your bed, sleep in it for a while. And if mercy should enter my mind, I shall determine, as did the death angel in the days of Egypt, which bill shall live and which bill shall die. If the right mark is above the door, the death angel passed over. That's where passover comes from. If the mark was not there, the death angel entered that abode and did what a death angel is to do. I don't care how long you all talk. It used to be in the old days when we had people in the Legislature who were sane and mature, I would have to take bills home with me and read them...

SENATOR LINDSTROM: One minute.

SENATOR CHAMBERS: ...and bone up on them so that I could properly discuss them and ask questions. I've got other things I can do now. I'm going to tell you all what I'm doing. I'm doing a lot of "poetizing," so when I start back to what was my practice of handing out a poem a day, I have some in store already. So let Senator Larson take the time. He has now brought Senator Friesen to heel. Before Senator Friesen got a chairmanship as a result of that deal the first day, he was his own man and he never would go for something as silly as this. But now Mephistopheles was not Satan, Mephistopheles was Satan's emissary. And Mephistopheles made deals with people. And deals were made by Mephistopheles here on the first day.

SENATOR LINDSTROM: Time, Senator.

SENATOR CHAMBERS: Thank you, Mr. President.

SENATOR LINDSTROM: (Visitor introduced.) Senator Williams, you are now recognized.

SENATOR WILLIAMS: Thank you, Mr. President; and good morning, fellow senators; and good morning, Nebraska. And it is a good morning, because here we are having the opportunity to be back in this body discussing the importance of what we do and why it's important. I'd like to talk just briefly about the fact that experience matters. As you're around things more and you gain more knowledge, the decisions you make and the actions you take are generally better. For those of us that have been here for a few years, other than just the incoming freshmen, we've taken a lot of hard votes. My class that came in two years ago was forced to take some very hard votes in our first year in the Legislature. The group of freshmen that are sitting here today haven't had to do that yet. You haven't had to vote to override a Governor's veto. You haven't had to vote



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to raise a tax to create an infrastructure bank to build roads across our state. You haven't had to vote on an issue to recognize that we have youth in our state that were not able to obtain driver's licenses, and yet these kids we educate them in our schools and then send them out of state. But all of a sudden, you're in a spot where you're going to be required to vote on an extremely important issue without having seen how these things really work. And if it hasn't happened to you yet, at some point in time when you reach up to push that button, you're going to finally realize that there's a green button and there's a red button, there's no "easy" button, and there's no "maybe" button, and no ability to nuance the question. I'd like to also mention that lengthy debate and extended debate is not all bad. We fall into this trap of thinking that just because we debate for a lengthy period of time that it's negative, and it certainly isn't. I will remind you just a few days ago, when we were discussing the interim budget, late in that debate Senator Schumacher proposed some very interesting comments that would not have been on the floor of this Legislature had we not had debate that lasted that kind of period. And I will tell you there are some issues for each one of us that would require extended debate, and I think about the rural areas that I serve, and the water issues that may come up at some point in time, that will require lengthy debate. Or issues that would deal with how the Humane Society of the U.S. may want to change rules and regulations and how we deal with livestock, issues like that. I'd ask you this question--is the perceived problem that we have a rules problem or is it a behavior problem? And I would argue it's a behavior problem. And I think that can be solved by those of us that will recognize that there are important issues that change the direction of this state, and those issues may be up for more lengthy debate. But there are other issues that don't deserve that same kind of attention and just simply deserve an up and down vote. And especially for the freshmen that are here, recognize and understand that you can vote for cloture and still vote...

SENATOR LINDSTROM: One minute.

SENATOR WILLIAMS: ...against a bill. You can vote for cloture and still vote against a bill; meaning you're going to end...help end a filibuster so you can get to the issue. Senator Murante asked me off the mike yesterday and then also posed a question to Senator Bolz yesterday on the mike--what can we do today to stop this, to ensure the fact that we can move forward and do business the way we can, recognizing there are issues like voter ID that may be subject to a filibuster and lengthy debate but other issues won't? And what I think we can do is change our behavior. And I'm willing to be the first one that stands up and says I'm willing to engage and say that I will not engage in a filibuster unless the issue warrants extended debate; and I will go one step further and say if that happening...

SENATOR LINDSTROM: Time, Senator.

SENATOR WILLIAMS: ...I will be...thank you, Mr. President.

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SENATOR LINDSTROM: (Visitors introduced.) Senator Hughes, you are now recognized.

SENATOR HUGHES: Thank you, Mr. President; good morning, colleagues. Getting back to the point at hand of what we're trying to change in the rules, we've had a lot of discussion this morning about going from 33 green to 30 green, and I've been on both sides of that, win and loss. Those numbers, that 33, is a very large number, especially when we have individuals who have lives outside of this building. There's a tremendous amount of illness going around today and there are people who are out because of illness. It only takes 30 votes to override the Governor's veto. Why do we have a higher standard than that in this body for a cloture vote? Thirty is a very large number if you're in support of a bill, it's hard to get that many of us rounded up. The 17 can be a very large number at times. I've been on the losing end of several filibusters, and I've thought long and hard about changing these numbers. But for me, the most important part is the accountability, making sure that the people who elected us to do this job understand how we voted and not giving the opportunity to hide behind and not vote. If you're truly opposed to something, you vote red. And I, like Senator Friesen, have not voted on occasion. There are times it's a strategy to be used, but not in filibuster. In filibuster you need to own up, you're either for it or you're against it. Now, we're certainly not taking away the ability of anybody to not vote. What we're trying to change is the "not vote" being a "no" vote. And I think that's the big difference. I've told several of the freshmen when I've had conversations with them, how large a number 33 or 30, or 25 to get anything done, or 17 to get something stopped can be. That's part of the learning curve. And I'm still learning. Even though I've only been here a couple of years, like Senator Williams, you know, experience does matter. And we gained a tremendous amount of experience the last two years, but we have a tremendous amount more to gain yet. Term limits has created an entirely different atmosphere within the body. And every group of senators that we are is a different group. We have a different personality. We want to do things our own way. And there's nothing wrong with that. It's never any different than it's been before. It's just the change is coming faster because of term limits. Senator Harr likes to bring up dry beans. That, apparently, turned out to be a very famous attempted filibuster, if you will, a couple of years ago. I need to remind everybody that Senator Stinner was the lead on that.

SENATOR LINDSTROM: One minute.

SENATOR HUGHES: I just said, John, whatever you want to do, I'll tag along. But that was a very good exercise for us freshmen at the time in learning how to use the rules. It's an incredible experience, an experience we bring today. And what we're doing today is helping all of us grow to be better senators, to be more effective senators because that's bottom line. We have to be effective, and we have to use the rules to our benefit in order to get the things done that our constituents sent us down here to do. That's what we're trying to do. We're trying to make the rules more effective for both sides. We will be on the winning and the losing side of several debates this year...

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SENATOR LINDSTROM: Time, Senator.

SENATOR HUGHES: Thank you, Mr. President.

SENATOR LINDSTROM: (Visitors introduced.) Senator Murante, you are now recognized.

SENATOR MURANTE: Thank you, Mr. President; members, good morning. I rise in support of the Larson amendment. I think it's a reasonable amendment that, at the end of the day, will have minimal change on the legislative process. But I do want to address something that my friend Senator Williams said, because he's absolutely correct, lengthy debate is not necessarily bad; not every filibuster is created equal. He brought up an example that I brought up to him, which was I have a proposal that will be heard at the beginning part of March that deals with voter ID. I think it's a simple proposal, shouldn't have any cost to it. To me it's a common-sense proposal. Senator Wayne feels very passionately on the opposite side of that issue and he has filed a motion to indefinitely postpone the bill already, and I understand that. I believe passionately one way, he believes passionately another, we're both honest people of integrity, we just came to a different conclusion on a piece of legislation. There's nothing wrong with that. So I understand his position on the bill is a policy position. And he understands that if it gets an up or down vote, there's probably sufficient votes to pass it, and he is going to do what it take to make sure that that up or down vote doesn't take place. I might not like it, but I understand it. On the other hand, we have seen numerous examples in the past of bills which do not have serious policy objections, that the lengthy debate isn't really lengthy debate. That the purpose is either to win a battle, to inflict some sort of retribution on a previous piece of legislation, or previous decisions that are made. And so even if you believe that those of us who are concerned that numerous bills this session are going to be bogged down; even if you believe that those of us who genuinely believe that are completely irrational, that it's an unfounded belief, that we're all going to get along starting on February 8 and going forward, we still are back to the discussion that Senator Williams had: Do we have a rules problem or do we have a behavior problem? And we have a problem answering that question because we can't see into the future, we don't know what bills are going to be filibustered today, we don't know the purpose of those filibusters, and while it's certainly true that some lengthy debate is healthy, there comes a point on the discussion of any bill when everything worth being said has been said, when we just start yielding time, and the sole purpose of continuing discussion is to drive the threshold of votes necessary to pass that legislation from 25 to 33. So we have left the realm of educating ourselves, educating the body, and we are simply trying to drive the vote count up, and that's fine. It's been stated that both sides in this legislative Chamber will probably do that this year. That's probably true. It's certainly true that in years past both sides, regardless of how you consider sides, but no matter where you stood, there was a point in time in which you had a bill...

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SENATOR LINDSTROM: One minute.

SENATOR MURANTE: ...that you liked filibustered and you had a bill that you hated filibustered, and you were on opposite sides. The proposal before us retains that so-called rule of 17. If 17 people say no, the bill still dies. So I don't think we're moving the bar that much. I don't think we're fundamentally changing how this Legislature operates going forward. If 17 people say no, the bill dies. So that's a slight modification where you just need 17 people to not show up, which was the case in years past, that's true, it's slightly different. But at the end of the day, what we're talking about here does not move the bar so much that I think we're hurting the institution of this Legislature.

SENATOR LINDSTROM: Time, Senator.

SENATOR MURANTE: Thank you, Mr. President.

SENATOR LINDSTROM: Senator Chambers, you are now recognized, and this is your third time on the mike.

SENATOR CHAMBERS: Thank you, Mr. President. It's good to see you sitting up there in the chair. He's not even paying attention. I give him a compliment. He's not even paying attention. (Laugh) I understand. Members of the Legislature, I'm going to tell you all the silliest thing that Senator Murante, who I thought had some sense before now, I know he's got sense, but it has left him. I can't say for sure about Senator Larson because he's so consistent I think that's really what he is. What you hear is what you get, which ain't much. What these people don't understand is that the rules are not to put anybody on record. They are not to make people vote a certain way so that they can get re-elected. They are for the purpose of facilitating the activities of the Legislature as an institution. Senator Friesen is being played. All these others who know better or should are being played. They should understand, after the time they've been here, especially in leadership positions, that the rules are to facilitate the business of the Legislature, not to make somebody vote. If people don't want to vote, they don't have to. If they're not here, they don't have to account to us as to why they're not here. Senator McCoy was absent most of the time. And on the floor, I spoke of his right to do that. They can't make you come here. You don't have to bring a note when you're not here. That's silliness. And it's beneath the intelligence of some of the people who are going for it. And they know it. They knew they would never do this unless they got put into the harness on that first day and got a chairmanship. If people want to put on record how somebody voted or didn't vote, ask for a record vote. That's in the rules right now. You all are bringing in this trash stuff from the Republican Party and it's beneath you. "The public wants to know how you vote." The public doesn't even care how you vote. They don't even know who you all are in your own district. You keep saying the public wants this, the public

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wants that. Show me a letter where they said, I want to know how somebody votes, so change the cloture rule. You all make this stuff up because you're following that so-called president in Washington and he will lie, and then say it's the truth, and people accept it as the truth. I won't. I'm going to do what I'm going to do and teach these fractious, recalcitrant children of mine that they can not beat the master when they're amateurs. This stuff is the most amateurish nonsense I've ever seen. I know men who were in the military who would never get caught up in some silliness like this, and they're being made to look like fools. Let people see what you're going for and then ask them, do I sound like an intelligent man? An intelligent woman? Now back to my measured tones. I don't care what you do. Let's say you intimidate these other people you're talking about, this 17, and if I'm one of them, subtract me, you cannot intimidate me. You can't not stop me. You can't make me do anything, and I can keep us on these rules...

SENATOR LINDSTROM: One minute.

SENATOR CHAMBERS: ...for the rest of the session. And I have some amendments to the rules up there already and I'm crafting rules to Senator Larson's rule. You all are so smart. Every time they thought he was caught, he turned out to be quicker than they thought because they didn't think. I'm enjoying this, and I say full speed ahead; flank speed, for the military people. Thank you, Mr. President.

SENATOR LINDSTROM: Thank you, Senator Chambers. Senator Harr, you are now recognized.

SENATOR HARR: Thank you, Mr. President and members of the body. Last time I was on the microphone I said, tell me why we need to change this? And I heard three reasons. Number one, we need to stop filibusters. Two, we need to put people on the record, a.k.a. use against them in their next campaign. And three, this is only a slight change. Nothing to see here, folks; please move on. Is Senator Larson here? Would he yield to a question?

SENATOR LINDSTROM: Senator Larson, would you yield to a question?

SENATOR LARSON: Yes.

SENATOR HARR: Senator Larson, let me first say I apologize. LB242, your dry beans bill...

SENATOR LARSON: Senator Stinner's dry beans bill.

SENATOR HARR: Senator Stinner's, that's right; excuse me again, I apologize.

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SENATOR LARSON: I just want to make sure we got it on the record.

SENATOR HARR: Right. It felt like a filibuster. But you were right. It was not. Is that correct?

SENATOR LARSON: No, I did not take that to cloture.

SENATOR HARR: Thank you. And do you know how many people voted for it...against it on Final Reading?

SENATOR LARSON: Maybe just me.

SENATOR HARR: What's that?

SENATOR LARSON: Maybe just me.

SENATOR HARR: You are correct. Thank you. Folks, I apologize. That felt like a filibuster. It wasn't. Senator Larson introduced...well, Senator Larson, will you yield to a question?

SENATOR LINDSTROM: Senator Larson, would you yield?

SENATOR LARSON: Sure.

SENATOR HARR: Senator Larson, do you know how many amendments you introduced?

SENATOR LARSON: I can't remember, it's been two years.

SENATOR HARR: Would you believe it if I told you 43?

SENATOR LARSON: Probably.

SENATOR HARR: Okay. And do you remember how many of those amendments passed?

SENATOR LARSON: None.

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SENATOR HARR: Exactly. Thank you. Folks, it wasn't even a filibuster. Forty-three amendments, we went forever on it. Like I said, I thought it was. It felt like more than a filibuster. And it got one vote against it. Now, I didn't know who it was. Senator Larson said it was him. But the record shows one person voted against it. This rule change wouldn't address that situation. But what this rule change will do, if you want to talk about what Senator Williams spoke about, behavior versus rules, it will encourage that type of behavior that we had on LB242. Because what it's saying to those who are not always in the majority, whether that be by ideology, by political party, by geography, or whatever, religious belief, what it's saying is--you don't count, we're going to go full steam ahead; we're not going to try to find consensus; we're not going to try to find a center. If this were such a slight change, as was characterized, why do you think they're fighting so hard for this? Why do you think they introduced a tougher rule, realizing they didn't have the votes and now they are quote, unquote, extending an olive branch? Still stuffing it down our throat. My throat at least because I'm against it. I say the rules work. The problem isn't the rule, the problem is the people. You know, the U.S. Senate used to have a two-thirds requirement and they changed it in 1976. Now, ask yourself this, is the U.S. Senate more popular pre- or post-1976? Look at what happened last night in the Senate. This used to be a collegial body, the greatest debating society is what we called our U.S. Senate. And now you got senators shouting at each other on the floor. Right? That's not who I want this body to be. I want to move to consensus. Yes, there are going to be controversial bills. I personally don't try to bring those. And they're generally around certain social issues.

SPEAKER SCHEER PRESIDING

SPEAKER SCHEER: One minute.

SENATOR HARR: Guns, gays, abortion, voting ID, maybe some others. But there are others that are philosophical in nature. What is the role of government? Senator Groene, you've heard him talk about a number of times. That wouldn't fit into the criteria. But he felt it was an overextension of the government and he fought that. Meningitis. Who would have thought that would be controversial? Not me. He saw something on it and he brought me around. Filibusters serve a purpose. It's a way of protecting those so that we can: (A) come to the middle and we don't have just...it allows us to have majority rule with minority rights. This bill fundamentally...or amendment, fundamentally changes how we pass legislation. Instead of the introducer of the bill carrying the burden the whole time, it switches the burden. That's never been done before in this body. It's never been done.

SPEAKER SCHEER: Time, Senator.

SENATOR HARR: Thank you.

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SPEAKER SCHEER: Thank you, Senator Harr. Senator Briese, you're recognized.

SENATOR BRIESE: Thank you, Mr. President. I call the question at this point.

SPEAKER SCHEER: The question has been called. Do I see five hands? I do see five hands. The question is, shall debate cease? Those in favor will vote aye; those opposed vote nay. There has been a request for a roll call and a call of the house. 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; all those opposed vote nay. Record, Mr. Clerk.

CLERK: 33 ayes, 0 nays to place the house under call.

SPEAKER SCHEER: Thank you, Mr. Clerk. 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. Senator Howard; Senator McCollister, could you mark? Thank you. Senator Geist, Senator Crawford, Senator Stinner. Senator Stinner, could you please return to the Chamber, the house is under call. We're all here and accounted for. Mr. Clerk. Okay. The motion before us is to...of the call of the question to cease debate. It takes 25 affirmative votes.

CLERK: (Roll call vote taken, Legislative Journal page 446.) 29 ayes, 12 nays to cease debate.

SPEAKER SCHEER: Debate does cease. Senator Larson.

SENATOR LARSON: Roll call vote, regular order.

SPEAKER SCHEER: Request for roll call vote in regular order. Mr. Clerk.

ASSISTANT CLERK: (Roll call vote taken, Legislative Journal page 447.) Vote is 25 ayes, 19 nays on the adoption of Senator Larson's amendment.

SPEAKER SCHEER: Amendment is adopted. Mr. Clerk for a motion.

CLERK: Mr. President, Senator Chambers would move to reconsider that vote just taken.

SPEAKER SCHEER: Raise the call. Senator Chambers, you're welcome to...



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SENATOR CHAMBERS: Mr. President, members of the Legislature, I see how an executioner feels now. The executioner wears a hood in most of the depictions; has a large ax with a sharpened blade. And everybody is angry or happy. And the executioner is neutral. The executioner doesn't have to be against the victim because the executioner is going to just chop the head off and that's it. As the executioner, I'm not upset with anybody. You all have given me the power now, which I would not have chosen to exert. And let me explain something for these people who have lost their minds from when they were here before and had not participated in the unholiness of the first day, which I intend to continue to keep before the body. They've lost their respect. Each one of them is named Ichabod. Not Ichabod Crane. Ichabod is a biblical name, and it has a meaning, and that meaning is--the glory has departed. So if I said I'd like to ask Senator Ichabod if he or she would yield to a question, 27 of them would jump up because they know. I'm going to take the rest of the time we have for today, and I'm going to take all of the time we have for tomorrow. I have put four amendments on Senator Larson's amendment, and I intend to bludgeon you all. I'm telling you up front. I'm not angry at you. I'm having fun. Do you think a tennis player is angry at the tennis ball? No. That is an element of the game. I am the tennis player. I have a multiplicity of tennis balls. Now the tennis ball may not like being struck, but that's the part of the game of which the tennis ball is a part, a critical, crucial part. With those four amendments, I'm going to talk ten minutes when I open. I'm going to have two opportunities to speak, five minutes each, and then I have a chance to close. That's 25 minutes. Then I will move to reconsider. And that will be 50 minutes that I will have just by myself on the first amendment. And it's interesting that I say first amendment because that is one which, as an amendment to the constitution, deals with freedom of speech. And I know you all wish you could do to me what was done to Senator Warren on the floor of the U.S. Senate last night, make me sit down and be quiet. These white men fear anybody who will think and can speak. Oh, and they drag a few women along with them. They've been conditioned and docile, subservient, maybe even gain something from what happened on the 27th day. There are indeed 33 "Repelicans" here. But if we take four times 50 minutes, just me speaking, nobody speaking for, nobody speaking against, and I have four amendments, 50 minutes on each amendment, 4 times 50, the last time I reckoned it, would be 200 minutes. Now, you can divide 60 into 200 and see how many hours that will comprise. Three hours would be 180 minutes, I think. Three times 60 would be 180. And I said that I would have however many minutes...I'm having a senior moment now. I don't remember how many they were, but I don't have to remember because when the time comes, I shall use them. Today, maybe, unless some other people speak on this motion, you can get past and take a vote on my reconsideration motion. But I think there will be people on this floor who now see the nature of the game as I stated it would be. The treachery, the disingenuousness, talk about let's work together if you do it their way. Look at them. Look at them. Are they symbols of pride? Who is proud of them? When you can degrade somebody, you're happy that you can make them do what you want them to do, but you don't respect them. Bootlickers are not respected. Sycophants are not respected. Flunkies are not respected. Lap dogs are not respected. They are used. They are implements. They are utensils. And you all are

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going to have a chance to hear me talk a whole lot in the coming days. I don't know how many days. I haven't decided that yet. But this game that we're playing now was put together by the "terrible 27." They thought they were so smart. They taught us something by encouraging Senator Larson and they wouldn't follow him across the street. But they're using him. And now he thinks he's powerful. He is a tool. You all know you wouldn't trust him to lead you anywhere, but he's willing to get out there, make himself look foolish, stumble, fumble, even use his own child, use his own child in a way that is very demeaning and disgraceful. I even have an amendment up there that says no member shall consume food during a public hearing because that's needed. There are some senators who don't understand common courtesy, decorum, respect for the public. And as somebody who is always saying the people of Nebraska are due something better than that, and when the people of Nebraska are at his committee meeting, he's sitting up there, Senator Hilgers, eating a Jimmy John's sandwich. And you believe he's great and you follow him. I hope you don't follow him and eat Jimmy John's sandwiches at committee hearings. That's what you all have stooped to--eating a sandwich at a public hearing; one of your chairpersons. That's what being a chairperson in the Nebraska Legislature means. I would have laughed when I saw it in spite of myself had I been there. But then I would have said--Jimmy John's, what took you so long? And he said, Senator Larson I'm talking about, well he had been at a long exec session and hadn't eaten his lunch. So he's going to eat lunch in front of the public at a committee hearing. And that is the dignity in which a chairman of the Nebraska Legislature, the dignity in which such a person is cloaked, and you all are so proud of that person that you follow him. You ought to sing that song--(singing) I shall follow him; wherever he leads you. You all know what a ring is in a bull's nose and you know why it's there.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: A little person could get a stick with a hook in it and put the hook in the ring in the bull's nose and twist it and the whole head of that bull will turn and the body follows the head. And there you all are, sitting there tapping away at your laptops, playing like you're thinking about something else and you hear every word that I'm saying because it applies to you, and you know it. See the position you all have put me in? Now I want you all to get your 27 together and make me shut up. Do that. Show your true power. I'm the one you're thinking of when you talk about somebody derailing the session. You know these other senators will give up because they've tried to negotiate with you and you know you're untrustworthy. You know they know you're untrustworthy. But they're hoping against hope that there might be a spark of decency, integrity...

SPEAKER SCHEER: Time, Senator.

SENATOR CHAMBERS: ...inside of you. Thank you, Mr. President.

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SPEAKER SCHEER: Thank you, Senator Chambers. Senator Larson, you're recognized.

SENATOR LARSON: Thank you, Mr. President, and thank you, colleagues. As we move forward, I'd urge you to vote against the Chambers reconsideration motion which would put my amendment, obviously, as the main amendment on the board and then we can move forward. We heard a lot about that today beforehand; we have a lot of business at hand. So, hopefully, we can move forward, adopt the permanent rules and go on. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Larson. Senator Hansen, Morfeld, Harr, Schumacher in the queue. Senator Hansen, you're recognized.

SENATOR HANSEN: Thank you, Mr. President. Colleagues, I originally punched my light before the question was called to speak on the underlying amendment. I wanted to get up and highlight the fact that this is...all this is going to be framed on an issue of transparency in the sense, basically as of today. It hadn't been about transparency the first couple of days we debated this. Then all of a sudden there was a new proposal, there was a new thing, and transparency was the issue at hand, were it be transparent. I just wanted to get up and say, colleagues, if you cannot explain a vote to your constituents, that is your own problem as an elected official. I've had "present not votings" and I've had people ask me about them. I've had yeses and nos and people ask me about them. That's something we have an obligation to go to our constituents. I did "present not voting" on a cloture one time in the sense of I was really...I knew it was going to make cloture and I was really just annoyed, everyone had done a sloppy job with amendments and this and that and the other thing and wasted our time, so I just threw it up...I just couldn't bring myself to vote yes because I felt we had wasted six hours because people couldn't come to an agreement beforehand. And something got 40-plus votes anyway, so it was going to sail through. And I had a constituent ask me about that. That's what I told him, and he said okay, I get it. That's something you, as an elected official, have the opportunity to do with your opportunity...with your constituents. And if you can't explain yourself well enough to people who are interested, that's a problem for yourself, not for us as a body to drastically change our rules in order to do. We want to go down the list, I'm getting it ready, we can go down the list and list and list and who...of who missed the most votes, who missed the most cloture votes for whatever reason. I already admit I did present not voting for several reasons. But Senator Larson is going to be, frankly, pretty high on that list. So we could start going all these hypothetical scenarios about transparency, about showing up and respecting the voters, it's like okay, but I have a hard time believing that's the true argument, that's what you really want when that's not something the introducer values based on his history in the Legislature. I cannot imagine that is truly Senator Larson's aim here. That being said, I'm kind of just at a loss as far how we're going to go forward here. We're drastically changing the method of our body. So I get up and I'm actually supporting the Chambers reconsideration motion. If my memory is correct, that motion had exactly 25 votes and a couple of them were some of the most pained yes votes I've ever

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heard given on this floor. There were some people that just barely got out of their mouth loud enough for the Clerk to hear. I think we should have some time to talk about it; I think we should have some time to change some votes. That's, obviously, what Senator Larson did for the past day when his first amendment failed. He threw up another amendment, he threw up a reconsideration motion. He did this, that, and the other thing which he's all entitled to do. But he spent a full day of session, more or less, and a full day outside of session whipping votes to change some minds. I hope those three or four of you that were very, very hesitant yeses realize that that coalition is not very strong, it's not necessarily the people you want to align yourself with, and you have the opportunity to change. And when we get to vote in this reconsideration motion, I hope you vote yes and we can get back to it. Or since this is structured in a very unusual method where we have a reconsideration to an amendment and Larson's most recent amendment has to be...Senator Larson's most recent amendment has been to be adopted a second time before it even gets into the permanent rules. Maybe that's the time we could prevail on you to defect and change your mind. So that's just all food for thought, colleagues. I know we'll have plenty of time to talk about this. I think it's worthy of debate. I'm kind of half inclined...I'm not going to do it at the moment.

SPEAKER SCHEER: One minute.

SENATOR HANSEN: I'll save that for my next time on the mike. That will be my next speech at the mike. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Hansen. (Visitor introduced.) Returning to floor discussion, Senator Morfeld, you're recognized.

SENATOR MORFELD: Thank you, Mr. Speaker. Well, it appears as though we're going to be spending a few more weeks on the rules. And I talked to Senator Chambers, I think it was today or yesterday, it's all a little bit of a blur now, and I asked him if I could note this on the floor. And I asked Senator Chambers what's the end game here? If for some reason this amendment passes, by Senator Larson, what do you intend to do? And Senator Chambers was very clear that he intends to take this until the end of the session. And while I know that perhaps I don't personally have the stamina to do that, a man that's 50 years older than me I know does. And quite frankly, I'm of the mind to support him, because I've gotten up on this floor and I've told you that I am willing to debate this and discuss this for the rest of the session because this is an issue of principle to me. This is an issue of protecting minority rights, not just liberal or conservative, but across the political and ideological spectrum and I'm going to hold true to my word and stand with Senator Chambers to take this until day 90. So the only solution here, since a gun was, essentially, put to our head, and then pointed and aimed at our feet as a compromise, is for me to do the same. So I will support Senator Chambers until day 90 to discuss and debate the rules.

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And if that's the only thing that we do this session, other than pass the budget, I'll be able to go back to my district and hold my head high and say that we maintained the integrity and the traditions of this body. And we didn't adopt a rule that was adopted through lies, through disingenuous arguments by Senator Larson. So I'm fine with debating the rules until day 90. And I'm prepared to do that. If Senator Chambers needs a break or needs a little bit of help, I have 400 pages of double spaced, type 16 font, speeches from Martin Luther King, from George Norris, from One House, which is about this body and the unique nature of it and I will go through it. And that's disappointing to me, colleagues, because I do have 20 bills, 20 bills that I worked hard on that I would have liked to debate and discuss. There is several bills that I would have liked to work with on people in this body. But clearly, you didn't think that we were serious. And clearly you didn't think that the real solution to this problem is working together and finding common ground. But instead you want to change the rules so that not only you, but us, other people can trample minority rights on issues of principle. So colleagues, I'm going to push my button again. We'll begin reading, I'll also yield time to Senator Chambers. Thank you, Mr. Speaker.

SPEAKER SCHEER: Thank you, Senator Morfeld. Senator Harr, you're recognized.

SENATOR HARR: Thank you, Mr. Speaker. I have never been more disappointed than I am right now in this body. This, I never thought it would come to this; I'll be honest, because I've always been willing to stand up for what I believe in. And what I believed in was the institution. And what I see here today is not people who ever experienced a filibuster. Senator Brasch, would you yield to a question?

SPEAKER SCHEER: Senator Brasch, would you please yield?

SENATOR BRASCH: I will yield.

SENATOR HARR: Thank you. Senator Brasch, have you ever participated in a filibuster?

SENATOR BRASCH: I imagine I have, yes.

SENATOR HARR: Which one?

SENATOR BRASCH: I do not recall.

SENATOR HARR: Okay. Thank you. Senator Smith, would you yield to a question?

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SPEAKER SCHEER: Senator Smith, will you yield?

SENATOR HARR: While he's coming, I'm going to hit up other senators. Senator Schumacher, would you yield to a question?

SPEAKER SCHEER: Senator Schumacher, would you yield?

SENATOR SCHUMACHER: I will.

SENATOR HARR: Have you ever participated in a filibuster?

SENATOR SCHUMACHER: Yes, I have.

SENATOR HARR: Okay. I don't see Senator Smith back yet. Senator Larson, are you around?

SPEAKER SCHEER: Senator Larson, will you yield, please?

SENATOR LARSON: Yes.

SENATOR HARR: Have you ever participated in a filibuster?

SENATOR LARSON: Yes.

SENATOR HARR: Okay. Thank you. Folks, participating in a filibuster, when Senator Smith comes back, I'll ask him. Mr. Speaker, is Senator Smith checked out?

SPEAKER SCHEER: No, he's not.

SENATOR HARR: Okay. Thank you. Participating in a filibuster, it's a right you have as a state senator. Don't take away your own rights. I am like Senator Brasch; I can't remember if I have or have not participated in a filibuster. But I appreciate the right and the ability to do that. You have 25 senators, razor thin, who are saying, barely a majority, here's what the minority can or cannot do. And that minority is not based on political parties, it's not even based on ideology. When you're here a while, you'll see it's more urban/rural. I don't understand what the pressing need to change is. If you think this will control behavior and that we will be able to have more debate, folks, it's just the opposite. You say you want to build trust. How can I trust you? Well, I can tell

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you one way you can destroy trust and that's by saying I'm going to take away some of you all's rights. I'm going to make sure that it's more majority rules than finding consensus, than finding a way we can all work together. I don't know what you're afraid of. You're obviously afraid of something. Maybe it's you don't think your ideas are good enough to survive. And maybe you're right, maybe they aren't good enough. But folks, we have survived as a body because we recognize the importance of working together and not imposing our will on the others, but working together. I have heard a lot of he said, she said. I don't do family law, but if I did, I think it would be a lot like this. Everyone wants to blame the other party. Guys, it's over. Question is how do you want to be going forward? What kind of body do you want to be and how do you want to be remembered?

SPEAKER SCHEER: One minute.

SENATOR HARR: Do you want to go back to your constituents and say those SOB's on the other side, I can't stand them. Or do you want to go back and say we found a way to work together? We found a way to be collegial. We're better than what they do in D.C., we're Nebraskans. I'm looking around the room. And what I'm seeing, not a lot of people looking at me. I see shame. You know what? I think you're probably right. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Harr and others. Senator Schumacher, you're recognized.

SENATOR SCHUMACHER: Thank you, Mr. President, members of the body. Two notes at the beginning of these comments. First of all, there has been comments that, gee, it only takes 30 votes to override a Governor's veto. But in all probability, it took 33 votes to pass the bill to get to the Governor to veto. So a bill like that passed the 33 vote test. Next, the last time the voters spoke on what it takes to override important legislation was in 2004. The number they put in our constitution regarding petition drives was 33 votes. Something to think about. Thirty-three is an important number and has been for years. That last vote, I don't take as a breach of yesterday's detente, because who knows, people might figure, give Senator Larson the right to amend his amendment and then we'll kill the whole thing. On the other hand, if that was an indication of intent to pass the Larson amendment, then I think it's probably my duty, and maybe the duty of others, to raise the serious issues and focus the attention of the body on what they are doing. I will be introducing amendments to the Larson amendment that leaves the vote at 33 in those cases where the bill would limit the right to own and bear arms. You're going to have to push your button on that. Do you want to make it easier to limit the right to own and bear arms? Or to farm and to hunt and to fish? Do you want to make it easier to pass a bill that limits the right to farm? Or to repeal the property tax fund, relief fund? Do you want to make it easier to repeal that? You're going to push a button on it. Or to allow abortions in the event Roe v Wade is

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eliminated. You're going to push a button on that. To expand medicaid, another button push. To raise the income tax rate, another button pushed. If you want to make it easier on that. To let males use female bathrooms; you want to make it easier for that? Going to have to push a button on it. Since the state owns all the water in this state, to charge a gallonage fee for the pumping of irrigation water as a way to raise revenue. Seeing as how we're going to have a bunch of bills coming in that we haven't anticipated from older baby boomers as they look for safety nets. And there is a litany of other issues, which if we're going to go down this road, we need to focus on to make sure that everyone understands they are making it easier to pass that kind of legislation which they may have deep feelings against and be a great source of public controversy. We are playing with fire here, real fire. And maybe it hasn't sunk in yet that this is just not a game of loyalty to a slate or to a field marshal barking commands. This is serious stuff. And it's going to affect ag interest and rural interest more than anything else because that's a position that is getting weaker by the numbers each time we redistrict. It's going to affect those hot button issues which you just as soon not have to be in a position to vote on.

SPEAKER SCHEER: One minute.

SENATOR SCHUMACHER: But you're going to vote. Before the nuclear winter sets in on all those kinds of issues and go home and tell your people why you voted to make it easier to restrict firearm rights or all those other things. This is coming, as sure as the starlight that has left the stars will soon strike the earth. This is coming. We're playing with fire. Now is a chance for peace and detente. Thank you.

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

SENATOR CHAMBERS: Mr. President, members of the Legislature, and all of my children, you...not you, but your people, your white people have enshrined me in the Nebraska Constitution. Senator Brewer, they put term limits in to get me out and I'm going to bring the historical record of it. I'm enshrined in the white people's constitution. I'm enshrined in the white Legislature's rule book. And now you all are going to give me a crown of glory that I'm going to share it with you. I and you will be enshrined in the Guinness Book of World Records for having taken the longest time of any Legislature in trying to adopt rules by which that legislature will operate. I will be enshrined in the Guinness Book of World Records for having spoken more actual minutes during a legislative session than any other legislator in the history of the United States of America. I had mentioned Mencken earlier. I did that for a reason. He was very critical of the United States; very critical of the "Booboisie", as he referred to certain people. And, naturally, there are people like Senator Groene who would have been very upset with him and said, snarled at him, well, if you don't like America, why do you stay here? And Mencken was asked that. He said, why do men visit the zoo? You got to think about that and digest it. Why do



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you stay in America if you don't like it? Why do men visit the zoo? I will do as I said. For some more days, we will only spend a half day here. You know I can go from 9:00 to noon after all the committees have had their hearings, we go to full day sessions. And then you'll have a chance to put me to the test and see whether I can deliver; if I'm going to be like you all, full of hot air. But you ought to see right now that I don't need a lot of company along with me like you all need it, before you'll even open your yap. But once you got that company, they rule you. And some of you are going to go back home and your people are going to say--when you went down there, I thought you were going to remember your traditions, your history, the Trail of Tears, the mass hangings during the Civil War. All of those things, what do they mean? You will never get me to do anything to besmirch the history of black people who gave their lives to try to make it possible for me to live without having to go through what they went through. And I'm going to join an unholy alliance to shame all of those brave people? You all are afraid to do the right thing unless you got a lot of company involved with you and black people could be murdered for trying to register to vote.

SPEAKER SCHEER: One minute.

SENATOR CHAMBERS: Didn't even succeed, trying to talk about it. Murdered. And I'm going to be a coward and join some white people and let them get away with destroying that? I have Native American blood in me, too. If you saw my grandmother, you'd think she was a full blooded Choctaw. And if you saw my mother, you might think she was one of you all. So I have different blood lines in me. The white ones, I don't care about. The Native American, the African, they are what keep me going. They are blood of my blood, flesh of my flesh, bone of my bone, and to come to a place like this and sacrifice it and shame it, I'll quote the Bible: My right arm should lose its cunning and...

SPEAKER SCHEER: Time, Senator.

SENATOR CHAMBERS: ...and my tongue should cleave to the roof of my mouth. Thank you, Mr. President.

SPEAKER SCHEER: Thank you, Senator Chambers. Senator Larson, you're recognized. Senator Larson waives. Senator Groene, you're recognized.

SENATOR GROENE: Thank you, Mr. President. Oh, just some random comments. Do you know if this bill passed, this last vote we took, 25-10, if that was a filibuster, it would have been upheld? Another comment--you can still sit on a vote. This change, Senator Larson's change, does not take away your ability to sit and not vote. That's still there. To be sick or to go down to the office and check out because you don't want to vote, you can still do that. It just makes it a

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little harder to do a filibuster, a lot harder. Do I really want to do this? No. What drove me to this? This last three weeks, first 20, how many days has it been? Twenty-five days? What I've seen happening here. The normal vote for chairs happened, winners won, losers lost. Since the history of this body, there has been a winner and a loser for every position. This is the first year people pouted and said, I didn't want to lose. Nobody twisted my arm to vote for who I wanted to. To claim there was a conspiracy is to claim...to assail the character of some of your colleagues; that they can't make up their own mind who they voted for for chair. That's what happened here. What did that lead to? That leaded (sic) to the Committee on Committees. Well, revenge was taken. A couple of committees, two, three were stacked, by the minority, discarding the true make-up of their caucuses. What did that lead to? A whole deluge of rule changes. Where is it going now? I got a bargain for you. Senator Harr, you bring the open vote, let's do something about this reconsideration thing we waste so much time with. Let's say you got to have at least a third of the votes on the side that you want to reconsider before you can reconsider. You can't make a reconsider motion unless there has been 15 votes. Let's do that. You bring those two and pass them and maybe we can reconsider going back on the 30 and 17. Let's negotiate in public. You bring those two and...but this is what it is. Did who voted for chairs divide this body? To say that is to say that those individuals who voted for who thought was going to be the best chair, the best speaker, were coerced, were weak individuals, that didn't make wise decisions. That's where we're at. I was just adding up, didn't have enough time, how many people are up for election next time. Senator Morfeld, you're pretty solid in your district, I would believe you could do about anything. But there is going to be some open seats. There is going to be some close seats. The vast majority of this state is watching. I think maybe in two years, if the right people run, we could put the filibuster back up to about 10 to 39 and it would probably be okay. You go ahead and keep doing this and see what happens in two years and see how much of a minority you have then. I truly believe that.

SPEAKER SCHEER: One minute.

SENATOR GROENE: There is frustration in flyover country; there is frustration across the state at what's happening here and it's not at the majority. It's at those who are, basically, filibustering an entire session. Go ahead. I'm a limited government guy. One of my colleagues, Senator Ebke, keeps telling me, settle down, Mike, you're a limited government guy. If nothing passes, it's still smaller government. Go ahead. I'll live with it. I'll live with no more...nothing passing because it's better than what it was. I can handle it. So thank you, Mr. President, let's just keep doing it. You're getting a lot of people ready to register to run for office right now.

SPEAKER SCHEER: Thank you, Senator Groene. Mr. Clerk for any announcements.

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CLERK: Mr. President, the Committee on Transportation, chaired by Senator Friesen, reports LB404 as indefinitely postponed. LB119 is reported correctly engrossed. Health Committee reports LB195 to General File; LB255 to General File with amendments. I also have a series of hearing notices from the Government, Military and Veterans Affairs Committee signed by Senator Murante. (Also name adds re LB21 and LB576, Legislative Journal pages 447-449.) [LB404 LB119 LB195 LB255 LB21 LB576]

Mr. President, a priority motion, Senator Williams would move to adjourn the body until Thursday, February 9 at 9:00 a.m.

SPEAKER SCHEER: You've heard the motion to adjourn. All those in favor say aye. Let's try that again. We have a motion to adjourn. All those in favor please say aye. All those opposed...the ayes have it. We get to vote once. Okay. Could I please hear again. Those opposed to adjourning say nay. The ayes have it. We are adjourned.